



Republic of the Philippines  
Province of Bohol

**MUNICIPALITY OF LOON**

## **OFFICE OF THE SANGGUNIANG BAYAN**

**EXCERPTS FROM THE MINUTES OF THE 19<sup>TH</sup> REGULAR SESSION OF THE 11<sup>TH</sup> SANGGUNIANG BAYAN OF LOON, PROVINCE OF BOHOL HELD ON THE 8<sup>TH</sup> DAY OF NOVEMBER 2010 AT THE SANGGUNIANG BAYAN SESSION HALL-**

**PRESENT:**

Hon. Edwin R. Ladeza,	Vice-Mayor, Presiding Officer
Hon. Titus Clark U. Miranda,	SB Member
Hon. Timoteo L. Legitimas,	SB Member
Hon. Manuel R. Veloso,	SB Member
Hon. Ignacio M. Castil, Jr.,	SB Member
Hon. Josephat B. Palma,	SB Member
Hon. Ricky U. Masamayor,	SB Member
Hon. Priscila C. Branzuela,	SB Member
Hon. Cesar R. Pedrigal,	LnB President, Ex Officio Member
Hon. Ivaraxel C. Ericson,	SKMF President, Ex Officio Member

**ABSENT:**

Hon. Damaso C. Pasilbas	SB Member
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### **ORDINANCE NO. C - 010**

**Series of 2010**

## **THE ENVIRONMENT CODE OF LOON, BOHOL-**

*Be it ordained by the 11<sup>th</sup> Sangguniang Bayan of the Municipality of Loon in session duly assembled:*

### **CHAPTER I**

### **GENERAL PROVISIONS**

**Section 1. TITLE AND SCOPE.** This Ordinance shall be known as the Environment Code of Loon, Bohol. It covers all regulatory ordinances enacted over the years, provisions of R.A. 7160, otherwise known as the Local Government Code of 1991, the provisions of National Integrated Protected Area System (NIPAS) Act (R.A. 7568) and other national laws that partake the nature of ordinances relevant to the protection, conservation, utilization and management of the environment, specifically along the areas of land, air, and water.

**Section 2. STATEMENT OF PURPOSE.** The Code hereby establishes the legal and social, cultural and holistic framework of the management of the environment, conservation and protection of natural resources, control of ambient air quality, rational utilization of coastal, marine and water resources, conduct of appropriate public education and the installation of effective and efficient mechanism for its

implementation, monitoring and re-crafting to attain a better quality of life for the present and future generations.

**Section 3.** FORM AND STYLE. Some provisions of this Code preserve the original text and form of ordinances in which they were passed, while others have been rewritten in the process of consolidation or simply for the sake of clarity and style.

**Section 4.** REFERENCE TO CODE. Whenever reference is made to any portion of this Code, the reference applies to all amendments and additions now or hereafter made.

**Section 5.** RELATION OF CODE TO PRIOR ORDINANCES. The provisions of this Code in so far as they bear substantially the same subject matter as the ordinances included in this codification shall be construed as restatements and continuations and not as new enactments.

**Section 6.** CONFLICT WITH DIFFERENT SECTIONS. Should the provisions of the different sections in this Code conflict or contravene with one another, the provisions which is last in the ordinal sequence shall govern.

**Section 7.** EXISTING OFFICES. All persons who, at the time this Code takes effect, hold office are continued by this Code continue to hold them according to their tenure. The Municipal Environment and National Resource Office (MENRO) shall be principally tasked to implement the provisions of this Code in consultation with the office of the Mayor, Municipal Agriculture Office, and other offices of this LGU.

**Section 8.** EXISTING RIGHTS. No right accrued, action or proceeding commenced before the effectivity of this Code shall be adversely affected by any provisions hereof. Thereafter, all procedures or actions to be taken shall conform to the provisions of this Code wherever possible.

**Section 9.** RULES IN INTERPRETING THE CODE.

- a. *General Rule.* All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to that peculiar and appropriate meaning.
- b. *Gender.* Every word in the Code importing the masculine gender shall extend to and be applied to several persons or things as well as one person.
- c. *Singular and Plural.* Every word importing the plural number shall extend and be applied to one person or thing as well as to several persons or things.
- d. *Person.* The word "person" shall extend and be applied to natural and juridical persons such as firms, corporations, or voluntary associations, unless plainly inapplicable.
- e. *Tenses.* The use of any verb in the present tense shall include the future when applicable.
- f. *Shall Have Been.* The phrase "shall have been" shall include past and future cases.
- g. *Shall.* "Shall" is mandatory.
- h. *May.* "May" is permissive.
- i. *Reasonable Time or Notice.* In all cases where any provision of this Code shall require any act to be done in a reasonable notice to be given, that reasonable time or notice shall mean such time only as may be necessary for the prompt performance of that duty, or compliance with that notice.
- j. *Computation of Time.* When the Code refers to a day that means a working day for government offices beginning from 8:00 in the morning up to 5:00 in

the afternoon. A month consists of 30 days except when the particular month is mentioned where the number of days within that month shall be the basis of counting time.

## **Section 10. DECLARATION OF LGU ENVIRONMENTAL VISION AND PRINCIPLES**

- a. *Vision Statement* - LOON is envisioned as a fast urbanizing town giving priority to its duty and responsibility to conserve, maintain and protect the richness, beauty and life-supporting elements of its environment and natural resources for sustainable development in the economic, political and social fields towards achieving a fuller life in partnership with non-government organizations (NGOs) to create a vibrant future for our citizens that will improve our overall quality of life; a VISION that is designed to allow us to manage the significant changes that we will experience; a VISION to assist us in organizing our activities logically to meet the needs of our people; to ensure that our future is designed to be respectful of our rich culture and traditions, yet diverse enough to foster sustainable developments to increase our tax base and create jobs and wealth for our citizens; a VISION that builds a confident and stimulating atmosphere for all to move forward by creating a positive environment for orderly business and economic growth; by recognizing our past and using our experiences to guide our future decision-making; and by relying on our "Municipal Values" to assist us in our democratic decision-making process.
- b. *Commitment*. The Municipality hereby commits to effectively and efficiently implement this Code and in support thereof to make available adequate manpower; funding, equipment, machinery and other resources.
- c. *Basic Principles*. The principles involved hereon are the following:
  - a. Principle of Sustainability. The LGU-Loon adopts all means and measures to sustain life on land, air and sea, without sacrificing the needs of others.
  - b. Principle of Preservation. The LGU-Loon preserves the Environment comprising the vital organs of the earth such as the soil, water and the trees. In order to protect the skin of the human populace, the soil must be preserved. In order to ensure the health of the human body, the water should be preserved; in like manner, while the earth has 70% water, the body has 70% water.
  - c. Principle of Prevention. That prevention is better than cure; hence, LGU-Loon adopts all means to prevent the occurrence of calamities by adopting the Environmental Basic Principles of this municipality.
  - d. Principle of Integration. It is characterized by comprehensive scope, coherent and consistent strategies and cost-effectiveness of results of the policy making and implementation processes to be undertaken. Integration is the principle behind the mandate for the Municipality to implement and translate into its development initiatives - national policies, plans and programs.
  - e. Principle of Inter-discipline. It refers to the recognition of the need to a diverse field of knowledge to include natural, social, and engineering sciences aside from available traditional knowledge.
  - f. Principle of Intergenerational Equity. It refers to the means which ensures equal access to goods and resources for people in the present and future generations.

- g. Principle of Public Participation. That which consists in the appropriate access to information held by public authorities and the participation of the general public in the decision making process. This is necessary for stakeholders to gain a sense of ownership to the issues sought to be addressed, and to the interventions and solutions which will be decided upon as necessary. This is also a way to decentralize responsibility for environment protection and conservation and ultimately empower communities without using the coercive power of the state.

**Section 11. ENVIRONMENTAL ASSESSMENT POLICIES.** The Municipality of Loon hereby adopts policies that will promote the environment-friendly activities of business, industry and settlements in the urban, sub-urban and rural areas as far as infrastructure and social services are concerned.

**Section 12. ANNUAL ENVIRONMENTAL ASSESSMENTS.**

- a.) There shall be conducted a yearly inspection of business sites and premises to determine the preservation of the physical environment. Should there be findings of the degradation, destruction or violations of the environment, appropriate and immediate actions shall be instituted to mitigate the effects of such environmental degradation and the full force of the law be applied to the violators.
- b.) The operations, premises, facilities and systems of all industrial, manufacturing and similar business establishments shall be subject to an Annual Environment Assessment(AEA) which shall be conducted by the Municipal Environment and Natural Resources Office (MENRO) in coordination with the office of the Mayor.

**Section 13. ENVIRONMENTAL PERMIT.** All industrial and commercial firms / establishments shall, prior to the issuance of Business Permit secure an Environmental Permit from the MENRO for a fee of Three Hundred (P 300.00) Pesos, except those whose capital is P100,000.00 or less, based on the financial statement submitted therein.

**Section 14. ENVIRONMENTAL AUDIT.** There shall be conducted once every two years an "Environmental Audit" to determine the changes in land use resources, state of water and marine uses, bio-diversity, demographic dynamics and other important aspects of environmental management and ultimately to establish the causes and effects of such changes on the life of the people and the exercise of regulatory powers of the local governments.

**Section 15. BASES FOR ACTION.** Considering the extent and complexity of environmental initiatives, the following local and international policy instruments and action programs are hereby considered to ensure an efficient, equitable and sustainable allocation, utilization, management and development of the Municipality's land resources, to wit:

- a. The Constitution of the Philippines. Section 16, Article II of the Constitution provides that: *"The state shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature"*.
- b. Section 484 of R.A. 7160 otherwise known as the Local Government Code of 1991 provides for the appointment of an Environment and Natural Resources Officer (although optional) for the municipality, whose tasks include the

formulation of measures for the consideration, assistance and support to the mayor in carrying out measures to ensure the delivery of basic services and provision of adequate facilities relative to environment and natural resources services as provided for under Section 17 of the Local Government Code. Section 458 (a)(1)(vi), RA 7160, directs the Sangguniang Bayan to enact ordinances that will “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”.

- c. R.A. 7568 otherwise known as the NIPAS Law (National Integrated Protected Areas System). This is the classification and administration of designated protected areas to maintain essential ecological processes, preserve genetic diversity, ensure sustainable use of resources and maintain their natural conditions to the greatest extent possible.
- d. Rio Declaration (U.N. Conference on Environment and Development) Local Authorities Initiatives in Support of Agenda 21. Local Authorities may construct, operate and maintain economics, social and environmental infrastructure oversee planning processes, establish local environmental policies and regulations and assist in implementing national and sub-national environmental policies. As the local government closes to the people, they play a pivotal role in educating, mobilizing and responding to the public to promote sustainable development.
- e. International Protocols to which the Philippines is a signatory under the United National Convention on the Law of the Sea (UNCLOS): States should prohibit dynamites, poisoning and other comparable destructive fishing practices and should take measures to increase the availability of marine living resources by reducing waste, post-harvest losses and discards, and improving techniques of processing, distribution and transportation.
- f. Convention on Biological Diversity.
- g. CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora).
- h. PD 1152 otherwise known as the “Philippine Environment Code” prescribing specific environment management policies and environment quality standards.
- i. PD 984 amending RA 3931 otherwise known as the “Pollution Control Law” prescribing specific policies on pollution control and declaring as a national policy the maintenance of a reasonable standard of purity for the waters and air with their utilization for domestic, agricultural, industrial and other legitimate purposes.
- j. PD 1067 otherwise known as the “Water Code of the Philippines” establishing the basic principles and framework relating to the appropriation, control and conservation of water resources to achieve the optimum development and rational utilization of these resources; defining the extent of the rights and obligations of water users and owners including the protection and regulation of such rights; declares that all waters belong to the State; and, declaring that all waters that belong to the State cannot be subject to acquisitive prescription.

- k. PD 1151 otherwise known as the “Philippine Environment Policy” declaring as a continuing policy of the State to create, develop, maintain and improve conditions under which man and nature can thrive in productive and enjoyable harmony with each other; to fulfill the social, economic and other requirements of present and future generations of Filipinos; and, to insure the attainment of an environmental quality that is conducive to a life of dignity and well-being.
- l. RA 6969 otherwise known as the “Toxic Substance and Hazardous and Nuclear Waste Control Act of 1990” prescribing measures to control toxic substances and hazardous and nuclear wastes, and providing penalties for violations and for other purposes.
- m. PD 704 otherwise known as the “Fisheries Decree of 1975” declaring as a policy of the State to accelerate and promote the integrated development of the fishery industry and proper conservation and protection.
- n. PD 705 otherwise known as the “Revised Forestry Code of the Philippines: revising PD 389 (Forestry Reform Code of the Philippines) declaring the following: the multiple uses of forest lands shall be oriented to the development and progress requirements of the country, the advancement of science and technology, and the public welfare; land classification and survey shall be systematized and hastened; the establishment of wood processing plants shall encourage and rationalize and, the protection, development and rehabilitation of forest lands shall be emphasized so as to ensure their continuity in productive condition.
- o. PD 1181 (Motor Vehicle Pollution Control Law) providing for the prevention, control and abatement of air pollution from motor vehicles in order to protect the health and welfare of the people and to prevent or minimize damage to property and hazards to land transportation.
- p. PD 600 otherwise known as the “Marine Pollution Decree of 1974” declaring a national policy to prevent and control the pollution of seas by the dumping of wastes and other matter which create hazards to human health, harm living resources and marine life, damage amenities,
- q. PD 1586 establishing an environment impact statement system, including other environmental management related measures founded and based on the environmental impact statement required, under Section 4 of PD 1151, of all agencies and instrumentalities of the national government-owned or controlled corporations, as well as private corporations, firms and entities, for every proposed project and undertaking which significantly affect the quality of the environment.
- r. PD 856 otherwise known as the “Sanitation Code of the Philippines”.
- s. RA 8749 otherwise known as the “Philippine Clean Air Act of 1999”.
- t. RA 9147 otherwise known as the “Wildlife Resources Conservation and Protection Act”.
- u. RA 7586 otherwise known as the “National Integrated Protected Areas System Act of 1992” of the NIPAS Law.
- v. RA 7279 providing for a comprehensive and continuing urban development and housing program, and establishing the mechanism for its implementation, and for other purposes.

- w. PD 1216 defining “Open Space” in residential subdivisions and amending Section 31 of Presidential Decree No. 957 requiring subdivision owners to provide roads, alleys, sidewalks and reserve open space for parks or recreational use.
- x. PD 953 requiring the planting of trees in certain places and penalizing unauthorized cutting, destruction, damaging and injuring of certain trees, plants and vegetation.
- y. Department Administrative Order 14 otherwise known as the “Revised Quality Standards of 1992, series of 1993, Revising and Amending Air Quality Standards of 1978”.
- z. National Land Use Act.
  - aa. RA 9275 providing for a comprehensive water quality management and for other purposes.
  - bb. RA 9003 providing for an Ecological Solid Waste Management Program, creating the necessary institutional mechanisms and incentives, declaring certain acts prohibited and providing penalties, appropriating funds therefor, and for other purposes.

## **CHAPTER II**

### **DEFINITION OF TERMS**

**Section 1. AS USED IN LAND RESOURCE MANAGEMENT.** The following terms are conceptually/and or operationally defined as follows:

1. Agricultural Lands. - lands of public domain which are neither forest, mineral lands or national park.
2. Alienation, Disposition or Concession. - any of the modes authorized by the Land Code of the Philippines for the acquisition, lease or use of the lands of the public domain other than forests, mineral or national park.
3. Assisted Natural Regeneration (ANR). - the process of rehabilitating denuded forest lands by taking advantage of trees already growing in the area. This usually involves the following activities: locating and releasing indigenous trees maintenance, augmentation, planting and protection
4. Buffer Zones. - identified areas outside the boundaries of and immediately adjacent to designated protected areas that need special development control in order to avoid or minimize harm to the protected area.
5. Clean and Green Campaign. - deals with the massive cleaning of the municipal and the planting and maintenance of trees as well as intensive beautification drive in consonance with the national government’s goals and objectives.
6. Commercial Lands. - portion of alienable and disposable lands of the public domain classified as suitable and intended for trading of goods and services by competent authority.

7. Contract Reforestation. - implementation of reforestation activities through written agreements with the community or local government.
8. Cover Crop Planting. - process of conditioning denuded areas which are highly cogonal, rocky or erodible calopognium, stylosanthes, desmodium, lablab, bean, psophocarpus, patani, or by planting suitable non-legumes such as morning glory vine, wild sunflower and kikuyu grass, in order to improve soil fertility, organic matter, and water holding capacity prior to or concurrent with the planting of trees and other perennials in such areas.
9. Enrichment Planting. - process of interpreting fuel-wood, timber and non-timber crops in adequately-stocked reforestation projects previously implemented for the purpose of increasing wood supply for the people and enhancing the income-generating potential of such projects.
10. Excessive - going beyond the limit of what is needed, tolerable or desirable.
11. Farm Lands. - lands intended for or actually devoted to the production of food, including plantations, except fishponds and other adjoining bodies of water.
12. Generation - the act or process of producing solid waste.
13. Greenhouse Gases - gases such as carbon dioxide, methane and oxides of nitrogen, chlorofluorocarbons and the others that can potentially or can be reasonably expected to induce global warming.
14. Ground Water - refers to that portion of the rainwater which has percolated into the earth to form underground deposits called aquifers.
15. Habitat - a place or environment where species or subspecies naturally occur or has naturally established its population.
16. Hazardous Chemicals - any chemicals potentially dangerous to the environment and to people because of chemical reactivity, toxicity, flammability and explosiveness.
17. Incineration - the burning of biomedical and hazardous wastes which process emits toxic and poisonous fumes.
18. Industrial Lands. - public lands within the zone established by the municipal for the manufacture and production of large quantities of goods and commodities.
19. Land Classification. - assessment, appraisal, and determination of land potentials which include survey and classification of land resources and the study and mapping of the soil.
20. Land Reclassification. - subsequent classification, allocation, and disposition of alienable and disposable lands of the public domain into specific uses.
21. Land Development - improvement of land to make the land more suitable for future use or resale as developable lots for housing or other purposes.
22. Land Resources. - all terrestrial, subterranean, and all geological features and land masses of the public domain and private domain of the State, within the respective geographical jurisdiction of the Municipality, including all flora and fauna, minerals and aquatic resources that dwell or exists upon it.



23. Land Use Planning. - act of defining the allocation, utilization, development, and management of all lands within a given territory or jurisdiction according to the inherent qualities of the land itself and supportive of economic, demographic, socio-cultural and environmental objectives as an aid to decision making and legislation.
24. NIPAS. - The National Integrated Protected Areas System 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.
25. Non-point source - refers to a source of pollution; these are inputs that occur over a wide area and are associated with particular land uses as opposed to individual point source discharges. Examples are soil erosion and sediment run-off from forestry operations, solid waste washed into water bodies, pesticides and fertilizers washed into streams in rainfall run-off, sewage generated by households, soil and sediment from construction sites, and run-off from street surfaces contaminated with car oil, fuel, dust and animal feces.
26. Point Source- refers to a source of pollution; these are the readily identifiable inputs where waste is discharged to receiving waters from a pipe or drain such as industries and business establishments such as film developing shops, dry cleaners and clinics.
27. Pollutant - any substance whether solid, liquid or gas which directly or indirectly:
  - a. alters the quality of any segment of the receiving environment so as to affect or tend to affect adversely any beneficial use thereof;
  - b. is hazardous or potentially hazardous to health;
  - c. imparts objectionable odor, noise, temperature change, or physical, chemical or biological change to any segment of the environment; or
  - d. is in excess of allowable limits or concentrations or quality standards specified, or in contravention of the condition, limitation or restriction prescribed in the permit issued
28. Pollution- the man-made or man-induced alteration of the physical, biological, chemical, and radiological integrity of any land, water or air resource.
29. Pollution Control Device - any device or apparatus that is used to prevent, control or abate the pollution of air caused by emissions from identified sources at the levels within the air pollution standards established by the Department of Environment and Natural Resources.
30. Population, Resources and Environmental Balance. - a condition where there is a harmonious interaction between and among population, resources and environment towards sustainable development. This means that population factors such as size, growth, age-sex structure, distribution, as well as their activities do not compromise the replenishment and conservation of resources and the preservation of the environment and vice versa.
31. Population and Development Planning Approach. - the development of a mindset to look at all the important socio-economic and demographic

interrelationships in formulating, implementing, monitoring and evaluating plans and programs.

32. Protected Area. - identified portions of land and water set aside by reason of their unique physical and biological significance, managed to enhance bio-diversity and protected against destructive human exploitation.
33. Public Domain. - lands which belong to the State, province and municipality in its proprietary capacity.
34. Quiet Zones- areas within the Municipality in which blowing of horns is prohibited.
35. Reforestation. - planting of denuded forest lands with trees and other perennials. It shall include all direct and indirect activities necessary to establish forest plantations, such as: identification of sites, surveying, mapping and planning. Construction of infrastructure, seeding production, site preparation, enrichment planting and inter-cropping, monitoring and evaluation.
36. Residential Lands. - public lands intended to or devoted to the construction and establishment of dwellings.
37. Resource Reserve - an extensive and relatively isolated and uninhabited area normally with difficult access designated as such to protect natural resource of the area for future use and prevent or contain development establishment of objectives which are based upon appropriate knowledge and planning.
38. Sanitary Landfill - a land disposal site employing an engineered method of disposing solid waste on land in a manner that minimize environmental hazards by spending the solid waste in thin layers, composting the solid waste to the smallest volume, and applying cover material at the end of each operating day.
39. Service Stations - commonly known as gasoline stations, auto repair shops, car washing centers and all other establishments or entities where services for motor vehicles may be obtained such as, but not limited to, fuel, oil, water, air for tire, greasing and repair.
40. Solid Waste Management - the discipline associated with the control of generation, storage, collection, transfer and transport, processing, and disposal of solid wastes in a manner that is in accord with the best principles of public health, economics, engineering, conservation, aesthetics, and other environmental considerations, and that is also responsive to public attitudes.
41. Stationary Source - any building or fixed structure, facility or installation that emits or may emit any air pollutants.
42. Vicinity - an area immediately in front, at the side or back of any public building, church, hospital or school.
43. Watershed - a land area drained by a stream of fixed body of water and its tributaries having a common outlet for surface run off.
44. Water Appropriation - the acquisition of rights over the use of waters or the taking or diverting of waters from the natural source in the manner and for any purpose allowed by law.

45. Zoning. - refers to the delineation/division of a municipality into functional zones where only specific land uses are allowed. It directs and regulates the use of all in the community in accordance with an approved or adopted land use plan for the municipality. It regulates land uses and prescribes limitations on structures/ infrastructures thereon.
46. Zoning Ordinance. - an ordinance which classifies, delineates, defines, designates different land uses in the municipality, requiring fees and imposing penalties.

**Section 2. AS USED IN WATER AND MARINE RESOURCE MANAGEMENT.**  
The following terms are operationally and/or conceptually defined:

1. Aquatic Pollution. - The introduction by man or machine in the grounds or waters, marine or freshwater, of substances or energy which results or is likely to result in such deleterious effects as to harm living and non-living aquatic resources, posing as hazard to human health. It may be a direct or indirect action, or in or out of particular local government jurisdictions. It includes dumping or disposal or waste or other matter, and discharge of petroleum or residual products of petroleum or carbonaceous materials/substances, oil, coal or coal tar, lampblack, aniline, asphalt, bitumen, mining and mill tailings, molasses, garbage or refuse, and other noxious or harmful liquid, gaseous or solid substances from or out of ships, vessels, barges, platforms, floating crafts or other man-made structures at sea, aircraft, shores, waves, processing establishment or mills of any kind.
2. Aquatic Resources. - Living resources of the aquatic environment including fishes, aquatic flora and fauna, corals, sears, and mangroves.
3. Artificial Reefs (AR). - A collection of solid structures placed together in an aquatic environment to provide or improve fish habitat. They can be made from used tires, bamboos, concrete, old cars, boats or ships, or other solid structures that will be stable when submerged in the sea. They serve as sanctuaries and shelters which increase the survival of juvenile fishes and foster reproduction; attractors for aquarium fishes; municipal fishing ground or recreational areas for diving; and a deterrent for trawl fishing.
4. Coastal Zone. - The strip of land and adjacent lake or ocean space (water and submerged land) in which the land ecology and land use affect lake and ocean space ecology and vice-versa. Functionally, it is a broad interface between land and water where production, consumption and exchange process occur at high rates intensity. Ecologically, it is an area of dynamic biochemical activity but with limited capacity for supporting various forms of human use. Geographically, the outermost boundary is defined as the extent to which land-based activities have measurable influence on the chemistry of the water or on the ecology or biota. The innermost boundary is one kilometer from the shoreline except at places where recognizable indicator for marine influences exist like mangroves, nipa, beach vegetation, sand dunes, slat beds, marshlands, bayous, recent marine deposits, beach and sand deposits and deltaic deposits in which case the one kilometer distance shall be reckoned from the edges of such features.
5. Commercial Fishing. - Fishing for commercial purposes in waters more than 15 kilometers from the shoreline with the use of fishing vessels more than three (3) gross tons. Commercial fishing usually entail the use of active fishing gears that effect the capture of fishes by encircling, lifting, towing, or scaring and driving into an impoundment or bag net such as "baby" and big trawls (galadgad), purse seines (pangulong), ring nets, encircling gill nets

(lagarete), Danish seine (hulbot-hulbot), bag nets (basnig), and motorized push nets.

6. Corals. - Hard calcareous substance made up of skeletons of marine coelenterate polyps which includes reefs, shelves and atolls. They refer to any of the marine coelenterate animals living in colonies in which their skeletons are forming a stony mass (an animal made up of a skeleton and a living polyp). They include colonies of anthozoan coelenterate characterized as having a rigid axis of compact calcareous or horny spicules, belonging to the genus *Corallium* as represented by the red, pink and white corals which are considered as precious corals; colonies of anthozoan coelenterate characterized by thorny, horny axis such as the Antiphatarians represented by the black corals which are considered semi-precious corals; an ordinary corals which are any kind of corals that are not precious or semi-precious.
7. Economic Rent. - The value accruing to publicly owned natural resource such as land or the sea which is the net return that occurs when the resource is used in an economically optimal way. It is also the difference between the values of products produced from the activity less the cost of producing it, where the cost includes a "normal profit".
8. Fish corral or "baklad". - A stationary weir or trap devised to intercept and capture fish consisting of rows of stakes or bamboos, palma brava, or plastic nettings, and other materials fenced with split bamboo mattings or wire mattings with one or more enclosures, usually with an easy entrance but with difficult exit, and with or without leaders to direct the fish into a catching chambers or purse.
9. Fishery. - All activities relating to the act or business of gathering, taking, culturing, preserving, processing, and marketing of fish and other aquatic products.
10. Illegal Fishing Method. - Refers to fishing with the use of gears that cause damage to ecological processes or habitats or cause a needless depletion of fish stocks directly or indirectly. Included are fishing with the use of dynamite, other explosives or chemical compound that contains combustible elements that upon ignition by friction, concussion, percussion or detonation, of all parts of the compound, will kill stupefy, disable, or render unconscious any fish or aquatic organism. It also refers to the use of any other device which causes an explosion that is capable of producing the said harmful effects.
11. Mangroves. - A community of plants including all species of trees, shrubs, vines, and herbs found on coasts, swamps, or borders of swamps.
12. Marginal Fishermen - Refers to fishermen whose daily catch is barely enough to sustain their daily needs.
13. Marine Reserve. - A defined space in the coastal zone where specified forms of management are applied and which normally include limited entry.
14. Marine Park. - A specialized version of marine reserve where various resource users are encouraged which emphasize education, research and preservation, which are sometimes implemented through zonation schemes.
15. Municipal Fishing. - Fishing that utilizes fishing vessels, either motorized or non-motorized, with a capacity of three (3) gross tons or less.

16. **Municipal Waters.** - Include streams, lakes, subterranean and tidal waters within the territorial jurisdiction of a municipality that are not the subject of private ownership and not included within national parks, public forests, timberland, forest reserves or fishery reserves; and 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 third line parallel with the general coastline and fifteen (15) kilometers from such coastline. Where two municipalities are so situated that there is less than thirty (30) kilometers of marine waters between them, the third line shall be drawn equidistant from the opposite shores of the respective municipalities.
17. **Optimum Sustainable Yield (OSY).** - Level of fishing effort that produces the highest or most profitable catch levels which can be sustained indefinitely considering the social, cultural and political factors that are associated with the utilization of fishery resources.
18. **Philippine Waters.** - All bodies of water within the Philippine territory such as lakes, rivers, streams, creeks, brooks, ponds, swamps, lagoons, gulfs, bays, seas and other bodies of water now existing or which may hereafter exist in the provinces, cities, and municipalities, municipal districts, and barangays, and the sea or freshwater around, between and connecting each of the islands of the Philippine archipelago irrespective of its depth, breadth, length and dimension, and all other waters belonging to the Philippines including the territorial sea, exclusive economic zone, the sea bed, the insular shelves, and other submarine areas over which the Philippines has sovereignty or jurisdiction.
19. **Subterranean Waters.** - Streams, creeks, brooks, springs and associated ground water not subject to private ownership and not comprised within national parks, forest lands, timberland or forest reserves, that are found beneath the terrestrial features of a municipality irrespective of depth or breadth but extending only up to the limits of the municipality's geographical boundaries.
20. **Watershed-** a land area drained by a stream of fixed body of water and its tributaries having a common outlet for surface run off.
21. **Water Appropriation** - the acquisition of rights over the use of waters or the taking or diverting of waters from the natural source in the manner and for any purpose allowed by law.

**Section 3. AS USED IN AIR QUALITY MANAGEMENT.** The following terms are operationally and/or conceptually defined:

1. **Air Pollutant.** - Any matter found in the atmosphere other than oxygen, nitrogen, water vapor, carbon dioxide, and the inert gasses in their natural or normal concentrations, and includes smoke, dust, soot, cinders, fly ash, solid particles of any kind, gasses, fumes, mists, odors, and radio-active substances.
2. **Airborne Dusk or Dust.** - Minute solid particles released into or carried into the atmosphere by natural forces or by any fuel-burning, combustion, or process equipment or device, or by construction works, or by mechanical or industrial processes.

3. Ambient Air Quality. - The average atmospheric purity as distinguished from discharge measurements taken at the source of pollution. It is the general amount of pollution present in a broad area.
4. Emission. - The act of passing into the atmosphere an air contaminant, pollutant, gas stream and unwanted sound from a known source. It is any air contaminant, pollutant, gas stream or unwanted sound from a known source which is passed into the atmosphere.
5. Effluent Standards. - Restrictions established to limit levels of concentration of physical, chemical, and biological constituents which are discharge from point sources. It's any air contaminant, pollution, gas stream or unwanted soured from a known source which is passed into the atmosphere.
6. Fuel-Burning Equipment. - Any equipment, device, or contrivance, and all appurtenances thereto, including ducts, breechings, fuel-feeding equipment, ash removal equipment, controls, stacks, and chimneys, used primarily, but not exclusively, to burn any fuel for the purpose of direct applications or indirect heating such as the production of hot air or hot water.
7. Fugitive Particulate. - The particulate matter which escapes and becomes airborne from unenclosed industrial operation, or that which escapes from incompletely or partially enclosed operation into the outside atmosphere without passing or being conducted through a flue pipe, stack or other structure.
8. Greenhouse Effect. - A warming near the earth's surface that result when the earth's atmosphere traps the sun's heat. The greenhouse effect received its name because the earth's atmosphere acts much like the glass or plastic roof and walls of a greenhouse. The earth's atmosphere allows most of the sunlight that reaches it to pass through and heat the earth's surface. The earth sends the heat energy back into the atmosphere as infrared radiation. Much of this radiation doe not pass freely into space because certain gasses in the atmosphere absorb in. These gasses include carbon dioxide, ozone, and water vapor. They grow warm and send infrared radiation back toward the earth, adding to the warming at the surface.
9. Greenhouse Gases - gases such as carbon dioxide, methane and oxides of nitrogen, chlorofluorocarbons and others that can potentially or reasonably be expected to induce global warming.
10. Incineration – the burning of biomedical and hazardous wastes which process, emits toxic and poisonous fumes.
11. Particulates or Suspended Particulates. - Any material, other than uncombined water, which exists in a finely divided form as a liquid or solid.
12. Smoke. - Gas-borne particulates resulting from incomplete combustion, consisting predominantly, but not exclusively, of carbon, ashes, or other combustion material.
13. Standard or Limit. - The concentration of any air contaminant which, in order to protect the public health and welfare, shall not be exceeded at a particular region or zone, and at a specified period of time. Standards are enforceable and must be complied with by the owner or person in charge of an industrial operation, process or trade.
14. Volatile Organic and Inorganic Compound. - Any compound containing carbon, FLUOROCARBON CHEMICALS and hydrogen in combination with

any other element which has an absolute vapor pressure of 0.10 kg/cm<sup>2</sup> equivalent to 77.6 mm Hg. or greater under actual storage conditions. Organic solvents include diluents and thinners and are defined as chemical compounds of carbon which are liquids at standard conditions and which are used as dissolvers, viscosity reducers, or cleaning agents.

## **CHAPTER III**

### **LAND RESOURCE MANAGEMENT**

#### **Article I**

#### **GENERAL LAND RESOURCES PROVISIONS**

**Section 1. STATEMENT OF POLICY AND MANAGEMENT DIRECTIONS.** It is the policy of the Municipality to provide a rational, orderly and efficient acquisition, utilization of lands for the attainment of a better quality of life of all Loonanons with the active participation of the barangay people and Non-Government Organizations (NGO's), and to derive there-from maximum benefits out of the use of lands based on the encouraged and guided production use and conservation of said lots.

#### **Section 2. STATE OF THE RESOURCE.**

- a.) Land Area. The Municipality of Loon has a total of land area of 11, 975 hectares, including straits and bodies of water, and is composed of sixty-seven (67) barangays and 469 puroks.
- b.) Land Use. Pursuant to the Comprehensive Land Use Plan of the municipality of Loon for Planning Period 2002-2011, the Municipality has
  - 2, 557.86 hectares for agro-industrial use
  - 2, 645.27 hectares idle lots
  - 1,720.80 hectares erodible land which is mostly located on the upland areas
  - 2,682.40 hectares non-agricultural areas which are concentrated in the southern portion of the municipality.
  - 512.30 hectares built-up areas
  - 2,520.00 hectares timberland/forestland areas
  - 1,185.00 hectares as protected forestland areas
  - 1,335.00 hectares as mangroves forestland areas
  - 8, 287.54 hectares agricultural
  - 66.08 hectares fishpond
  - 350 hectares for roads, infrastructures
  - 8 hectares for parks / recreational areas.
- c.) Population. The Municipality of Loon has an increasing population which causes greater demand for use of land resource, be it on the aspect of residential, industrial, institutional, commercial and others. It has a population data of 34,140 people in 1990, 34,578 in 1995, 45,220 in 2000, decreased to 42,000 in 2007, based on the National Census; but

increased to 47,386, per 2010 Liga ng mga Barangay and Barangay Secretaries survey.

- d.) Eco-Social Role. The Municipality of Loon has the role of making it the center of Eco-cultural tourism activities of Western Bohol with the advent of the Loon, Bohol International Cruise ship Port, Agro-Tourism Districts, Municipal Pocket Forests, Eco-tourism projects, functional operations of the CHARTS cultural training center, and is aimed to grow rapidly with the neighboring towns to absorb its spill-over from various economic and social activities.
- e.) Effect of expansion. The expansion of economic activities based on the maximum use of the lands is aimed to cause serious effects of agricultural land due to land conversion from non-use or minimum use to maximum use which affect human survival.
- f.) Discharge of waste products. The discharge of waste products as well as its disposal shall be based on the programs embodied in the Integrated Solid Waste Management of this LGU.

**Section 3. COMPREHENSIVE LAND USE PLAN AND MUNICIPAL ZONING CODE.**

- a) The Comprehensive Land Use Plan and its accompanying Zoning Code are hereby adopted.
- b) There shall be a Mandatory Land Use Plan to cover the mandatory use of idle lots as provided for under this Code.

**Section 4. REVIEW OF CLUP.**

- a.) The Municipal Government shall continue to update or revise as may be necessary the Municipal Land Use Plan and the Zoning Ordinance in order to address the current trends and changing needs and demands of the local constituents while being consistent with the guidelines stipulated in the National Land Use Act (NaLUA).
- b.) Development of Human Settlements. The continuing review of the Municipal Land Use Plan shall be pursued on the basis of an orderly and efficient development of human settlements while preserving the integrity of the environment. To this end, the establishment of areas for solid waste disposal, municipal forests, open or green spaces and recreational areas where people can commune with the environment shall be prioritized. Amid the complexities of urban life, the Municipal Government shall recognize the need for sustained environmental soundness within communities and maintenance of a healthy populace.
- c) The CLUP must conform to the provisions of this Code insofar as it is intended to protect mother earth from the dangerous effects of climate change and consonant to risk reduction schemes of this LGU with the Mandatory Land Use Plan as applied in this Code.

**Section 5. CREATION OF THE LAND USE COMMITTEE.** There is hereby created the Land Use Committee in the Office of the Municipal Mayor with the following composition:

- a. Composition  
Chairman: Mayor



Vice-Chairman: Chairman of the SB Committee on Environment

- Members:
- a.) MENRO Head
  - b.) Municipal Agriculturist
  - c.) Municipal Assessor

b. Functions

1. The LUC is an advisory body that will provide advice, guidance, recommendations and suggestions on the future growth and development of the Municipality of Loon in accordance with the mandate of this Code;
2. Assist in the planning and implementation of environmental policies that will protect the character and stability of residential, agricultural, commercial and industrial sectors in the promotion of an orderly growth of Loon;
3. Promotes an integrated approach to the planning and management of Land Resources.
4. Dissemination and publication of the Land Use Plan, Zoning Ordinance, rules and regulations pertaining to land use in coordination with the Land Use Information and Monitoring Unit.
5. Conduct research and management studies on the improvement of the Zoning Ordinance and related matters.

**Section 6. CREATION OF LAND USE INFORMATION AND MONITORING CENTER.** There is hereby created the Land Use Information and Monitoring Center in the Office of the Municipal Mayor with the following members.

a. Composition:

- Chairman : Municipal Assessor
- Members : a.) Municipal Agriculturist  
b.) MENRO Head

b. Functions:

1. To provide information that will increase the awareness of the people on the recent developments and trends about land use policies and other related laws which the national government may impose;
2. To monitor compliance of land use ordinances, policies, requirements and similar matters;
3. To recommend imposition of fines and penalties on violations committed against land use ordinances;
4. To create a Monitoring, Evaluation Adjustment (MEA) System with members coming from the Local Working Counterpart Committee whose task is to monitor and evaluate land uses and its effects on the environment as well as recommend necessary adjustment so as to conform with the requirements of an ecological balance.
5. To monitor and evaluate the demographic dynamics of the municipality such as: trend in population, settlements, economic activities from urban to suburban of the municipality and its effects upon land use and environmental issues and concerns.

**Section 7. CREATION OF MUNICIPAL ENVIRONMENT AND NATURAL RESOURCES OFFICE (MENRO).**

- a.) There is hereby created the Municipal Environment and Natural Resources Office to be headed by a MENRO Officer with Standard Qualifications in accordance with Civil Service rules and regulations. There shall be four (4) Divisions in the MENRO, namely, Administrative Division, Land Resource Management Division, Air and Water Quality Control Management Division, and Coastal Resource Management Division.
- b.) The Human Resource Management Office, in consultation with the Human Resource and Management Officer, Municipal Planning and Development Coordinator, Municipal Budget Officer shall prepare the organizational structure and staffing pattern of the Municipal Environment and Natural Resources Office within thirty days from approval of this Code.

**Section 8. CONVERSION OF AGRICULTURAL LANDS.** Loon, being a fast growing town shall limit the conversion of agricultural lands into other uses to ten percent (10%). Provided, that the subject of conversion is not prime agricultural land, and provided, further, that there shall first be issued a certificate of Impact Assessment from the Department of Environment and Natural Resources and the Department of Agriculture a certification as to the agricultural productivity and, provided, finally that the Committee on Land Use, endorses the favorable recommendation on the matter.

**Section 9. VACANT LOTS.** Owners or administrators of vacant lots are required to plant trees and vegetables to keep these lots “green” as well as maintain its cleanliness all the time in support to the general objectives of productive Land Use. Failure to use the vacant / idle lots for a span of six (6) months from the date of effectivity of this ordinance shall give rise for the LGU to declare such areas subject to the coverage of the LGU Mandatory Land Use Plan either under the operations of the LGU-owned idle lots or LGU-managed idle lots, in view of the social function of properties. In the latter case, the owner/s thereof shall be obligated to enter into a Memorandum of Agreement to this agro-tourism arrangement.

**Section 10. PREVENTION OF SOIL EROSION.** Infrastructure support in the form of “rip rapping” or the construction of creeks, rivers, and shore protection walls shall be implemented to prevent soil erosion.

**Section 11. SQUATTING.** a) The municipal government while recognizing its role in the alleviation of poverty, equitable and sustainable land use, further recognizes its social and moral responsibility towards maintaining sanitary and hygienic conditions in human settlements in order to achieve an effective environmental management. It shall be the policy of the Municipality to contain and prevent the aggravation of squatter settlements within the municipality. The squatting in roadsides, flood prone waterways and similar areas is banned. b) The LGU shall adopt a Housing Program especially for the homeless sector, provided, indolence be not used as a shield to justify squatting and misdirected family life.

**Section 12. ABANDONED BUILDINGS.** Owners or administrators of old and abandoned buildings are required to maintain its cleanliness and free it from squatters or totally demolish it not only in support to beautifying the environment but also as a safeguard to accidents and other hazards. However, for eco-tourism purposes, the Municipal Tourism Council may formulate a Memorandum of Agreement with the owner of the old and useful building/s and shall be open for public view under the LGU management.

**Section 13. BUILDING PERMIT.** No “permit of occupancy” shall be issued by the Municipal Government for buildings, subdivisions, condominiums and the like unless

there are provisions for planting of trees and flowers in the development plan duly implemented.

**Section 14. MUNICIPAL CANALS AND DRAINAGE.** The canals and drainage systems within the Municipality should be properly maintained to allow efficient flow of water and effluence for sanitation purposes. The canals and drainage systems should be regularly desilted and dredged. Dumping of solid wastes and garbage is punishable.

**Section 15. BAN ON THE CUTTING OF ECO-TOURISM TREES.** No person shall cut, burn, destroy or transplant any tree that has been inventoried and declared to be part of the Eco-Tourism Plan of the LGU without first securing authority from the Municipal Tourism Council. Should the same be authorized, the person given such authority shall plant not less than ten (10) trees for every cut tree in the watershed or in a place designated by the Municipal Tourism Council.

**Section 16. INVENTORY OF TREES IN THE MUNICIPALITY.** There shall be installed in the Municipal Environment and Natural Resources Office a Registry of Trees that should reflect tree classification by species, location, ownership, age and other related data. In this regard, all trees planted from the effectivity of this Code be numbered and entered into the registry for monitoring and management purposes.

**Section 17. BEAUTIFICATION, Greening of Street Shoulders and Islands.** All barangays shall conduct a beautification drive in their respective jurisdiction including the greening of street shoulders, planting trees along the highways and placing flowers in front of residential and commercial houses.

**Section 18. POLICY ON FAUNA AND FLORA.**

- a) The municipal environmental symbols shall be protected, conserved, multiplied and maintained. Any act that tends to maliciously destroy, mutilate, defoliate, poison or harm any of the symbols shall be held criminally liable. Likewise, the law on the protection of the endangered fauna and flora species shall be adopted as part of this Section.
- b) The hunting of birds is banned in the territorial jurisdiction of the Municipality, more particularly in inland waters and swamplands or mangroves where migratory birds like wild geese and wild ducks, as well as other migratory birds, spend time for the nesting season.

**Section 19. STRATEGIC AGRICULTURAL DEVELOPMENT ZONE MAP.** The Municipal Agriculture Office shall keep a data bank on soil types, soil fertility and their relative geographic distribution and causes of soil degradation which shall serve as basis for policy refinements in the improvement of food production and prevention of the leaching or degradation of the top soil in farmlands. To this end, a Strategic Agricultural Development Zone map shall be prepared.

**Section 20. SOIL CONSERVATION.** The Municipality shall undertake a soil conservation program. Specifically, the following measures shall be adopted to maintain soil fertility and prevent erosion:

- A. Implementation of cover crop planting to condition denuded areas.
- B. Use of appropriate and guided farming techniques such as contour farming, contour strip cropping, green manure, cover crop, and mulch tillage, among others or a combination of any of the techniques such as the sloping agricultural land technology (SALT) to reduce soil erosion before attempting to control water flow.

- C.** Implementation of enrichment planting using fuel wood or non-timber crops in between trees of reforested areas or open spaces in order to generate additional income for organized civic groups and indigenous communities as well as to enhance soil firmness and fertility.
- D.** Implementation of associated rainwater management programs such as
  - a. Infrastructure support in the form of “rip-rapping” or the construction of creek, river, and shore protection walls, which may be coupled with planting of vegetables dubbed as “vengineering”.
  - b. Provision of waterways and drainage.
  - c. Provision of detailed engineering design and construction, and construction of erosion control structures such as dams, and spillways.
- E.** Banning the use of pesticides hazardous to public health, the environment and crops, and promoting Integrated Pest Management in agriculture, focusing on the adoption of environment-friendly biological techniques and use of botanical insecticides through the use of indigenous plants like Neem tree, “makabuhay”, “siling labuyo” and tobacco, among others.
- F.** Promotion of Bio Intensive Technology (organic farming) to ensure staple and safe vegetable especially for core poor families. For the purpose, the ‘Gulayan sa Barangay’ Program shall be established under the Municipal Agriculture Office and the Municipal Health Office (MHO) shall intensify the promotion of Eco-Loon.
- G.** The health benefits or the kinds of nutrients which the Loonanons and visitors could get out of the agri-foods based on the Agro-Tourism Program of this LGU shall be indoctrinated to the 67 barangays of this town.

**Section 21. DISCOURAGE RECLASSIFICATION OF AGRICULTURAL LANDS.** Reclassification of agricultural lands shall be limited to ten percent (10%) of the total agricultural land area of the Municipality and shall only be done when extremely desirable and the negative effects of the reclassification are mitigated by preventive measures. In any case where reclassification is necessary, the appropriate environmental impact assessments shall be required before development is pursued.

**Section 22. OPERATION AND MANAGEMENT OF A MULTI-PURPOSE MUNICIPAL PLANT NURSERIES.** The Municipal Agriculture Office shall establish a Multi-Purpose Plant Nursery to the (8) districts of Loon to ensure easy access to seedlings particularly for Agro-Tourism and agro-forestry by interested farmers. Barangays especially those in far flung areas shall be encouraged to manage their own plant nurseries.

**Section 23. ESTABLISHMENT OF DEMO FARMS OR MODEL FARM PROJECTS.** The Municipal Agriculture Office shall establish demo farms or model farm projects for marginal farmers to encourage sustainable farming, crop diversification and affordable technology.

**Section 24. BARANGAY BOUNDARY LANDMARKS.** There shall be established barangay landmarks wherein the name of the barangay be signified therein. The names of the barangay officials shall also appear, subject to term changes. The barangay boundary landmarks shall be mandatory in the highway areas.

## **Article II**

### **LAND BASED POLLUTION CONTROL**

**Section 1. IDENTIFICATION OF SOURCES OF POLLUTION.** Pollution from land based sources constitute a serious threat to the environment which may result to hazards in health, contamination of food, loss of biodiversity and degradation of coastal waters. The MENRO shall therefore identify point and non-point sources of wastes, the data to be the basis for the formulation of policies that are preventive and anticipatory rather than reactive.

**Section 2. HAZARDOUS CHEMICALS.** In the absence of a technology and facility to handle toxic chemicals, the industry utilizing the same shall be responsible for its proper disposal in accordance with RA 6969 and other applicable laws.

The transport or transshipment thereof shall be banned in the Municipality without the necessary permits from the concerned National Agencies.

**Section 3. DISPOSAL OF SLAUGHTERHOUSE, FUNERAL, CEMETERY AND CREMATORIUM, HOSPITAL AND SERVICE STATION WASTES.** Disposal of waste by slaughterhouses, funeral parlors, cemeteries and crematoriums, hospitals and service stations shall be as provided in the Sanitation Code of the Municipality.

**Section 4. SOLID WASTE MANAGEMENT.** The provisions of the Integrated Solid Waste Management must be strictly implemented, especially the segregation of wastes from the household level to purok-barangay and to the municipal level of waste disposals. The entirety of the Solid Waste Management Plan must be duly observed.

**Section 5. WASTE MINIMIZATION.** The Municipal Government shall promote waste minimization and all households, business establishments and industries within the territorial jurisdiction of the Municipality shall be encouraged to reduce generated waste. Business establishments and industries shall be required to submit a Diagrammatic SWM Plan prior to issuance of an Environmental Permit.

**Section 6. SEGREGATION, DISPOSAL AND COLLECTION OF SOLID WASTE.** The segregation, disposal and collection of solid wastes is provided in the Solid Waste Management (SWM) provisions of this Code.

**Section 7. BARANGAY SWM PROGRAM.** Barangays are mandated to formulate and implement a barangay based Solid Waste Management (SWM) program. For the purpose, they shall put up a Material Recovery Facility (MRF) and conduct continuing information and education campaign on solid waste management within their jurisdiction.

**Section 8. ANTI-LITTERING.** Littering shall strictly be prohibited in the municipality. For the purpose:

- a) The Municipal Government shall provide receptacles for biodegradable, non-biodegradable, recyclable, and hazardous solid wastes at strategic locations and points within the territorial jurisdiction of the Municipality.
- b) The barangays must see to it that every corner especially the school, barangay hall, program centers, barangay streets must be provided with quadruple receptacles for the 4 kinds of solid wastes.
- c) Trash receptacles shall likewise be provided by owners/operators of public utility vehicles.
- d) Ambulant vendors shall carry with them 4 kinds of plastic bags or containers on which to throw their biodegradable, non-biodegradable, recyclable, and hazardous wastes.
- e) The market pathways shall also be provided with portable cigarette button receptacles.

**Section 9. JUNKSHOPS.**

- a.) The junkshop of LGU Loon shall be located along the Motor Pool Section to be established under the supervision of the Municipal Engineer.
- b.) In no case shall the premises of the Municipal Hall be converted or used as junkshop to any public or privately-owned vehicles.
- c.) Police authorities are hereby mandated to remove junked vehicles in the LGU premises and properly dispose the same according to law or ordinance.

**Article III**

**SOLID WASTE MANAGEMENT**

**Section 1. SCOPE.**

1.1. Coverage. The entirety of Municipal Ordinance No.08-10, series of 2008, otherwise known as the Integrated Solid Waste Management Ordinance of Loon, Bohol is hereby adopted which covers all activities involving generation, segregation, collection, recovery, recycling, disposal and treatment of refuse resources.

1.2. Application. It applies to all residential houses, industrial and commercial establishments such as hotel/pension houses, restaurants, cinema houses, resorts, department stores, groceries, institutions like hospitals, schools, churches, cemeteries, private and public offices, agricultural areas, parks, public playgrounds, open spaces wharves, ports, transport facilities and other establishments.

**Section 2. PURPOSE.** The following are the purposes for compliance of the Integrated Solid Waste Management of this municipality:

- a) To guide, control and regulate the generations, storage, collection, transport and disposal of solid wastes within the municipality and promote an orderly and sanitary condition of surrounding;
- b) To enhance the total improvement and maintenance of the environment of the locality through the necessary control of the negative environment impacts and effects of solid waste;
- c) To promote and protect the health, safety, peace and convenience and general welfare of the people.

**Section 3. OBJECTIVES.** The Integrated Solid Waste Management provisions of this Code are intended to serve the following objectives:

- a) To enhance cleanliness and public safety at all times through proper waste management;
- b) To eradicate unsightly, uncovered and overflowing waste containers
- c) To adopt the principle of 3 Rs, that is to Reduce, Re-use & Recycle solid waste of the town.

**Section 4. DECLARATION OF POLICIES.**

4.1. It is hereby declared the policy of the Municipality to adopt and implement a comprehensive, integrated and ecological solid waste management program, which shall:

- a) Ensure the protection of the public health and environment;
- b) Utilize environmentally sound methods that maximize the utilization of valuable resources and encourage conservation and recovery;

- c) Ensure proper segregation, collection, transport, storage, treatment and disposal of solid waste;
- d) Retain primary enforcement and responsibility of solid waste management with other local government units;
- e) Institutionalize public participation in the development and implementation of national and local integrated, comprehensive and ecological waste management programs; and
- f) Strengthen the integration of ecological solid waste management and resource conservation and recovery topics into the academic curricula of formal and non-formal education in order to promote environmental awareness and action among the citizenry;

4.2. Pursuant to the foregoing policies, and consistent with DENR framework of promoting a sustainable urban environment, the Municipality shall -

1. Formulate an Integrated Solid Waste Management Plan for the Municipal Government, the objective of which is to rationalize garbage collection and waste disposal system within the ambit of environmental safety and consciousness.
2. Promote a Waste Minimization Program, e.g. reduction, recycling and composting, if feasible, of waste materials through a concerted community-based effort and sectoral participation.
3. Conduct waste characterization and waste generation surveys to generate data necessary for the formulation of an integrated solid waste management plan.
4. Conduct an assessment study regarding the possibility of privatizing the collection of garbage for a more rational and cost-effective solid waste management plan.
5. Discourage the use of an open dumpsite, and instead give way for a sanitary land-fill. The Municipal Government shall acquire a site as a land-fill area which should be far from creeks, river banks, coastal areas and other sources of potable water supply to ensure health, safety and the overall interest of the local populace.
6. Formulate integrated social amelioration programs for scavengers and garbage collectors to be established by the Municipal Government through alternative employment, skills training, education, and others.
7. Make Loon a heaven of healthy environment, as provided for under Municipal Ordinance No.08-010, Series of 2008, otherwise known as the Integrated Solid Waste Management Ordinance of Loon, Bohol.

**Section 5. DEFINITION OF TERMS.** The following terms shall bear their respective meaning and importance:

- a) Agricultural waste shall refer to waste generated from planting or harvesting of crops, trimming or pruning of plants and wastes or run-off materials from farms or fields;
- b) Biodegradable - all materials that can be reduced into finer composition or refuse resources that are basically decomposable;
- c) Composting - biological degradation under controlled conditions or the process of making biodegradable into compost by mixing them with soil, water, biological additives and air;
- d) Disposal – shall refer to the discharge, deposit, dumping, spilling, leaking or placing of any solid waste into or in a land;

- e) Disposal site – shall refer to a site where solid waste is finally discharged and deposited;
- f) Domestic waste - waste from households which maybe classified as biodegradable or non-biodegradable;
- g) Integrated solid waste management – shall refer to the systematic administration of activities which provide for segregation at source, segregation transportation, storage, transfer, processing, treatment and disposal of solid waste and all other waste management activities which do not harm the environment;
- h) Generation - refers to the act or process of producing solid waste.
- i) Generator - a person, natural or juridical, who last uses a material and makes it available for disposal or recycling;
- j) Institutions- refers to the establishments like hospitals, schools, churches, public and private offices, and other similar structures;
- k) ISWMB – means the Integrated Solid Waste Management Board;
- l) Materials Recovery Facility – includes a solid waste transfer station or sorting station, drop-off center, composting facility, and a recycling facility.
- m) Non-biodegradable – all wastes that are mainly non-biodegradable or do not readily decay;
- n) Receptacles - shall refer to individual containers used for the source separation and the collection of recyclable materials;
- o) Recycled material - post-consumer material that has been recycled and returned to the economy;
- p) Recyclable/reusable – all non-decomposable materials that can still be used or processed such as tin cans, metals, bottles, glasses, plastics, etc.;
- q) Recycling – the re-use, retrieval, re-commission of element matter for any and all productive purposes.
- r) Residuals – wastes that cannot anymore be used or recycled which need to be disposed properly;
- s) Resource conversion - refers to the reduction of overall resource consumption, and utilization of recovered resources;
- t) Segregation - refers to a solid waste management practice of separating different materials found in solid waste in order to promote recycling and re-use of resources and to reduce the volume of waste for collection and disposal;
- u) Segregation at source – refers to the solid waste management practice of separating at the point of origin, different materials found in solid waste in order to promote recycling and re-use of resources and to reduce the volume of waste for collection and disposal;
- v) Solid Waste – shall refer to all discarded household, commercial waste, non-hazardous institutional and industrial waste, street sweepings, construction debris, agricultural waste and other non-hazardous/non-toxic solid wastes.
- w) Special wastes – shall refer to household hazardous wastes such as paints, thinners, household batteries, lead-acid batteries spray canisters and the like. These include wastes from residential and commercial sources that comprise of bulky wastes, consumer electronics, white goods, yard wastes that are collected separately, batteries, oil, and tires. These wastes are usually handled separately from other residential and commercial wastes.
- x) Solid Waste Management – refers to the discipline associated with the control of generation, storage, collection, transfer and transport, processing, and disposal of solid wastes in a manner that is in accord with the best principles of public health, economics, engineering, conservation, aesthetics and other environmental considerations and that is also responsive to public attitudes.

## **Section 6. ORGANIZATIONAL STRUCTURE.**

6.1. ISWMB. There shall be created an Integrated Solid Waste Management Board composed of:

Chairman: Mayor



Vice-Chairman: SB Chairman on Environment

Member:

- a) MENRO Officer
- b) MAO
- c) MPDC
- d) Municipal Engineer
- e) Chief of Police
- f) LnB President
- g) School Supervisors
- h) SKMF President
- i) Market Supervisor
- j) NGO representative

6.2. Functions. The Board shall act as the policy making body in the detailed enforcement and management of the program.

6.3. Solid Waste Management Office. - There shall be created a Municipal Solid Waste Management Office that will serve as the lead office in the implementation of the Municipal Solid Waste Management Plan headed by: Municipal Solid Waste Management Officer.

6.4. Qualifications of Solid Waste Management Officer. – The Municipal Solid Waste Management Officer must have a bachelor's degree preferably on engineering or other related courses and have undergone training on solid waste management and should be one of the employees of the MENRO, MAO, and MPDC.

6.5. Powers and Functions of the Municipal Solid Waste Management Office. – The Municipal Solid Waste Management Office shall serve as the office implementation of the Municipal Solid Waste Management Plan. It shall have the following powers and functions:

- a) Organize waste enforcement team and coordinate with the PNP Environmental Desk Officer (PEDO) for the implementation of all ISWM related ordinances and policies;
- b) Coordinate with the assigned agencies and units including NGO's in the conduct of Information, Education and Communication (IEC) campaign activities;
- c) Monitor and evaluate range of compliances with respect to reduction and segregation at source, to include backyard composting per barangay;
- d) Technical Assistance, logistical and training support to barangay and communities to help them formulate strategies and plans, and implement, monitor and evaluate SWM project;
- e) Formulation, review and refinement of procedures for SWM operations and enforcement, including coordination with groups and sectors providing support to the SWM program;
- f) Formulation, review and refinement of incentives command and control system to reinforce the proper practice of solid waste management;
- g) Periodically prepare reports on the performance status and analysis of implementation and enforcement of solid waste management ordinances;
- h) Undertake efficient collection system;
- i) Manage the central MRF and provide technical assistance to barangay for the establishment and operation for their respective MRF's;
- j) Take the lead in the house feasibility study, planning, establishment and operation of the proposed town sanitary landfill;
- k) Manage the proposed hosting of a cluster Sanitary Landfill;
- l) Manage and monitor the ISWM trust fund;
- m) Prepare annual work and financial / budget plans.

**Section 7. SEGREGATION OF SOLID WASTE.**

7.1. Mandatory Segregation of Solid Waste. The segregation of waste shall be mandatory. Segregation shall primarily be conducted at the source to include household, institutions, industrial, commercial and agricultural sources.

7.2. Categories of Solid Waste. - Solid Waste shall be segregated into the following categories:

- a) Biodegradable wastes
- b) Recyclable/reusable wastes
- c) Residual wastes
- d) Special wastes

7.3. Requirements for Segregation and Storage of Solid Wastes. – The source of solid waste as listed in Section 10 hereof shall have separate containers for each type of solid waste. The solid waste container, depending on its use, shall be properly marked or color-coded for on-site collection as “biodegradable”, “recyclable/reusable”, “residual”, or “special waste”. The containers shall be properly covered, secured or protected or prevent spillage or scattering of the waste and to ensure its containment. For bulky waste, it will suffice that the same be collected and placed in a separate container and in designated areas.

The stored segregated waste must be staked within the establishment’s premises and will be moved out during the schedule of collection.

The head of any commercial and institutional establishment shall be the one responsible for the proper solid waste management system within the establishment.

The Philippine Port Authority (PPA) and similar agencies shall segregate their generated solid waste and shall be properly segregated in three (3) enclosed containers or trashcans, one for biodegradable, recyclable, and residual/special waste.

7.4. Additional Requirement for Premises with Six (6) or more Residential Units. – The owner or person in charge of premises containing six (6) or more residential units shall provide for the residents a designated area and containers in which to accumulate source separated recyclable materials to be collected by the barangay or private collector. In addition, such owner or person in-charge shall notify the residents or occupants of such premises of the requirement of segregation.

7.5. Additional Requirements for all Commercial, Institutional and Industrial Establishments Including Public Utility Vehicles. – The operators, owners or heads of all public utility vehicle, commercial, institutional, and industrial establishments shall provide a designated area and containers in which to accumulate source separated recyclable materials to be collected by the municipality. In addition, such owner or head shall notify all passengers, workers, employees, and entities working in the premises of the requirements of segregation. No scavenging or unauthorized collection in designated segregation containers or areas shall be allowed.

**Section 8. THE MUNICIPAL SOLID WASTE MANAGEMENT PLAN.**

8.1. Incorporation by Reference. – The Municipal Solid Waste Management Plan duly approved by the Sangguniang Bayan through Resolution is hereby incorporated by reference and made an integral part of this Code.

8.2. Implementation. – The Municipal Solid Waste Management Plan shall be implemented in accordance with the implementation strategy and schedule contained in the said Plan. The implementation of the specific components of the plan is provided in the succeeding articles of this Code.

**Section 9. SOURCE REDUCTION.**

- 9.1. Receptacles for Solid Wastes. – Waste generators shall provide their own waste receptacles as prescribed by the ISWM Board and must be properly labeled and secured.
- 9.2. Color-Coding of Receptacles. – The required color of the receptacles for each kind of waste shall be as follows:
1. Green – for biodegradable wastes
  2. Yellow – for residuals
  3. Blue – for recyclable / reusable
  4. Red – for special wastes
- 9.3. Number of Receptacles. - For purposes of collection, each waste generator shall provide a receptacle for each type of waste in accordance with the requirements of Section 10 of this Ordinance. In urban areas, however, for medium-scale business establishments outside the public market, two (2) receptacles shall be required for the recyclable and residuals/special wastes only. Biodegradable wastes will not be collected but shall be composted on site. However, for residents with adequate space for composting, they shall be required to provide three (3) containers to include biodegradable waste for collection. All receptacles shall be kept within generators respective areas prior to the scheduled collection.
- 9.4. Public Market Storage. – In the market area, four (4) distinctively marked containers according to kind of wastes shall be provided to transient and stall operators.
- 9.5. Containers for purchased Goods. - All consumers and business establishments and sellers are required to use bio-degradable containers on their purchased goods such as native baskets (bayong), paper bags and containers or similar materials as prescribed by ISWM Board and pertinent ordinance. Buyers are also encouraged to bring containers or similar materials to reduce wastes.
- 9.6. Communal Receptacles. - No communal receptacles shall be provided except those managed by the LGU such as the municipal wharf, plaza, public market and public cemetery. The Philippine Port Authority shall take charge with the provision and management of the four (4) types of receptacles in the wharf area. A memorandum of agreement shall be executed to institutionalize the said arrangement. The LGU deputized enforcers shall be tasked in the aforementioned sites.
- 9.7. Bulk Wastes. – Households in far-flung barangays where bulk collection is not possible shall be clustered by the ISWM Board and their residual and special wastes shall be collected when the need arises.

**Section 10. ESTABLISHMENT OF MATERIAL RECOVERY FACILITY.**

- 10.1. Central Material Recovery Facility (CMRF) and Residual Containment Area (RCA). – A Central material Recovery Facility and Residual Containment Area shall be established in a place determined by the ISWMB. It shall be equipped with facilities for segregation, small-scale processing, and manufacturing of indigenous products. A separate containment area for residual and special wastes shall be established.
- 10.2. Barangay Material Recovery Facility. – The size of the BMRF shall be at least 1.5 m x 4m or approximately 6 sq. m. Each compartment shall have a dimension of at least 1.5 m x 1m to accommodate plastic, paper, cartons, metals, bottles and other re-usable and recyclable materials.

- 10.3. Responsibility for establishment. – The Municipal Government and the BSWMC shall be responsible for the establishment, operation and maintenance of the Central Material Recovery Facility and Barangay Material Recovery Facility, respectively, provided, however, that the Municipal Government shall provide the necessary technical assistance to the barangays.

**Section 11. RECYCLING AND COMPOSTING.**

- 11.1. Small-Scale Processing. – Small-scale processing of waste involves the cleaning and washing of recyclable materials for further recovery and use. It shall be actively pursued at the Material Recovery Facility. Segregation into saleable and non-saleable items shall be done manually to ensure proper sorting. The recovered saleable materials shall be sold to junk shops or to other interested direct buyers while the non-saleable materials shall be further processed into other products. Otherwise, if this is not feasible, the latter shall be accumulated together with the residuals and placed in a specified area for final disposal. Small-scale processing shall also be supported with research and feasibility studies to improve the quality of existing products or develop new uses for the recovered materials.
- 11.2. Mandatory Composting.- Composting of biodegradable wastes shall be mandatory in every household and other waste generators except in establishments that have been exempted by the ISWMB, provided that, the barangays may decide to establish a common or a clustered composting facility.
- 11.3. Composting Facility. – Each household or any other waste generator shall provide its own prescribed composting facility and adopt any suitable composting method.

**Section 12. WASTE COLLECTION.**

- 12.1. Waste Collection Schedule and Coverage. - The ISWMB shall enforce a waste collection schedule for the covered barangays in accordance with the approved Solid Waste Management Plan.
12. 2. Time for the Collection of Solid Waste. – The residual and special wastes must be ready for collection at pick-up points at least one (1) hour before the arrival of the garbage truck.
- 12.3. Collection of Recyclable Materials. – Only personnel duly authorized by the Barangay Solid Waste Management Committee (BSWMC), shall collect the recyclable materials. In this regard, the ISWMB shall provide technical assistance to the barangays.
- 12.4. Transfer Station. – The MLGU garbage collectors shall pick up the residual and special wastes and transfer them to the designated Residual Containment Area.
- 12.5. Collection of Biodegradable Waste. – The MLGU will not collect the biodegradable wastes from the barangays, except in establishments that have been exempted by the ESWMB. The barangay is responsible for collecting biodegradable wastes from sources where backyard composting is not feasible.
- 12.6. Unsegregated Garbage. – Unsegregated garbage shall not be collected. Violators shall be penalized subject to the provisions of Section 1, Article 15 (10) of this ordinance and other related laws.

**Section 13. DISPOSAL.**

- 13.1. Prohibition to Operate Open or Controlled Dumpsite. –The MLGU shall not allow the operation of open or controlled dumpsites.

- 13.2. Establishment of Sanitary Landfill. – The operation of a sanitary landfill by the MLGU as final disposal area shall be properly coordinated with the Mines and Geosciences Bureau (MGB) and Environmental Management Bureau (EMB) of the DENR.
- 13.3. Disposal to Cluster SLF. – The MLGU may join a cluster of SLF in partnership with other municipalities and execute a Memorandum of Agreement with the host municipality.
- 13.4. Tipping Fee. – Funds will be appropriated in the annual budget of the MLGU for the cost of disposing the garbage to a cluster SLF.
- 13.5. Disposal of Wastes from Remote or Inaccessible Households. – For remote or inaccessible households, residual and special wastes shall be deposited in a pit with the toxic substances wrapped securely to prevent contamination of the soil and underground water.

#### **Section 14. EDUCATION AND PUBLIC INFORMATION.**

- 14.1. IEC program for Implementation.- The ISWM Board and the TWG shall carry out continuing IEC activities to promote waste segregation and reduction as well as orderly collection of wastes and operation of MRFs.
- 14.2. Target Audience and Key Messages. - The IEC activities shall focus on major waste generators, i.e. households and the entire business community, as well as government employees, barangay officials, barangay health workers, barangay nutrition scholars, Sangguniang Kabataan, religious and education sectors, and other development partners.

The IEC materials shall contain messages on segregation, composting, disposal of hazardous wastes, recycling, waste reduction and establishment of MRFs, as well as fines and penalties for violations and incentives for compliance.

- 14.3. Development and Production of IEC Materials. – The IEC Committee of the ISWMB shall develop, produce and distribute print materials such as leaflets, brochures, posters and press releases. It shall also install streamers and billboards. Appropriate channels of information shall also be tapped.

#### **Section 15. INCENTIVES AND PROCUREMENT SYSTEMS.**

- 15.1. Incentives for Best Practice and Enforcement. – Individuals, organizations, barangays, business establishments, educational and religious institutions and other sectors shall be recognized or given incentives for their exemplary performance as regards ISWM. The incentive system, the mechanics of which shall be formulated by the ISWMB, shall include among others the following:
- 1) Search for outstanding individuals, organizations, barangays, business establishments, educational and religious institutions and other sectors, in solid waste management.
  - 2) Cash incentives for enforcers and informers who attest / witness for the prosecution to any violation, the amount of which shall be taken from the fines collected from violators of this ordinance, as follows;
    - a. LGU-employed enforcer - 20 % of fines per offense
    - b. Informer or voluntary enforcer - 30% of fines per offense
  - 3) Discounts in business permit fees

15.2. System of procurement. – The provisions of Republic Act No. 9184, otherwise known as the Government Procurement Act, shall be complied with as regards procurement of services, materials and equipment.

**Section 16. THE MUNICIPAL SOLID WASTE MANAGEMENT FUND.**

16.1. Establishment of Fund. - There is hereby created a special account or trust fund to be known as the Municipal Solid Waste Management Fund of the Municipality of Loon.

16.2. Management of the Fund. - The Municipal Solid Waste Management Board shall develop pertinent guidelines on the management of the fund: Provided, that these do not contradict to the provisions of Republic Act No. 9184. Provided further, that the ISWM Office as certified by the Municipal Accountant shall prepare periodic financial reports.

16.3. Sources of Fund. - The Municipal Solid Waste Management Fund shall be sourced from the following:

- a) Donations, loans, endowments, grants and contributions from domestic and foreign sources;
- b) The share in the fines collected pursuant to Republic Act No. 9003 and this ordinance
- c) Solid waste management fees generated from households, business establishments and all other institutions.
- d) Proceeds from the sale of recyclable materials and compost.
- e) Allocation from the 20% Municipal Development Fund (IRA)

16.4. Use of Fund. - The Municipal Solid Waste Management Fund shall be used to support the implementation of the Municipal Solid Waste Management Plan, including endeavors that will enhance its implementation, to wit:

- a) Capability-building
- b) Information, education and communication
- c) Research and development including, among others, developing new uses and products from solid waste
- d) Adoption of technologies including processes that enhance proper solid waste management;
- e) Establishment and maintenance of facilities
- f) Personal services and maintenance and other operating expenses
- g) Incentives for best practice and enforcement
- h) Monitoring and evaluation

**Section 17. SOLID WASTE MANAGEMENT FEES.**

17.1. Fees. - There is hereby imposed a solid waste management fee for services provided by the Municipality in accordance with the schedule provided hereunder:

- a) Households in barangays covered by the garbage collection service shall pay a monthly solid waste management fee of P10.00 per household.
- b) Business establishments and private schools categorized as follows:
  - 1. Small - 1 employee - P240.00 per year
  - 2. Medium - 2-5 employees - P360.00 per year
  - 3. Large - more than 6 employees - P600.00 per year
- c) Religious institutions and all other similar sources of solid waste shall pay a monthly solid waste management fee of P20.00 a month.
- d) Public schools and related institutions are exempted from payment of fees but are subject to fines and penalties in case of violations. Indigent families are also exempted upon certification of the punong barangay and MSWDO.

- e) Tricycle operators are required to pay an annual solid waste management fee amounting to One Hundred Twenty Pesos (P 120.00) per tricycle unit.
- f) Operators of jeepneys, multicab and other public utility vehicles are required to pay an annual solid waste management fee of Two Hundred Forty Pesos (P 240.00) per unit before the issuance of Mayor's Permit, whatsoever.

17. 2. Manner of Fees Collection. – The fees shall be collected as follows:

- a) For those households with water connections – fees shall be billed individually together with the monthly water bill for those who have water connections;
- b) For those without water connections - fees shall be billed by the municipal treasurer
- c) For business establishments - fees shall be integrated into the payment of the business permit;

17.3. Penalties. - The following penalties shall be imposed for non-payment of solid waste management fees:

- a) For those households with and without water connections – delayed payment shall be charged with a monthly surcharge of 10%
- b) For business establishments – delayed payment shall be charged with a monthly surcharge of 10%

**Section 18. PROHIBITED ACTS.** - The following acts are prohibited.

- 1) Littering, throwing of cigarette butts and indiscriminate dumping of waste materials in public places such as roads, sidewalks, canals, parks and establishments and municipal waters or any bodies of water, or causing or permitting the same.
- 2) No person shall allow his immediate premises to be unclean, unsanitary and emitting foul odor.
- 3) Intentional breaking of bottles, ceramics and other breakable materials in public places;
- 4) Urinating, defecating and spitting in public places;
- 5) Using un-prescribed garbage cans or receptacles;
- 6) Leaving garbage receptacles open or not properly secured;
- 7) Depositing garbage at pick-up points outside of schedule;
- 8) Causing or permitting the collection of non-segregated or unsorted wastes;
- 9) Constructing and maintaining pigpens and toilets within the 20-meter salvage zone of seashore, riverbanks, streams, springs, lakes and other bodies of water without securing sanitary permit or without complying with the prescribed design for a septic tank;
- 10) Dumping and collection of un-segregated wastes;
- 11) Open burning of solid wastes, except those intended to eradicate mosquitoes or minor "daub" in the backyard or farm;
- 12) Burning of any flammable chemical residues such as aerosols, spray nets and other similar toxic materials, cellophane or plastic materials.

- 13) Squatting in open dumpsites and landfills;
- 14) Dumping or Throwing of Garbage into Waterways. No person shall dump garbage, or any other materials considered as waste along shorelines, rivers, riverbanks, creeks, canals, esteros, gutters, or waterways except in areas designated as final disposal sites
- 15) Open dumping or burying of waste materials in flood-prone areas;
- 16) The mixing of source-separated recyclable materials with other solid waste in any vehicle, box, container or receptacle used in solid waste collection or disposal;
- 17) Establishment or operation of open dumps as enjoined in RA 9003, or closure of said dumps in violation of Section 37, RA 9003;
- 18) Manufacture, distribution or use of toxic, hazardous and non-environmentally safe packaging materials;
- 19) Importation of consumer products packaged in non-environmentally acceptable packaging materials
- 20) Importation of toxic wastes misinterpreted as “recyclable” or “with recyclable content”;
- 21) Transport and dumping in bulk of collected domestic, industrial, commercial and institutional wastes in areas other than centers of facilities prescribed under RA 9003;
- 22) Site preparation, construction, expansion or operation of waste management facilities without an Environmental Compliance Certificate required pursuant to Presidential Decree No. 1586 and RA 9003 and not conforming to the land use plan of the LGU;
- 23) Construction of any establishment within two hundred (200) meters from open dumps or controlled dumps or sanitary landfills;
- 24) Construction or operation of landfills or any waste disposal facility on any aquifer, groundwater reservoir or watershed area and/or any portions thereof.
- 25) Undertaking activities or operating, collecting or transporting equipments in violation of sanitation operation and other requirements or permits set forth or established pursuant to R.A. 9003;

**Section 19. FINES AND PENALTIES.**

19.1. Local Fine. Any person who violates the foregoing prohibited acts shall be fined:

1. First Offense - Php 500.00
2. Second Offense - Php 1, 500.00
3. Third or Succeeding Offenses - Php 2, 500.00 or imprisonment of 10 days, or both at the discretion of the court.

19.2. National Penalty. Any violation may also be prosecuted and penalized under the provisions of R.A. 9003.



19.3. Procedures. – The following procedure shall be observed for violations under this Code and RA 9003, viz:

1. Issuance of Citation Tickets/ Receipts

Any person caught in *flagrante delicto* committing any of the prohibited acts shall be immediately issued a citation ticket/receipt indicating an amount, which the offender shall pay by way of compromise settlement.

2. Rendering Community Service

Notwithstanding the above provision, the offender may be allowed to render community service the period of which shall correspond to the fine set for the offense, and based on the approved daily wage rate of the LGU, after which he/she shall be deemed to have extinguished his/her liability.

3. Prosecution in Court

a.) Any offender who refuses to pay the fine by way of compromise settlement or fails to render the required community service shall be prosecuted accordingly in the proper court.

b.) It shall be the duty of the Local Peace Officer, the Deputized ISWM Officer or any public officer charged with the enforcement of this ordinance and RA 9003 to prosecute the case. Subject to the basic requirements of due process, the proceedings to be adopted by the court shall be summary in nature in accordance with the Revised Rules in Summary Procedures as promulgated and adopted by the courts.

c.) Before filing any case however, the ISWMO may, at its own discretion, conduct an actual site inspection and verification to determine and confirm the veracity and authenticity of the claims and allegations contained in the complaint and that, probable cause exist and a violation has been committed.

d.) Upon determination of probable cause, the ISWMO shall issue a Notice to Sue to the alleged violator indicating, among others, the type and nature of violation committed and giving the concerned violator thirty (30) days within which to correct, rectify or cease and desist from committing the violation complained of.

**Section 20. MONITORING, EVALUATION AND ASSESSMENT.**

20.1. Performance Monitoring and Evaluation. - There shall be a Monitoring and Evaluation (M & E) System to be established by the ISWMB through the ISWMO for the implementation of the solid waste management program of Loon. The system shall be adopted by every barangay through the BSWMC who will then submit monthly and annual reports of their respective operations to the ISWMB, who shall prepare an integrated report of all barangays. The report shall contain the level of compliance with the mandatory requirements of the law on segregation and waste reduction at source, waste collection efficiency, quantity and types of recycled products generated, recovery efficiency of the Central MRF, quantity of recyclables brought from other sources to the MRF and the effectiveness and consistency of the IEC campaign, among others.

20.2. In-house Waste Characterization – The ISWMO, in accordance with the municipal ISWM Board and its TWG, shall prepare/conduct a periodic in-house waste

characterization at the disposal site in order to monitor and determine if there is a significant reduction of waste materials at the end-of-pipe of the waste stream.

- 20.3. Semi-annual Assessment Activity – The ISWM Office shall facilitate the conduct of a semi-annual assessment activity to assess, among others, the physical condition of tools and equipment by the local government in the enforcement and/or implementation of the ISWM program, the level of effectiveness in the implementation of the different ISWM operations from waste segregation, collection MRF and up to disposal including SLF establishment and management and the validation of date and information contained in the reports submitted to the ISWMB.
- 20.4. Reporting - The ISWM Officer shall submit a semi-annual report to the ISWMB for review and proper endorsement to the Municipal Development Council and the Sangguniang Bayan.

**Section 21. GARBAGE DISPOSAL.**

- 21.1. Schedule of Garbage Collection. There shall be a schedule of garbage collection and no person shall bring outside his establishment such trash except on the day designated for the collection as follows:
- a. Mondays, Wednesdays and Saturdays – green
  - b. Tuesdays - Yellow
  - c. Thursdays – Blue
  - d. Friday – Red
- 21.2. Time of Garbage Disposal. Garbage and rubbish for disposal shall be placed in color-coded receptacles and brought to the outer border or edge of the sidewalk or street (if no sidewalk) not earlier than 5:00 P.M. and not later than 6:00 P.M. on the designated day, and it shall be the duty of the garbage personnel to cause to remove the contents of all garbage containers in use. The garbage receptacles shall be removed by the owners not later than 8:00 A.M. of the following day regardless of whether or not the contents thereof have been collected and the same shall be placed where the containers are neither visible nor a nuisance to the general public.
- 21.3. Collection in Resettlement Area. The collection of garbage in existing housing resettlement areas for the poor and indigent families shall be improved and shall be linked to the Municipality's solid waste collection and disposal system. Existing people's organization and non-government organizations shall be tapped in developing community-based solid waste management system.
- 21.4. Proper Garbage Disposal. All persons are required to dispose of their garbage properly and efficiently through a.) individual backyard land-fill; b.) composting by using available non-hazardous method; c.) recycling the use of clean production techniques in the case of industries.
- 21.5. Solid and Waste Water Disposal. All manufacturing, industrial establishments and similar business firms shall install acceptable solid and wastewater disposal facilities in accordance with national standards subject to regular inspection by the Municipal Environment and Natural Resources Office. For this purpose the Municipality may tap existing facilities of national government agencies, universities and private organizations.
- 21.6. Environmentally Sound Management of Solid Waste Disposal and Drainage System. To protect surface water and groundwater from possible leachy

contamination due to indiscriminate dumping in canals, drainage canals, waterways and coastal areas, a sanitary landfill designed for 15 years or longer shall be constructed which shall serve as final disposal facility.

For this purpose, the Municipal Engineer's Office shall prepare a comprehensive drainage master plan which shall be submitted to the Sangguniang Bayan for adoption.

**Section 22. GARBAGE CHARGES.** The Municipality of Loon, Bohol shall collect incremental garbage charges in accordance with the rates prescribed in the Revenue Code of Loon, Bohol.

## **Article IV**

### **ECO-TOURISM**

**Section 1. ESTABLISHMENT OF FOREST PARKS.** The Municipal Government shall strive to set up an forest parks of its own. It may enter into joint understanding with private persons in the maintenance and improvement of the Mini Forest and Park at any areas of Loon. The forestall areas of Loon shall be conserved and protected as forest and as the watershed of the town. The municipal government shall encourage the adoption of trees and mini-parks by individuals and corporations and pursue the utilization of vacant lots on private properties for the greening of the community. Subdivision developers shall provide space solely reserved for mini forests or tree parks.

**Section 2. BEAUTIFICATION AND GREENING OF STREET SHOULDERS AND ISLANDS.** All barangays shall conduct a beautification drive in their respective jurisdictions including the greening of street shoulders, planting trees along the highways and placing flowers in front of residential and commercial houses.

**Section 3. PARKS FOR TOURISM.** The Municipal Land Use Plan and Zoning Ordinance shall designate park areas for tourism development. Measures to maintain the ecological assets that form the very basis of the tourism industry's existence shall be instituted. The no-littering ordinance in tourism-related areas shall be enforced without mitigations.

**Section 4. PROHIBITED ACTS ON PARKS.** No person shall destroy the aesthetic beauty and structure of parks, including the picking of flowers, cutting of trees therein, vandalism and other detrimental acts that will cause the disturbance of the general serenity of the parks.

**Section 5. TOURISM AREAS.** Considered as tourism areas are the following:

1. Cabilao Island
2. Sandingan Island
3. Tourism sites of Loon such as but not limited to Loon Mangrove Monkeys at Cantomocad, Loon Church and Inang-angan, Moalong river, and many others
4. Those to be declared by the Municipal Tourism Council in coordination with the Committee on Tourism of the Sangguniang Bayan.

**Section 6. CONSTRUCTION OF TOURIST FACILITIES.** The coastal areas, from the lowest low tide mark up to a distance of no less than 15 meters in shores shall not be the site of any construction of facilities, except if the same are intended for

tourism purposes with due permission or coordination from DENR/ PENRO. The municipal government shall initiate the rehabilitation of beaches, remaining mangroves specifically situated along the boundary of the coastal barangays and islets/islands for tourism promotion, and the construction of facilities thereon is subject to the above limitation.

**Section 7. PRESERVATION OF HISTORICAL BUILDINGS AND STRUCTURES.** The preservation of historical buildings and relics is a primary concern of the Municipal Government. Therefore, no public or private buildings and structures within the Municipality which are sixty (60) years old or more shall be demolished or remodeled without prior consultation with the competent authorities of the Municipal Government.

**Section 8. INDUSTRIAL LOCATIONS.** No industries or factories shall be constructed within a one (1) kilometer radius from the center of the Municipality. The center of the Municipality shall comprise the barangay of Moto Norte, Moto Sur, Napo and Cogon Norte. Industrial location shall be governed by the existing ordinance on comprehensive land use and town planning.

**Section 9. BEACH SHEDS.**

- a.) Construction of "Beach Sheds" in Cabilao, Sandingan, and tourism coastal areas of the mainland shall only be constructed by public or private individuals upon prior consultation and approval of the Municipal Tourism Council.
- b.) Septic Tanks. No individual septic tanks shall be allowed to be constructed in the said beach shed areas. A centralized septic tank shall be provided, operated and managed by the Association of Beach Shed owners/operators with the duly approved design, location and construction in accordance with existing laws and ordinances. All toilets and baths shall be hooked up to such septic tank.

**Section 10. TOURISM ESTABLISHMENT FACILITIES.** There shall be enacted an ordinance on the regulation of tourism oriented establishments in the Municipality of Loon.

**Section 11. PRESERVATION OF HISTORICAL BUILDINGS AND STRUCTURES.** No historical buildings and relics, whether private or public, shall be demolished or remodeled without the permission of the Municipal Government or the National Historical Institute.

## **Article V**

### **POCKET FORESTS**

**Section 1. DEFINITION AND RATIONALE.**

1.1 The concept of a pocket forest may be understood from the meaning of two words:

- Pocket – a small area differentiated from neighboring areas by some features (Encarta Dictionary)
- Forest – a large area covered in trees of other plants growing close together or the trees growing on it (*Ibid.*)

1.2 For purposes of the Project, a pocket forest is a small area covered with forest trees and other woody and non-woody floral species with an area of 1 to 2 hectares and established to vegetate idle lands, proximate to, or within a central part of the locality for ecological and aesthetic values.

1.3 Importance of Forests:

- Provide habitat to various faunal and floral species
- Provide food to various organisms
- Trip rainwater (thereby preventing water run-off and soil erosion, maintaining the level of the ground water table)
- Help reduce air (through carbon Sequestration) and noise pollution, especially in urbanizing and urbanized areas
- Provide public recreation and enjoyment
- Are regarded for their valuable by-products (fuel, timber, landscape)

## **Section 2. OBJECTIVES.**

The following are the objectives of Pocket Forests:

1. To initiate efforts toward maintaining a healthy local environment.
2. To implement an effective measure to battle the harmful effects of air pollution and for purposes of green space, public recreation and enjoyment.
3. To promote and enhance biodiversity in support of the eco-tourism program of the Province.
4. To enhance microclimate.
5. To establish a minimum of one-hectare pocket forest in any of the LGU-owned idle lots or LGU-managed untitled idle lots.
6. To make the man-made forests of the municipality part of Eco-Tourism sites of the town using the following high value trees such as molave, narra, mahogany, gemilina.

## **Section 3. KINDS OF POCKET FORESTS.**

3.1. Kinds. The following are the kinds of Pocket Forests adopted in the Municipality of Loon:

- 1) Municipal Pocket Forests –those owned by the LGU-Loon under LGU-owned idle lots and LGU-managed idle lots.
- 2) Barangay Pocket Forests –those owned by the barangay either by lease contract with the lot-owner, or whatever form of arrangement or ownership.
- 3) Individual Pocket Forests –those owned by private individuals.

3.2. Municipal Pocket Forests.

Classification of the Municipal Pocket Forests:

- a) LGU Family Pocket Forest/s –those planted by the LGU officials, employees, contractual workers, job orders.
- b) District I Pocket Forest/s –those planted by the elective and appointive barangay officials of District I, located at District I
- c) District II Pocket Forest/s –those planted by the elective and appointive barangay officials of District II, located at District II.
- d) District III Pocket Forest/s –those planted by the elective and appointive barangay officials of District III, located at District III.
- e) District IV Pocket Forest/s –those planted by the elective and appointive barangay officials of District IV, located at District IV.

- f) District V Pocket Forest/s –those planted by the elective and appointive barangay officials of District V, located at District V.
- g) District VI Pocket Forest/s –those planted by the elective and appointive barangay officials of District VI, located at District VI.
- h) District VII Pocket Forest/s –those planted by the elective and appointive barangay officials of District VII, located at District VII.
- i) District VIII Pocket Forest/s –those planted by the elective and appointive barangay officials of District VIII, located at District VIII.
- j) Pre-marital Pocket Forest/s -those covered by the so-called “Pre-Marital Trees” planted by the applicants for marriage license who undergo the Pre-Marriage Counseling Seminar specifically under the module on Home Management through the Municipal Agriculture Office.
- k) Elementary Pocket Forest/s -those covered by the so-called “Elementary Graduating Trees” planted by the elementary graduating students.
- l) Secondary Pocket Forest/s -those covered by the so-called “Secondary Graduating Trees” planted by the secondary graduating students.
- m) Tertiary Pocket Forest/s -those covered by the so-called “Tertiary Graduating Trees” planted by the college/ tertiary graduating students.

3.3. Barangay Pocket Forests. The barangay may opt to choose what species of high value trees they may plant therein, in coordination with the Municipal Agriculture Office and MENRO.

3.4. Individual Pocket Forests. The individuals may choose what species of high value trees they may plant, in coordination with concerned offices. The LGU shall give tax incentive for this purpose.

#### **Section 4. SPECIFIC STRATEGIES.**

In order to succeed the aforementioned objectives, the following are the specific strategies:

1. Identification of planting sites, LGU-owned idle lots or LGU-managed untitled idle lots, barangay-owned or leased lots, or individual-owned lots.
2. Preparation of development plan (with location map; to include spacing, seedling stock and requirement, costing)
3. Preparation and signing of MOA as to the LGU-Managed untitled idle lots, or lease contracts whatsoever.
4. Monitoring by the Municipal Agriculture Office (MENRO) for its proper maintenance.
5. Conduct technical conference after evaluation
6. Project documentation
7. Review and planning for the sustainability of the project

#### **Section 5. MECHANICS.**

The LGU Loon through the Municipal Agriculture Office shall spearhead the implementation of the following mechanics:

1. There shall be Lucky 13 Municipal Pocket Forests to be planted by high value trees, as enumerated above under the classification of Municipal Pocket Forests. Barangay forests and individual forests shall be included in the coverage of the LGU Pocket Forests Project for purposes of monitoring and guidance.
2. Any type of barrier/fence or design of tree guard may be installed to safeguard planted seedlings from foraging livestock.
3. Planted seedlings will be validated one month after planting by a team comprising the Municipal Agriculturist, MENRO and the Pocket Forest in-charge.
4. Monitoring by the team will be made three months after the evaluation, and then semi-annually for three years to determine whether or not maintenance and protection activities have been facilitated by the LGU.
5. The harvest shall be done every 10 to 15 years, and thereafter, the same procedure shall be adopted.

## **Article VI**

### **EXCAVATION OR GATHERING OF NATURAL RESOURCES**

**Section 1. COVERAGE.** This article covers the following operations: mining, quarry, sand and gravel extraction, guano or gemstone gathering, pebble picking within the territorial jurisdiction of Loon, Bohol.

**Section 2. CONDITIONS PRECEDENT.** No person, natural or juridical, is allowed to operate within the territorial jurisdiction of Loon for excavation or gathering of natural resources as enumerated in the preceding section without having complied the following requisites:

- a) title or tax declaration showing ownership of the lot. If the subject lot is not owned by the applicant, an affidavit of consent from the owner would suffice.
- b) passage of Barangay Resolution interposing no objection to the proposed extraction or gathering of natural resources having conducted a public hearing over the area through the Committee on Environment of the Sangguniang Bayan and Sangguniang Barangay concerned
- c) having submitted to the Municipal Environment and Natural Resources Office (MENRO) the "Rehabilitation Plan"
- d) passage of Municipal Resolution interposing no objection to the proposed extraction or gathering of natural resources, that the same is beneficial to the community, and that it does not destroy the eco-tourism value of the area.
- f) having secured permit issued by the Provincial Governor pursuant to Provincial Ordinance No. 2008-025, Regulating the issuance of Small-Scale Mining Permits, Quarry Permits, Sand and Gravel Extraction Permit, Government Gratuitous and Private Gratuitous Permits, Commercial and Gratuitous Guano Permits, Gemstone Gathering Permit, Pebble Picking

Permit, Communal Extraction Permit and other Special Permits; Establishing the Mechanics of Issuance; Imposing a Tax on the Extracted Materials; and Providing Penalties for the Violation of Provisions Thereof.

**Section 3. PERMIT TO EXTRACT, TAKE AND DISPOSE OF MINERALS.** It shall be unlawful for any person, cooperative or corporation, natural or juridical or government entity/instrumentality to extract, take and dispose of any of the minerals covered by this article from public or private lands within the territorial jurisdiction of the province unless authorized under a permit duly issued by the Governor in accordance with the Provincial Mining Ordinance.

**Section 4. REHABILITATION PLAN.**

- 4.1. The Work program for Sand and Gravel Industrial Permit and Quarry permit applications shall contain a Rehabilitation Plan of the area applied for.
- 4.2. The Project Description/Profile shall contain a Rehabilitation Plan of the applied area for Small-scale Mining Permit, People's Small-scale Mining Contract, Commercial Sand and Gravel Permit; including Gemstone Gathering Permit, and Pebble Picking Permit applications.
- 4.3. Rehabilitation of Affected Areas in Public and Private Land – Holders of all kinds of permits other than private gratuitous and special transport/disposal permits shall rehabilitate the affected or excavated areas in accordance with the approved rehabilitation plan and the conditions of the ECC. The Permit Holder shall deposit in a trust fund an amount equivalent to the cost of rehabilitation.

**Section 5. CONDITIONS AND LIMITATIONS.** As mandated under the Provincial Mining Ordinance, permits issued shall be subject to the following terms and conditions:

- a) The permit shall be for the exclusive use of the Permit Holder and shall not be transferred to any qualified person or entity, without prior written approval/consent from the Governor;
- b) The permit may be suspended or revoked at any time by the Governor, as the case may be when public interest, welfare and peace and order conditions require or upon failure of the Permit Holder to comply with the other terms and conditions stated in the Permit or for ecological and environmental reasons or if the issuance of the permit is later found to be inconsistent with the provisions of existing laws/regulations, or for violation of the Prohibited Acts and Omissions as provided for in Section 40, Rule XV hereof;
- c) The statements made in the application and those made in its supporting documents shall be considered as conditions and essential parts of the permit and any misrepresentation contained therein shall be a cause for the suspension or cancellation of the permit;
- d) The removal or extraction of materials under the Permit shall be confined within the area specified therein, the boundaries of which, according to the application are established on the ground with prominent marks;
- e) The Permit Holder shall assume full responsibility and shall be liable for damages to private or public property that may be caused by his extraction or operation under the permit;
- f) The Permit Holder shall keep a book of accounts or records of the quantity of the materials removed or extracted from the permit area, the fees paid as well as the quantity and kind of materials disposed of or sold, their selling prices, the names and addresses of the persons or parties to whom



the same were sold or disposed of. Such book of accounts shall be at all times open to inspection by the duly authorized representatives of the Governor or the Provincial Treasurer;

- g) The Permit holder shall within fifteen (15) days after the end of each month, submit to the Provincial Governor, copy furnished the Regional Director of Mines and Geosciences Bureau, Region 7, a sworn monthly production report, stating the quantity removed from the area and kind of materials disposed of or sold during the period covered by the report, their selling prices, names and addresses of the persons whom the same were sold and the remaining balance of the authorized volume;
- h) Unless otherwise renewed or amended, the permit shall *ipso facto* terminate after the whole quantity of the kind of materials specified in the permit have been removed or taken or upon the expiration of the term of the permit, whichever, comes first. In case the term of the permit has already expired, or if it is revoked for a justifiable reason, but the volume of materials applied for has not yet been exhausted, the pre-paid fees corresponding to the un-extracted volume shall be forfeited in favor of the Provincial Government. Any holder of a valid and existing permit may apply for additional volume if the deposit in the area warrants further extraction subject to payment of the required fees;
- i) No extraction, removal or disposition of mineral, quarry materials shall be allowed within a distance of one (1) kilometer from the boundaries of reservoirs established for public water supply, protected areas as defined and declared by the DENR, archaeological and historical sites or of any public or private works or structures unless prior clearance of the concerned Government agency/ies or owner is obtained;
- j) The use of mechanized equipment in the extraction of materials shall be allowed only if not otherwise prohibited in the Environmental Compliance Certificate (ECC).

**Section 6. PERMIT.** Quarry Permit for minerals classified as Quarry resources in public or private lands shall cover an area of not more than five (5) hectares and is granted for a period of two (2) years renewable for like periods but not to exceed twenty-five (25) years: provided, that application for renewal shall be filed before the expiry date of the Permit: Provided, finally, that no Quarry Permit shall be issued or granted on any area covered by a Mineral Agreement or FTAA, except on areas where a written consent is granted by the Mineral Agreement or FTAA Contractor.

**Section 7. INDUSTRIAL SAND AND GRAVEL PERMIT.** Any qualified person may apply for an Industrial Sand and Gravel Permit to the Office of the Provincial Governor through the Provincial Mining Regulatory Board for the extraction, removal, and disposition of sand and gravel and other loose or unconsolidated materials that necessitate the use of mechanical processing covering an area of not more than five (5) hectares at anyone time for a term of five (5) years, renewable for like periods but not to exceed a total of twenty-five (25) years: Provided, That only one (1) Permit shall be granted to a Qualified Person in a municipality at any time under such terms and conditions as provided herein, and provided finally, that the conditions precedent as provided for under Section 2 hereof are complied with.

**Section 8. COMMERCIAL SAND AND GRAVEL PERMIT.** Any Qualified Person may apply for a Commercial Sand and Gravel Permit with the Office of the Provincial Governor through the Provincial Mining Regulatory Board for the extraction, removal and disposition of sand and gravel and other loose or unconsolidated materials which are used in their natural state without undergoing processing covering an area of not more than five (5) hectares for a term of one (1) year, renewable for like periods and in such quantities as may be determined by the verification team and specified in the Permit: Provided, That only one Permit shall be granted to a Qualified Person in a municipality at anyone time under such terms and conditions as provided herein; and provided finally, that the conditions precedent as provided for under Section 2 hereof are complied with..

**Section 9. EXCLUSIVE SAND AND GRAVEL PERMIT.** Any qualified person may apply for an Exclusive Sand and Gravel Permit with the Provincial Governor through the Provincial Mining Regulatory Board for the extraction, removal and utilization of sand and gravel and other loose or unconsolidated materials from public lands for his own use covering an area of not more than one (1) hectare for a non-renewable period not exceeding sixty (60) calendar days and a maximum volume of fifty (50) cubic meters: provided, That there will be no commercial disposition thereof, and provided finally, that the conditions precedent as provided for under Section 2 hereof are complied with.

**Section 10. GOVERNMENT GRATUITOUS PERMIT.** The conditions, limitations, and requirements prescribed in the Provincial Mining Ordinance may be suspended or dispensed with by the Governor in favor of gratuitous permits granted to any government entity/instrumentality in need of materials for directly administered infrastructure projects without any contractor and covers an area of not more than two (2) hectares in public or private lands for a period co-terminus with the duration of the project but not to exceed one (1) year and non-renewable.

In exceptional cases, more than one (1) permit may be granted to a government instrumentality depending upon the volume of materials needed, project proposal, proximity, size and other factors; and provided finally, that the conditions precedent as provided for under Section 2 hereof are complied with.

**Section 11. PRIVATE GRATUITOUS PERMIT.** Any landowner in need of quarry, sand and gravel or loose/unconsolidated materials not to exceed fifty (50) cubic meters for personal and private use and to be taken from his land may be granted a gratuitous permit for a period of sixty (60) calendar days and non-renewable: Provided, That there is adequate proof of ownership and that in any case no commercial disposition shall be allowed under this permit; and provided finally, that the conditions precedent as provided for under Section 2 hereof are complied with.

**Section 12. EXEMPTION FROM PAYMENT OF TAX.** Government and private gratuitous Permit Holders shall not be required to pay quarry, sand and gravel tax: Provided, that delivery receipts shall be issued to and carried by the drivers of the hauling or transporting vehicles.

**Section 13. COVERAGE OF GUANO PERMIT.** Any Qualified Person whose domicile is within the municipality where the area applied for is located may apply for a Permit for the extraction of guano (droppings or excrement of bats) which shall be confined within the cave specified in the permit which is and which should not be part of National Integrated Protected Areas System (NIPAS), the location of which shall be indicated in the survey/sketch plan and properly identified, for a period of one (1) year or upon the extraction of the quantity as specified in the Permit: Provided, that only one (1) Guano Permit shall be issued for the same cave or area: Provided, further, that the maximum area for the Guano Permit that a Qualified Person may hold at anyone (1) time shall not be more than five (5) hectares; and provided finally, that the conditions precedent as provided for under Section 2 hereof are complied with.

**Section 14. GRATUITOUS GUANO PERMIT.** A Gratuitous Guano Permit may be granted to an individual for his personal use or to any Government agency in need of the material within a specified period and in such quantity not more than two thousand kilograms (2,000 kg.)

**Section 15. COMMERCIAL GUANO PERMIT.** A Commercial Guano Permit may be granted to a Qualified Person for sale or commercial disposition thereof within a specified period and in such quantity as may be specified in the application subject to field verification by the Office of the Governor.

**Section 16. ARTIFACTS AND STALACTITES/STALAGMITES FOUND INSIDE CAVES.** A Permit Holder for guano or phosphate operating inside caves shall immediately stop digging and extracting the moment historical, archeological and other articles or artifacts of importance are found or discovered. He shall notify the Director of the National Museum or the Provincial Government of Bohol of such findings in which case, the diggings shall be under the supervision by the National Museum until said artifacts are recovered. Absolutely, no destruction/extraction of stalactites and stalagmites shall be allowed.

**Section 17. GEMSTONE PERMIT.** Any Qualified Person may apply for a Gemstone Permit with the Provincial Governor through the BEMO for the extraction and utilization of loose stones as gemstones. Gemstone gathering shall be allowed in rivers and other locations except in areas which are expressly prohibited by law. If the area applied for is on the beach or shorelines, requirements for the issuance of Pebble-Picking permit shall be required therein. The gathering of gemstone shall be done manually without the aid of any mechanized equipment. The term of the permit shall not exceed one (1) year renewable for the same periods; provided finally, that the conditions precedent as provided for under Section 2 hereof are complied with.

**Section 18. PEBBLE PICKING PERMIT.** Pebble picking permit shall be granted to cooperatives -duly registered with the Cooperative Development Authority (CDA), to cover an area of not more than one (1) hectare in shorelines/beaches and is granted for a period of not more than one (1) year renewable for the same periods. Provided that the gathering of pebbles shall be conducted manually and without the aid of any mechanized equipment. The application shall be supported by a copy of an operational plan/work program and clearance/certification from the Department of Tourism that the area subject of the application is not within a declared tourist zone; provided finally, that the conditions precedent as provided for under Section 2 hereof are complied with.

**Section 19. COMMUNAL EXTRACTION PERMIT.** Any Filipino citizen who is a bona-fide resident of the Province of Bohol and in need of sand, gravel, ordinary earth, or related materials not exceeding fifty (50) cubic meters may apply for a Communal Extraction Permit with the Office of the Governor for such materials within the area declared as Communal Extraction Area by the PMRB and BEMO; provided finally, that the conditions precedent as provided for under Section 2 hereof are complied with.

**Section 20. SPECIAL TRANSPORT/DISPOSAL PERMIT.** Any qualified person desiring to dispose abandoned or left-over minerals/mineral products/by-products by mining operators, mining/quarry Permit Holders, government/private contractors in the course of their operation or construction, or those in need of such minerals/mineral products for personal and private use may apply for a Special Transport/Disposal Permit subject to advance payment of taxes corresponding to the quantity applied and other conditions that may be imposed.

The permit shall be issued by the Governor upon request in writing and for various causes/reasons, subject to the terms and conditions provided herein.

- a) For those applying to haul/dispose minerals/mineral products covered by this Ordinance left over or abandoned by the former Permit Holder/mining operator/government or private contractor in the course of their operation/construction, or those minerals extracted or excavated from areas duly permitted/authorized as Subdivision Projects, Residential/Commercial Building Construction or plain Site Development, the term of the Special Transport/Disposal Permit shall not exceed sixty (60) days, which may be extended subject to field verification.
- b) For removal and transport of silt and other waste materials obtained and produced from a legally authorized desiltation of dams/rivers, re-channeling/dredging of rivers and various rehabilitation activities which the Governor may deem necessary for ecological reasons and when public safety requires, for a period of not more than sixty (60) days, and may be renewed or extended for another sixty (60) days upon proper recommendation by concerned agencies.
- c) Those who wish to dispose ordinary earth, boulders and other similar materials, except for commercial purposes, for a term not exceeding sixty (60) days.

- d) Those who are engaged in the manual gathering and crushing of loose stones from private and public lands.
- e) For emergency purposes not mentioned in items (a), (b), (c), and (d) of this Section, a Special Transport/Disposal Permit shall be issued upon actual field verification subject to compliance of the requirements of Environmental Impact Statements (EIS) system.

**Section 21. TAX ON SAND. GRAVEL. Quarry Resource and Other Minerals on Public Lands** – All Permit Holders, except those for gratuitous permits, shall pay in advance to the Provincial Treasurer an extraction fee of not more than ten percent (10%) of the fair market value per cubic meter of sand, gravel, quarry resources, and other minerals in the locality at the time of removal extracted from the public lands or from the beds of seas, lakes, rivers, streams, creeks, and other public waters within its territorial jurisdiction pursuant to Section 138 of Republic Act No. 7160, the proceeds of which to be shared with and distributed as follows:

1. Province Thirty percent (30%);
2. LGU-Loon where the sand, gravel, quarry resources, and other minerals are extracted -Thirty percent (30%);
3. A barangay of Loon where the sand, gravel, quarry resources, and other minerals to be extracted -Forty percent (40%).

Likewise, an excise tax on mineral products as provided for under Section 151 of R.A. 8424 (Tax Reform Act of 1997) shall be paid upon removal thereof to the National Government through the concerned agent or representative of the Bureau of Internal Revenue.

**Section 22. ADVERSE CLAIMS, PROTEST AND OPPOSITIONS.**

22.1. All complaints for controversies involving permit or permit areas covered by the Provincial Mining Ordinance, and adverse claims, protests, oppositions concerning an application for a permit under this Ordinance must be verified and filed with the Office of the Governor through the office of the Bohol Environment and Management Office accompanied by the affidavit of the witnesses and other supporting documents. A docket fee of One Thousand (Php 1,000.00) Pesos shall be paid to the Provincial Treasurer's Office.

All complaints, adverse claims, protests, and oppositions shall contain the name and address of the complainant, adverse claimant, protestant, or opposition, the respondent, a detailed statement of the ground and facts relied upon and a discussion of the issues and arguments raised. The Governor may designate a hearing officer to hear the case.

22.2. Answer – If the adverse claim, protest or opposition is sufficient in form and substance, it shall be given due course. The respondent shall be required to answer within fifteen (15) days from receipt of the order.

The answer shall contain a detailed statement of the facts relied upon by the respondent, and a discussion refuting the issues and arguments raised in the claim, protest, or opposition, and defenses availed by the respondent. It shall be accompanied by the affidavits of witnesses and other supporting documents, if any.

Subsequently, the case shall be referred to the PMRB for preliminary evaluation and submission of recommendation to the hearing officer designated by the Governor.

22.3. Summary Hearing – After the issues are joined, a summary hearing, shall be conducted in one setting or a maximum of three (3) consecutive sessions, at the end of which, the hearing officer shall submit his/her report and recommendation to the Governor within (15) days from termination of the investigation.

22.4. Decision – The Governor shall decide the case within fifteen (15) working days from submission of the report. The decision shall become final and executory after fifteen days from receipt thereof. Any motion for reconsideration filed by the aggrieved party shall be acted upon by the Governor within five (5) days. Only one motion for reconsideration shall be allowed.

**Section 23. PROHIBITED ACTS AND OMISSIONS.** The following acts or omissions shall be deemed unlawful:

- a) Extraction by any person of minerals covered by this article without a permit;
- b) Misrepresentation made by the applicant on his/her/its application or in the supporting documents;
- c) Transfer of permit by the Permit Holder to an individual, partnership or corporation without the written recommendation of the Mayor and approval/consent by the Governor;
- d) Extraction or sale of minerals by the Permit Holder or any person under the employment of the Permit Holder in excess of the allowable quantity specified in the permit;
- e) Extraction of minerals by the Permit Holder or any person under the employment of the Permit Holder outside the Permit Holder's permitted area;
- f) Selling, transferring, or conveying by any person of a fake permit;
- g) Failure on the part of the Permit Holder to put up the vertical pole markers, signboards, or the ground markers in permitted areas;
- h) Unauthorized removal or destruction by any person of the boundary markers of permitted areas;
- i) Failure on the part of the Permit Holder to keep a Book of Accounts;
- j) False entries in the Books of Accounts of the Permit Holder, which shall render the Permit Holder primarily liable;
- k) Late submission or failure on the part of the Permit Holder or any person under his/her/its employment to submit a monthly report together with the used Delivery Receipts (DR) which shall render the Permit Holder primarily liable;
- l) Unjustifiable refusal on the part of the Permit Holder or any person under his/her/its employment to allow the Mayor, Governor, the Provincial Treasurer or their authorized representatives to inspect the Book of Accounts and the quarry site;
- m) Failure on the part of the Permit Holder or his/her/its employee to issue the genuine Delivery Receipts to drivers of vehicles hauling extracted minerals, which shall render the Permit Holder primarily liable;
- n) Failure on the part of any driver/hauler/transporter to present delivery receipts upon demand by authorities;
- o) Failure on the part of the permit holder to rehabilitate the area shall be penalized with a fine equivalent to the value of the volume of the mineral resources extracted plus the fine imposed under Sec. 41 of Art. XVI.
- p) Commercial disposal by the Permit Holder of materials covered by gratuitous permits;
- q) Issuance of fraudulent DRs (Delivery Receipts) or mis-declaration of information in the DR by the Permit Holder or any of his/her/its employee which shall render the Permit Holder primarily liable;
- r) Extraction of sand and gravel from beaches and riverbanks by any person;
- s) Extraction or destroying stalactites and stalagmites from caves by any person;
- t) Failure of the Permit Holder to notify the Director of National Museum for man-made articles and artifacts found inside the caves;
- u) Any willful obstruction or harassment of the Governor or his duly authorized representatives in the performance of their duties pursuant to this ordinance by the Permit Holder or any of his/her/its employees;
- v) Any willful obstruction, harassment or prevention by any person of the Permit Holder any duly authorized personnel/worker of the Permit Holder from undertaking mining/quarrying operation or from undertaking the

- removal/hauling/disposal of sand and gravel materials and other minerals pursuant to the permit;
- w) Selling by the Permit Holder of his Delivery Receipts to any person extracting transporting/hauling minerals from areas without a permit or in permitted area whose permit is not in the name of that person to use and utilize Delivery Receipts for purposes not related or connected to his permitted area;
  - x) Failure of the Permit Holder to comply with the applicable reporting requirements Sections 270 & 271 of DAO 86-40, series of 1996, the revised Implementing Rules and Regulations of R.A. 7942;

#### **Section 24. PENALTIES/FINES.**

24.1. Fines. Any person found guilty of committing the prohibited acts and omissions enumerated in the preceding provisions or violating any of the provisions of this article shall be fined:

- a) First offense - P1,000.00
- b) Second offense - P2,000.00
- c) Third offense - P2,500.00 and recommendation for the revocation of the Permit.

When the violation is committed by a partnership or corporation, the president, treasurer, or any other responsible officials thereof who shall have directed or induced the offense, shall be criminally liable as principal thereof.

24.2. Administrative Penalties and Fines – The person found to have violated any of the foregoing provisions, shall suffer a penalty in the form of a fine equivalent to the value of the volume of the mineral resources extracted in addition to the fine imposed in Section. 40, Article XV. Further, the mineral or quarry resources actually extracted shall be forfeited in favor of the government. Upon apprehension and before the payment of the administrative (compromise) penalties as provided for in this Section, the apprehending officer shall impound the illegally gathered minerals/mineral products, tools, equipment; and the vehicle(s) used in the commission of the offense with the nearest Philippine National Police Station and may only be released only upon an Order of Release issued by the Governor or his authorized representative; provided that the Order of Release shall be issued only at the time the offending party shall have satisfied the Governor or his authorized representative that the administrative (compromise) penalties as provided for in this Section, the taxes due thereon, and other valid claims of the Provincial Government shall have been paid to the Provincial Treasurer's Office; and provided finally, that the payment of the fines imposed upon the violator shall preclude the filing of a criminal action against him/her by the Provincial Government.

The Permit of any Permit Holder found guilty of committing any of the prohibited acts and omissions for the third time shall be revoked. Moreover, the said Permit Holder shall be further disqualified to reapply for such Permit or any other Permit pursuant to the Provincial Mining Ordinance. A person who is not a Permit Holder found guilty of committing any of the prohibited acts and omissions shall be disqualified from applying for any Permit.

In all cases, the confiscated illegally sourced minerals/mineral, quarry material products. Tools, equipment, and conveyances shall be forfeited in favor of the Government, after observance of due process.

## **CHAPTER IV**

### **WATER RESOURCE MANAGEMENT**

**Section 1. STATEMENT OF POLICY.** The Municipality of Loon shall ensure the integrated planning and sustainable management of all water resources within its jurisdiction whether coastal, marine, inland, subterranean or atmospheric, and shall encourage the productive use and conservation of the same to prevent an imbalance between the present needs of the Municipality and such resources. It shall endeavor to reduce conflicting uses and shall employ adequate mechanisms for consultation among diverse resource users in the management and planning of the Municipal water resources.

**Section 2. OWNERSHIP OF WATERS.** In line with the provisions of the Constitution and as embodied in the Water Code of the Philippines, all waters belong to the State. The ownership of water by the State means that water cannot be subject to acquisitive prescription; however the State may allow the use and development of water by administrative concession. The Government, through the National Water Resources Board, exercises control and regulation of the water resources pertaining to its utilization, exploitation, development, conservation and protection.

**Section 3. STATE-OWNED WATERS.** The following belong to the state:

- A. Continuous and intermittent waters of springs, creeks, streams, and brooks running in their natural beds and the beds themselves.
- B. All other categories of surface waters such as water flowing over lands, water from rainfall whether natural or artificial, and water from agriculture runoff, seepage and drainage.
- C. Atmospheric water.
- D. Subterranean or ground water.
- E. Seawater.

**Section 4. STATE-OWNED WATER ON PRIVATE LANDS.** The following waters found on private lands also belong to the State:

- A. Continuous or intermittent waters rising on such lands.
- B. Rain water falling on such lands.
- C. Subterranean or ground water.
- D. Waters in swamps and marshes.

The owner of the land where the water is found may use the same for domestic purposes without securing a permit, provided that such use shall be reported to the Municipal Government. The Municipality however may regulate the same when there is wastage or in times of emergency.

**Section 5. PREFERENTIAL USES OF WATER.** The Municipality of Loon shall ensure an equitable appropriation of water resources to its constituents consistent with the order of preference adopted by the State as follows:

- (a) Domestic and municipal use - for basic needs of any industrial and home consumption, the needs of the community.
- (b) Irrigation- is the utilization of water for production of agricultural crops.
- (c) Power generation – for producing electrical or mechanical power.
- (d) Fisheries – for propagation and culture of fish and commercial enterprises.
- (e) Livestock raising – for raising animals as a commercial enterprise
- (f) Industrial use - use of water in factories, industrial plants and mines
- (g) Recreational use – for swimming pools, bath houses, boating, water shivering, golf course and other similar facilities in resorts and similar places of recreation.

**Section 6. ILLEGAL CONSTRUCTIONS ALONG WATERWAYS.** No person shall construct any building or improvement within three (3) meters in the urban barangays and 20 meters in agricultural areas - from the creek sides, river banks and similar waterways.

**Section 7. WELL DRILLING.** No person shall drill a well without securing a permit from the National Water Board or its deputized agency which will determine the allowable depth, location, spacing and the manner by which such wells may be dug/excavated.

**Section 8. METRO LOON WATER SYSTEM.** The Municipal Mayor is hereby granted the authority to enter into contract with the LGUs creating the Metro Loon Water System which will, among others, work for the conservation and protection of the watershed areas of this town and other LGUs, barangays, town or cities.

**Section 9. BASIS FOR ACTION.** Water is essential element to life on earth and the survival of human species is like to the ample availability of potable water. Water is likewise viewed as an important component in economic activities and as a resource in many industries. As a basic necessity in man's everyday life and as prime ingredient in a lot of activities, water is beset by pressures increasing demand from various competing users. With increasing population and intensification of economic activities the rate of use has overtaken the rate of replenishment to the point where the basic needs are no longer satisfied. If steps are not taken at the early stage, conflicts of water users may escalate and the needs of the general populace put in jeopardy. These concerns call for appropriate actions and strategies in the local level contributory to the national effort of ensuring sustainable utilization of water resources.

**Section 10. WATER SOURCES.** With the growing population and the expansion of economic activities the need for water has been increasing at a faster rate. This has brought a serious imbalance between supply and demand of potable and usable water. Cognizant of this condition it becomes imperative for the Municipality of Loon to provide and secure water for the current and future generations living in its territorial boundaries to wit:

- a. It shall be the responsibility of the Municipality of Loon to identify existing and potential water sources for domestic and municipal uses within the territorial bounds of the Municipality to ensure that there shall be sources of water to satisfy the needs of the present and future. This calls for complete inventory of Surface River, creek, stream and spring sources along with subsurface aquifer systems. Data bases shall be established for these water sources with adequate information on quantity and quality. Interim plans should be established on how these water sources shall be accessed, tapped and developed.
- b. A data inventory of the water resources to include their physical characteristics, location and types shall be maintained and updated by the Municipality for future assessment. These data inventory shall be the bases of municipal water resource policy and water resources system analysis. These data shall be stored and collated in a dynamic system where the information can be easily accessed and updated. These data shall be the bases for decisions the community is going to adopt in the future.
- c. The Municipality shall likewise determine the contaminated water resources in the Municipality such as the saltwater intruded areas and chemical contaminated areas as part of the environmentally affected areas. These areas shall be constrained in terms of utilization and exploitation. The Municipality shall provide an advisory notice to this effect. In the overall strategy, these areas shall be targeted for either containment and rehabilitation.



- d. The Municipality shall establish its own water budget on a periodic basis to determine its water needs and potentials. The approach shall be holistic enough to include all the major users of water and comprehensive enough to determine possible cause and effect scenarios of the water utilization.
- e. The Municipality shall identify the watersheds within its own territorial limits and incorporate them in their zoning plans. As a water production unit, the Municipality shall adopt important strategies of protection, conservation, utilization and enhancement in view of sustainable development. Land use threats to the watershed shall be minimized by instituting measures to curb human and economic activities from damaging the pristine nature of the water resources.
- f. Apart from satisfying the immediate demand, the Municipality shall adopt long range planning for the water resources development in view of coming up with a balance on the supply and demand. All sectors shall be enjoined to participate in the planning exercises.

**Section 11. WATER SUPPLY QUALITY.** The health of the populace is of primary concern. Aside from the food nutrition, the quality of drinking water has a direct impact on the health of the people. To maintain the health and well being of the people there should be an ample supply of water with acceptable quality. The following are the guiding directions:

- a. It is the responsibility of the Municipality to ensure that the quality of water shall be within the limits of the National Standard for Drinking Water (NSDW) conforming to physical, chemical and radiological requirements.
- b. Water for direct consumption shall conform to acceptable requirements of bacteriological quality. To this end, appropriate dis-infection or chlorination shall be employed to ensure that the water shall be free from harmful bacteria or any micro-organism.
- c. The general public should be notified in advance and advised accordingly if non-quality water has entered the supply systems. Remedial measures should be instituted at once to correct any defect or system damage.
- d. Since poor distribution systems can be a prime cause of water contamination, it should be a priority of the Municipality to maintain and perform repairs on the distribution system given such circumstances.
- e. The Municipality shall come up with a program of monitoring waste water in the community. Likewise, the Municipality shall institute measures to compel the private sectors to come up with treatment process for domestic and industrial wastewaters before discharging to the environment.
- f. The discharge of waste water to the environment either by land spreading, injection or dilution in natural bodies of water shall be monitored by the municipal government.
- g. The use of nitrogenous fertilizers in farms and fields have been pointed out as one of the sources of contamination for groundwater. In areas where important aquifers are located, the use of such fertilizers should be limited if not or prohibited by the Municipality.
- h. Important point source pollution such as gas stations and petroleum product reservoirs should be identified and their locations mapped out in relation with the existing water resource. The Municipality shall come up with monitoring program for fugitive effluents and require business operators to submit mitigating measures in the event of accidental release of chemicals.

- i. Along natural watercourses such as streams, brooks, and rivers, the respect for easement shall be primary to maintain the natural riverine character of the surface water. The easements shall be in accordance with the established easements of the National Water Resources Board (NWRB) and shall be adopted and enforced by the Municipality.

**Section 12. WATER DEMAND.**

- a. Water Utilization. In reference to the Water Code of the Philippines the development of water resources shall consider the security of the State, multiple use, beneficial use, adverse effects and cost of development. The Municipality shall adhere to this provision in the utilization of water resources within its territorial jurisdiction.
- b. Heavy Users of Water. Within its political boundary, the Municipality shall identify the heavy users of either surface water or groundwater and shall determine on a periodic basis the rate of extraction and utilization. In allowing water concessionaires the user of water of the Municipality shall take the following actions:
  - (b.1) Attach water meters to water conveyance facilities and compel the concessionaires to report their water use to the Municipality.
  - (b.2) Assess the extraction of water on the basis of resource utilization and apply appropriate charges based on economic rent policy. The proceeds of this rent shall be used to support projects which provide adequate and safe water to the general public.

**Section 13. WATER PERMIT.** The Municipal Government shall ensure that all users of water resources shall apply for a Water Permit from the National Water Resources Board. It shall be unlawful for any water user to engage in the use, development and utilization of water resources within the territorial boundaries of the Municipality without first securing such permit.

**Section 14. AUTHORITY TO REGULATE THE USE OF WATER.** The Municipal Government shall protect the purity and quantity of water supply within its territorial jurisdiction, regulate the consumption, use or wastage of water, the use of pumps, and the drilling and excavation of the ground for the laying of water pipes and other structures, and protect the environment.

To this end, the Municipality shall identify heavy users of water and determine on a periodic basis the rate of extraction and utilization and require them to secure a Sanitary Permit, among other requirements, for water extraction and utilization. Water extraction charges shall be made based on the economic rent policy. The proceeds of this rent shall be used to support projects which provide adequate and safe water to the public.

The following actions shall be taken by the Municipality:

- a.) On water concessionaires. Water meters shall be attached to water conveyance facilities. Concessionaires shall be compelled to report their water use to the Loon Waterworks System.
- b.) On other establishments. Establishments who extract water from private lands shall install production meters to determine the volume of water being extracted.

**Section 15. HEAVY USERS.** Heavy users of water shall be required to formulate water recycling and reuse systems to minimize their water utilization.

The Municipal Government for its part shall establish water treatment facilities in the markets and the slaughterhouse and reuse the treated water.

When the reuse of wastewater is feasible, it shall be limited as much as possible to such uses other than direct human consumption. Distribution of such water for public consumption shall be allowed only after it is demonstrated that such consumption will not adversely affect the health and safety of the public.

**Section 16. SANITARY PERMIT FOR WELL DRILLING.**

- a.) No person shall drill a well without first securing a Sanitary Permit from the Municipal Government for a fee of Five Hundred Pesos (Php500.00). A Water Permit shall likewise be applied for with the National Water Resources Board (NWRB) which shall determine the allowable depth, location, spacing and the manner in which such wells may be dug / excavated.
- b.) The Municipal Government shall reserve the right to revoke or cancel the Sanitary Permit for the extraction of ground water if this has been found to be detrimental to its sustainability or inimical to other higher priority water uses. In no case shall a permit be issued if it will result to the deterioration of critically important surface waters.

**Section 17. CERTIFICATE OF PORTABILITY.** A Certificate of Potability duly issued by the Municipal Health Office shall be a necessary requirement for the drilling of a well, if the water sourced from the same shall be for drinking purposes.

**Section 18. OTHER RULES IN THE UTILIZATION OF WATERS.**

- a.) No person shall raise or lower, or cause the raising or lowering of the water level of a creek, stream, brook, marsh or pond, nor drain the same without the necessary government clearances.
- b.) Impounding of water that prejudice downstream users is prohibited.
- c.) Lower estates are obliged to receive the waters which naturally and without the intervention of man flow from the higher estates, as well as the stones or earth which they carry with them.
- d.) The owner of the lower estate can not construct works which will impede this natural flow, unless he provides an alternative method of drainage; neither can the owner of the higher estate make works which will increase this natural flow.
- e.) Any person may erect levees or revetments to protect his property from flood, encroachment by the creek or change in the course of the creek, provided that such constructions does not cause damage to the property of another.
- f.) When a creek suddenly changes its course to traverse private lands, the owners of the affected lands may not compel the government to restore the creek to its former bed; nor can they restrain the government from taking steps to revert the creek to its former course. The owners of the lands thus affected are not entitled to compensation for any damage sustained thereby. However, the former owners of the new bed shall be the owners of the abandoned bed proportion to the area lost by each.
- g.) The owners of the affected lands may undertake to return the stream to its old bed at their own expense; provided that the Municipal Government shall be duly informed thereof and the necessary permits are secured from

the Municipal Environment and Natural Resources Office (MENRO) and from the concerned National Agencies. Provided further that work pertaining thereto is commenced within two (2) years from the changes in the course of the stream.

- h.) Waters of a stream may be stored in a reservoir by a permittee in such amount as will not prejudice the right of any permittee downstream. Whoever operates the reservoir shall, when required, release water for minimum stream flow.
- i.) The installation of booster pump to boost water direct from the water distribution line of a water supply system, where low water pressure prevails, is prohibited.

### **Section 19. BANTAY TUBIG COUNCIL.**

19.1. CREATION. There shall be created Bantay Tubig Council comprising the following:

- Chairman - Waterworks Superintendent II
- Vice-Chairman - Head of the Engineering Operation Division (Adm. Aide V) of the Waterworks System
- Members
  - a) Punong Barangays
  - b) Chairmen of the Committee on Public Works of the Sangguniang Barangay
  - c) District/ barangay plumbers

19.2. RATIONALE. The creation of the Bantay Tubig Council is to address the problem against unnecessary wasting of water, the unattended water-leaking problem, and the need to conserve water to its most proper way of usage by the consuming public and the people in general.

19.3. OBJECTIVES. The creation of the Loon Bantay Tubig Council is intended to serve the following objectives:

- a) to implement the ordinances which intend to conserve water and related provisions.
- b) to find any water-leaking from the mainline down to the household connections
- c) to immediately cause for the repair of any water-leaking within a span of 24 hours from the second or minute it was learned, or reported orally or in writing, personally or by phone, by text message or any means of communications
- d) to campaign for the proper use of water, without waste, and preserve it for the future generations to come
- e) to teach the consuming public how to use water, even the used water for its proper use and maximum usage called the recycling of water usage
- f) to introduce possible solutions to the problem of water supply scarcity.

19.4. SCOPE. The scope of functions of the Council covers the following:

Those under the operation and management of the Loon Waterworks System

Waterworks system owned and managed by the barangays- with the enforcement of their respective barangay ordinances.

Water tanks even privately owned.

Any body of water like canals, river which should be preserved to its maximum and proper usage.

19.5. FUNCTIONS. The Loon Bantay Tubig Council shall perform the following functions:

- a) be responsible for the inspection of all water connections from the mainline to the household level to find whatever defects that causes any water leaking
- b) mobilize the Waterworks, District of Barangay Plumbers for an immediate repair of any damaged water connections within a span of 24 hours from the second or minute it was reported orally or in writing or in any form of communication
- c) act as police forces, the eyes and ears, and serve as witnesses or cause for the prosecution of violators of any ordinance affecting the operations of the waterworks system especially the ordinance penalizing any act of wasting water
- d) conduct campaign and information drive on how to use water in the proper manner and adopt the system of "Recycling of Water Usage" down to the household level
- e) preserve water even in areas which are privately owned for the purpose of using the same in a proper manner, so as to avoid unnecessary wastes
- f) coordinate the PNP, Auxiliary Police, Barangay Tanods for the strict enforcement of ordinances against the wasting of water supply in whatever forms.

19.6. DISTRICT/BARANGAY PLUMBERS.

- a.) There shall be installed at least 3 plumbers for every district, and at least 1 plumber per barangay.
- b.) The LGU through the Loon Waterworks System shall conduct training for District Plumbers, including the barangay plumbers.
- c.) The waterworks system shall have the command responsibility for quality performance of the District and barangay plumbers.
- d.) The employees/ personnel in the Maintenance Section of the Waterworks System shall have full responsibility for the repair of any damaged water connection. They may mobilize the district/ barangay plumbers should they could not cope up the 24-hour limit within which to repair the damaged water connections.
- e.) The District/ Barangay plumbers shall be compensated based on just compensation by the household/s requesting their plumbing services.

19.7. SPECIFIC OPERATIONS

1. Waterworks Superintendent II

- a) Shall be responsible for the total avoidance of any water leaking, and to cause for its immediate repair within a span of 24 hours from the minute or second it was reported in person or orally or by any means of communication.
- b) Shall mobilize all the forces of the Waterworks System to solve water-leaking problem.
- c) Shall call for personnel reinforcement through the District or Barangay plumbers in case of inability of the Waterworks maintenance personnel to respond on water leaking problem as fast as it is.
- d) Shall have complete cell numbers of the punong barangays, chairmen of the Committee on Public Works of every barangay, the District and Barangay plumbers for purposes of immediate action to whatever water leaking problem, or any related problem accruing thereto.

2. Head of the Engineering Operation Division (Adm. Aide V) of the Waterworks System

- a) Shall assist the functions of the Waterworks Superintendent in the enforcement of this ordinance.
- b) Shall have personal contact and management of the District and Barangay plumbers for purposes of immediate and systematic action in the field.
- c) Focus on water leaking problem and spearhead in the weekly inspection of water connections with the assistance of the Chairmen of the Committee on Public Works and Utilities of every barangay.

3. Punong Barangays

- a) Spearhead in the routine inspection of the water connections at least twice a week in coordination with the kagawad chairman on public works and utilities.
- b) Immediately report to the Waterworks Management whatever leaking, or order the barangay plumber to cause for the repair of any damage in coordination with the Waterworks System.
- c) Educate the consuming public on how to use properly water under the management of the Loon Waterworks System and even those privately-owned water sources for purposes of future generations.

4. Chairmen of the Committee on Public Works of the Sangguniang Barangay

- a) Be responsible to check the condition of the water connections to avoid any water leaking problem.
- b) Report immediately to the Waterworks Management in coordination with the Punong Barangay on any water problem for immediate action by the District or Barangay plumbers.
- c) Do all possible means for water conservation.

5. District/ barangay plumbers

- a) Cause for the repair of any water connections upon request of the household/s concerned.
- b) Coordinate with the Maintenance Division of the Waterworks System for purposes of immediately solving water problems.
- c) Do the routine inspection at least twice a week for purposes of immediate action to any water leakage problem.

19.8. REPAIR ACCESSORIES.

The Waterworks System shall purchase “repair accessories” to be used for immediate repair of any water connection damages subject for payment to be attached in the bill, or a proportionate sharing to the households who are benefited by such a repair. There shall be displayed “Repair Accessories” in the Waterworks Stockroom for this purpose which should always be updated for every quarter.

19.9. BILLING SYSTEM.

- a) District/ barangay plumber fee- If the household/s who are benefited by the repair has no fund for the immediate payment of labor for the district or barangay plumber, the Waterworks System shall pay their labor to be refunded by the consumer by paying off the payment for labor to be attached in the monthly water bill.
- b) Repair accessories – If the household/s benefited by such repair has no funds for the immediate payment of the repair accessories, their obligation shall be proportionately shared and attached in their monthly water bill.

#### 19.10. WATERWORKS ROLE.

The role of the Waterworks System is to centralize the proper usage of water and to educate the recycling of water use to its maximum benefit without sacrificing health and sanitation, and preserve water for future generations.

#### 19.11. QUICK RESPONSE.

There shall be imposed a 24-hour Quick Response for immediate repair to whatever water connection damage either under the direct management of the Loon Waterworks System or any form of water supply of whatever kind of ownership.

#### 19.12. WATER CONSERVATION.

No person is allowed to waste water under the management of the Loon Waterworks System, in any of the following ways:

- a) Any person who abuse in the use of water – which is done in any of the following acts:
  - (a) washing of clothes, kitchen utensils by direct faucet system
  - (b) failure to fit the faucet to the container/ gallon while fixing water
  - (c) unnecessary use of water where the purpose of its use has already been achieved
- b) Any person who fail to close the faucet after its use
- c) Any responsible person/ or office utility worker who is assigned or in-charged in the maintenance of the comfort rooms and the like who fails to check whatever defect in the water connection, or who fails to follow-up if the faucets are properly closed.
- d) Any office head or utility worker who fails to report to the Waterworks Management whatever defect in the water system that causes wastage of water, upon the lapse of 24 hours from knowledge of its defect
- e) Waterworks personnel assigned in the area of jurisdiction for failure to repair the damaged water connection, upon the lapse of 24 hours from knowledge of its defect.
- f) Waterworks personnel even not assigned in the area of responsibility but who fails to cause for immediate action within a span of 24 hours from the time he learned/ heard, or knew of such water leaking in any area under the management of the Loon Waterworks System.

#### 19.13. WATER SERVICES.

Water services extended by Loon Waterworks System beyond the territorial jurisdiction of Loon shall be under the strict monitoring of the Loon Waterworks System. Penalty of disconnection shall be imposed upon proof of any violation thereof.

Water services extended by the Barangay Waterworks System within the territorial jurisdiction of Loon shall be dealt with based on the barangay ordinance of the concerned barangay.

#### 19.14. PENALTY. Violations to any provision of this section shall be fined:

- a) First Offense – a fine of P200.00
- b) Second Offense – a fine of P500.00
- c) Third and succeeding offenses – P2,500.00 or imprisonment of 5 days

**Section 20. LOON WATERWORKS SYSTEM.** The operations of Loon Waterworks System as embodied in Municipal Ordinance No. 09, series of 1996 is hereby adopted as part of this Code.

## CHAPTER V

### COASTAL ZONE MANAGEMENT

#### **Section 1. POLICY STATEMENT.**

- a. Recognizing strategic importance of Coastal Zone Management to the well-being of present and future generations, it is hereby declared as official policy that the Municipality shall promote, conserve, protect and develop all its inland, coastal and marine waters including the resources contained therein. For this purpose, the Municipality shall adopt an integrated planning approach that will involve all sectors including concerned agencies, non-governmental organizations and other stakeholders. This approach shall adopt development strategies designed to promote ecological balance and sustainability of these resources taking into account socio-cultural and economic dimensions such as poverty, public health, rapid population growth, among others.
- b. It is further declared as a policy that the Municipality shall define its coastal zone, including its territorial waters, and the resources therein for the preferential use of its citizens subject to the limits of optimum sustainable yields as determined through continuing resource accounting and evaluation studies undertaken by the municipal government, the national or scientific institution.
- c. Consistent with Section 46 of this Code, the Municipality hereby declares all beaches within its territorial boundary as public beaches. As such, no person shall cause the inviolable use of the beaches from ordinary citizens.
- d. The Municipality hereby adopts the policy to improve the living standards of coastal populations, specifically in areas of sanitation and waste disposal, so as to reduce the proliferation of pathogenic organism in the coastal environment from domestic waste waters.
- e. The Municipality further adopts a preventive and precautionary policy against industrial pollution of the coastal zone through the adoption of all relevant laws against industrial wastes and effluent discharges to the sea and coastal areas and by ensuring that all industrial establishments within its jurisdiction shall be subject to Environmental Impact Statement System.

**Section 2. STATE OF THE RESOURCE.** The Moalong rivers shall be preserved and developed for Eco-Tourism purposes. The shoreline barangays of Loon which start from the northern part which is Pondol and ends on the southern part which is Barangay Song-on and the coastal areas of Cabilao and Sandingan islands shall also be developed based on the Eco-Tourism program of this LGU.

#### **Section 3. LOON COASTAL COUNCIL.**

3.1. Creation. There shall be established a Coastal Council of the Municipality of Loon, otherwise known as "Loon Coastal Council"

3.2. Composition. The Loon Coastal Council shall be composed of the following:

Chairman                      - SB Chairman of the Committee on Agriculture and Fisheries



- Vice-Chairman - MENRO officer  
Members - MFARMC chairman, PNP chief/representative, Municipal Agriculturist, coastal punong barangays

3.3. Functions. The Loon Coastal Council shall perform the following functions:

- a. cause the measurement and delineation of its territorial waters, and facilitate the production of the necessary resource maps for the purpose;
- b. recommend to the Sangguniang Bayan to pass an ordinance declaring the Municipality's coastal jurisdiction;
- c. create a forum for multi-sectoral and community-based decision-making process to promote compatibility of development activities and avoid subjecting the resources to unilateral or political spheres of influence;
- d. cause the establishment of a multi-sectoral task force at the municipal level that shall be responsible for coordinating the implementation of the duly approved comprehensive water resource management plan and shall serve to complement the institutional arrangement for multi-sectoral decision-making;
- e. involve the technical expertise of academic institutions, research centers, national government agencies, NGOs and peoples organizations in the conduct of resource accounting and ecological assessment in order to generate an accurate data base from which policy decisions on the best use of the resource shall be based. Such will involve an accounting of the resources of the sea, rivers, the identification of breeding and nursery grounds of fishes, and the identification of human activities that lead to habitat and water quality degradation. Consequently, coastal and aquatic resource profiles and long-term development plans shall be formulated from such data set, identifying in the process, areas of critical ecological importance, resource-use conflicts, and specific priorities for management;
- f. promote community participation in the management of coastal and aquatic resources as the central theme of resource management plans developed for the Municipality's water resources. This shall be supported by a policy that gives priority to the provision of technical services and guidance to participants in the community-based resources management;
- g. establishment of a comprehensive multi-media community education and information campaign on sustainable use of water resources and the different strategies to conserve and protect their integrity;
- h. cause the formulation and adoption of a comprehensive coastal water resource management plan consistent with the local government comprehensive environment plan, that in turn must be incorporated in the regional development plan. Such plans must all be consistent with the established national coastal and marine policies;
- i. protect the rights of subsistence fishers, both of the present and future generations, by according them preferential use of the fishery resources within the jurisdiction of the Municipality;

**Section 4. SCOPE OF COASTAL RESOURCES AND RESOURCES ACCOUNTING.** The Municipality's coastal zone includes the entire Municipal territorial waters, which term shall refer not only to include streams, lakes, wetlands, estuarine areas and tidal waters within one (1) kilometer radius from the coastline of the

Municipality, not being the subject of private ownership and not comprised within national parks, public forests, timber lands, forest reserves and fishery reserves, but also marine waters and the coastal shelves beneath it included between two lines drawn perpendicularly to the general coastline from points where the boundary lines of the Municipality touch the sea at low tide and fifteen (15) kilometers from it. The shoreline barangays of Loon start from the northern part which is Pondol and ends on the southern part which is Song-on. All resources within the coastal zone, including fishery stocks, coral reefs, mangroves, wetlands, sea-grass, ecosystems, beaches and other physical coastline assets, the seabed, rivers, lakes and streams and all living and non-living resources found therein, shall be subject to the Municipality's policies on sustainable coastal resources management. The Municipality shall undertake an actual survey, using geographical measurement of latitude and longitude, to determine the exact delineation of the Municipality's territorial waters.

**Section 5. PREVENTIVE MEASURES AGAINST MARINE HEALTH HAZARDS.** The Municipal Government shall adopt a policy regarding Preventive Measures Against Marine Health Hazards. It is the primary responsibility of the Municipal Government to ensure that the coastal waters remain wholesome for its various uses, including recreational and food supply purposes. The Municipal Government shall conduct a continuing community education in this regard.

**Section 6. MENRO OFFICE.** In coordination with the Loon Coastal Council, the role of the Municipal Environment Office / Fisheries Office are the following:

- a. formulate and implement programs designed to maintain cleanliness in beaches and other recreational areas along the coastal strip; or where necessary, impose restrictions on the use of polluted beaches;
- b. work to establish microbial content quality standards in public seawater recreational areas, with the assistance of qualified National Government Agencies;
- c. establish or strengthen as necessary, monitoring systems for the occurrence of red tide blooms in order to predict periods where the gathering and consumption of shellfish can be banned and appropriate disease-outbreak preventive measures can be pursued. This shall be done with the assistance of the Bureau of Fisheries and Aquatic Resources and the Department of Health;
- d. ensure that the shellfish fishery of the coastal areas will be viable over the longer term by adopting measures to ensure that shellfish culture areas are protected from sewage contamination through zoning policies in its fishery ordinances, and beds exposed to sewage contaminated waters are excluded from harvesting;
- e. embark on a public information program to educate coastal communities on the causes of health hazards in the marine environment and, with adequate technical cooperation with concerned agencies, continue to collect and analyze data on the reactive processes occurring in the coastal sea in relation to the introduction and accumulation of pathogenic substances;
- f. promote equitable access to and utilization of resources;
- g. support and implement national programs at promoting productivity, biodiversity, integrity, and sustainability of coastal resources; and at protection, conservation and rehabilitation of populations of endangered species;
- h. conduct or support research to mitigate threats to coastal resources;

**Section 7.** ORGANIZATION OF MUNICIPAL FISHERIES AND AQUATIC RESOURCES MANAGEMENT COUNCIL (FARMC). Coastal Zone Management Task Force shall be organized within the Municipal Environment Office to serve as a forum for coastal resources management planning and perform functions as provided for in E.O. 240.

**Section 8.** BANNING LARGE, COMMERCIAL SCALE FISHING BOATS FROM ENTERING THE MUNICIPAL WATERS OF THE MUNICIPALITY. No person shall operate a fishing boat within the territorial waters of the Municipality in excess of three (3) tons. Preferential use of said waters is limited to sustenance fishermen.

**Section 9.** ZONATION OF MUNICIPAL WATERS. There is hereby adopted a zonation system for the Municipality's territorial waters which shall be developed and designed hereafter based on an assessment of the resources therein and the most appropriate use for each zone. Such a zonation scheme may include zones for:

- a. bangus fry gathering
- b. gathering of fry of other species
- c. fish refuge areas and sanctuaries
- d. mussel and oyster beds
- e. seaweed farming areas
- f. areas for fish cages and/or fish pens
- g. areas for operation of set traps
- h. other fishing areas

**Section 10.** PROMULGATION OF A FISHERIES LICENSING SYSTEM. A Municipal Fisheries Licensing System shall be devised and implemented through the assistance of the CRM committee and the FARMC. Such a licensing system shall:

- a. be designed on the basis of sustainable yields by the imposition of a limit on the number of licenses that shall be awarded for any type of gear;
- b. a Total Allowable Catch (TAC) may be imposed by the Municipality for any species of fish or marine product determined on the basis of the state of the resource and its capacity to replenish in order to avoid biological over fishing;
- c. a particular zone in the municipal waters shall only be used for a particular type of gear except in the communal fishing zone which shall be open to all non-destructive types of gear;
- d. the licensees shall be allowed to operate their gear or conduct fishing operations under a *catch monitoring system* which shall be hereafter designed and shall adhere strictly to existing local and national laws on fisheries (for example, minimum distances between set gears shall be observed);
- e. the licensees shall be required to pay fees based on economic rents; the licensees shall be liable to compensate for any environmental damages which may result out of any form of irresponsible fishing practices.

This fishery license system is being incorporated in Chapter V, Article B, on Fishery Rentals or Fees, of Municipal Ordinance No. 96-12-127 (Revenue Code), and in Chapter 8, Article A, Fishing and Fisheries, of Municipal Ordinance No. 96-12-128 (Code of General Ordinances), of Loon, Bohol. The fishery license system shall be consistent with the rational management principles adopted by other municipal governments sharing the same resources or with the doctrines set by the FARMC.

**Section 11. ALTERNATIVE LIVELIHOOD PROVISION.** As a policy, the Municipal Government through its Environment Office, shall pursue the development of livelihood diversification among coastal fisher folk, recognizing the participation of women and out-of-school youth. Such livelihood projects shall be directed at land-based opportunities in order to achieve a respite in fishing pressure.

**Section 12. ARTIFICIAL REEFS & MANGROVE RESOURCES MANAGEMENT.** A Sangguniang Bayan Resolution or Executive Order shall be passed for purposes of implementing the resource rehabilitation projects such as the establishment of artificial reefs where fishing is not practiced, and mangrove rehabilitation and reforestation in order to regain nursery grounds for fishes specifically along the seashores of the \_\_\_ coastal barangays of the town.

**Section 13. MEASURES TO MITIGATE MARINE POLLUTION.** Appropriate measures shall be established in coordination with concerned agencies, to control the damage to coastal ecosystems by marine transportation such as the dragging of coral branches by anchors and attached chains, boat grounding on coral reefs, and waste disposal by ships and other transport vessels. The Municipality of Loon shall devise measures aimed at promoting the concept of the resource user as steward who is directly responsible for coastal environment protection and for maintaining the sustainability of the coastal resource. In addition, the following precautionary measures are hereby adopted:

- a. Establish a monitoring and regulatory program to control effluent discharge from point sources with, as necessary, technical assistance from government agencies and international cooperation; including the implementation of community-based anti-littering programmes;
- b. Require the conduct of environmental impact assessments for all industrial waste disposals;
- c. Promote safety practices in the use of fertilizer in agricultural areas;
- d. Develop approaches to control excessive sediment discharge from dredging, coastal erosion, and siltation and consequently, the preservation of watersheds and reforestation of eroded coastal forests;
- e. Establish systematic observation systems to measure marine environmental quality, including causes and effects of marine degradation, as a basis for formulating management policies.

**Section 14. CREATION OF RESOURCE ACCOUNTING AND INFORMATION SYSTEMS.** There is hereby created, a data bank aimed at development of data bases for a continuous accounting and assessment of the state of fishery and aquatic resources in the Municipality. Included herein are information on the qualitative and quantitative description of the fishery resources, including information on breeding grounds, seasons and processes that need to be protected, description of critical habitats that need to be preserved as centers for such stock recruitment and replenishment, and the identification of resources that may be tapped for further economic exploitation.

**Section 15. COASTAL ZONE MANAGEMENT PLAN.** A Coastal Zone Management Plan shall be drafted by the Municipal Environment Office and officially adopted by municipal authorities concerned. This plan defines and delineates the area and resources covered, spell out the resource-use issues that need long-term preferential treatment, and describes the strategies and tools that are necessary to address such issues and sustainability of the resources. This shall be a multi-sectoral

endeavor reflecting and addressing the multi-user conflicts in the coastal zone. Its implementation, consequently, is community-based.

**Section 16. PROTECTED MARINE AREAS.** There is hereby established fish sanctuaries and marine reserves within the municipal waters of Loon, subject for municipal ordinances, viz:

- Municipal Ordinance No.07, series of 1997- declaring 118,938.49 square meters situated in the marine waters along barangay Cabacungan, Cabilao Island as fish sanctuary
- Municipal Ordinance No. 99-005, series of 1999 – declaring fish sanctuaries in the municipal waters of barangays Pantudlan and Sondol, Loon, Bohol
- Municipal Ordinance No.99-011, series of 1999, declaring a fish refuge and sanctuary in the municipal seawaters of Song-on, Loon, Bohol
- Municipal Ordinance No.00-002, series of 2000, declaring a shell garden and fish sanctuary in the municipal seawaters of barangay Cogon Norte, Loon, Bohol
- Municipal Ordinance No.01-004, series of 2001, declaring a fish refuge and sanctuaries in the municipal seawaters of barangays Cuasi and Basdacu, Loon, Bohol
- Municipal Ordinance No.01-005, series of 2001, declaring a shell garden and fish sanctuaries in the municipal seawaters of barangay Tangnan and Pig-ot, Loon, Bohol
- Municipal Ordinance No.01-006, series of 2001, declaring a fish refuge and sanctuaries in the municipal seawaters of barangays Pondol and Ubayon, Loon, Bohol
- Municipal Ordinance No.01-007, series of 2001 declaring a fish refuge and seagrass sanctuary in the municipal seawaters of barangay Canhangdon Occidental, Loon, Bohol
- Municipal Ordinance No.02-007, series of 2002, regulating certain activities within the municipal waters, including marine and fish sanctuaries, in the municipality of Loon
- Municipal Ordinance No.02-011, series of 2002, declaring a shell garden and fish sanctuary in the municipal waters of barangay Calayugan Norte, Loon, Bohol
- Municipal Ordinance No. 10-004, Series of 2010, An Ordinance amending the Technical Description of Pantudlan Fish Sanctuary as embodied in Section 3 (A) of Municipal Ordinance No. 99-005, Series of 1999 and the Scope/Technical Description Of Cabacungan Fish Sanctuary as embodied in Section 3 of Municipal Ordinance No. 07, Series Of 1997

The Municipality may declare similar other areas, and shall seek support for these sanctuaries/marine reserves through a provincial ordinance and a fisheries administrative order.

**Section 17. PRESERVATION OF ECOSYSTEMS THAT SUPPORT COASTAL RESOURCES.** The following measures are hereby enacted to ensure that ecosystems in the coastal zone are sustainably conserved:

- a. the extraction of beach resources, such as mangroves, pebbles, sand, gravel, boulders and wood products is prohibited unless such is covered by a permit from the Local Chief Executive; special permits of this nature shall be regulated, however, and controlled so that the degree of extraction shall not lead to the loss of habitats, alteration of the coastline, and the disruption of biological processes of fishes, crustaceans and birds;
- b. enforcement of fishery laws through community-assisted multi-sectoral Task Force shall be intensified through the conduct of actual seaborne patrol operations, education of communities on the merits of fishery laws, and

encouragement of the community's participation in peer pressure against violations and the deputization of fishery wardens.

- c. the construction of tourist facilities directly in the water's edge where such would result to the loss or alteration of breeding and nursery grounds of fishes is prohibited;
- d. aquaculture activities shall be regulated: the conversion of wetlands into fish farms shall no longer be allowed; the extraction of freshwater in coastal areas that may result in the intrusion of saline waters into the freshwater table shall not be allowed unless covered by adequate impact assessment studies;
- e. cause the preparation of coastal land-use plans to attain a balance of development activities, infrastructure and ecological stability, reflecting where applicable, strategies to reduce siltation from agricultural and denuded coastal uplands, reduction in the rate of river sedimentation, zoning policies and strategies to contain the infringement of human settlements and industrial infrastructure in highly sensitive wetlands, and the development of environment-friendly tourism programs; and
- f. banning the construction of hotels or resort facilities within 200 meters from the seashore.

**Section 18. PROHIBITING THE DISPOSAL OF DREDGE MATERIALS INTO THE SEA.** The disposal of dredge materials into the sea is prohibited without the written approval of the Municipal Environment Office.

**Section 19. FISHERIES MANAGEMENT POLICIES.** Recognizing their strategic importance to the well-being of present and future generations, it is hereby declared as official policy that the Municipality shall promote the protection, conservation and development of all its fisheries resources including the resources and habitats that are associated to fisheries. For this purpose, the Municipality shall adopt an integrated planning approach that will involve all sectors including concerned agencies, non-governmental organizations and other stakeholders in promoting responsible fishing and fisheries management. This approach shall adopt development strategies designed to promote ecological and economic balance and promote sustainability of fisheries and coastal resources taking into account socio-cultural dimensions such as poverty, public health, rapid population growth, among others.

It is further declared as a policy that the Municipality shall define its territorial waters and the resources therein for the preferential use of its citizens subject to the limits of optimum sustainable yields as determined through continuing resource accounting and evaluation studies to be undertaken by the Municipal Government in collaboration with the concerned national government agencies or a qualified scientific or academic institution. Towards this end, the Municipality shall ensure multi-sectoral and community participation in the management and protection of coastal resources and promote community involvement in the decision making process to promote compatibility of development and environmental management and ensure long term viability of fishery stocks and coastal resources.

**Section 20. Establishment of Markers and Buoys.** The designated zones shall be identified and segregated through the establishment of appropriate markers and buoys.

**Section 21. Promulgation of a Fisheries Licensing System.** A Municipal Fisheries and Licensing System shall be devised and implemented through the assistance of the CRM Task Force and the FARMC. Such a licensing system shall:

- a. be designed on the basis of sustainable yields by the adoption of appropriate precautionary measures against over fishing;
- b. a Total Allowable Catch may be imposed by the Municipality for any species of fish and marine product determined on the basis of the state of the resource and its capacity to replenish in order to avoid biological over-fishing;
- c. a particular zone in the municipal water shall only be used for a particular type of gear except in the communal fishing zone which shall be open to all non-destructive types of gear;
- d. the licensees shall be allowed to operate their gear or conduct fishing operations under a catch monitoring system which shall be hereafter designed and shall adhere strictly to existing local and national laws on fisheries (for example, minimum distances between set gears shall be observed);
- e. the licensees shall be required to pay fees based on economic rents; the licensees shall be liable to compensate for any environmental damages which may result out of any form of irresponsible fishing practices.

This fishery license system shall be supported by a separate ordinance which shall be enacted after a zonation plan has been developed and which shall be recommended to the Sangguniang Panlalawigan for approval. The approved ordinance shall be valid only within the municipal waters and shall be consistent with the rational management principles adopted by our municipal governments sharing the same resources or with the doctrines set by FARMC.

**Section 22. FISHERY LICENSES AND PERMITS.** It shall be unlawful for any person, cooperative, partnership, association or corporation to take or catch fish or other aquatic/marine products by means of nets, traps, or other fishing gears, or by means of fishing boats or vessels three gross tons or less, in the territorial waters of the Municipality unless provided with the necessary license or permit issued for the purpose by the Municipal Mayor. It shall likewise be unlawful for any person, cooperative, partnership, association or corporation to operate fish corrals, oyster or mussel culture beds or other aquatic beds, or take or catch bangus fry or fry of other species within the jurisdiction of the Municipality without first securing a permit or license as provided by law and this article. Provided, that no fishing vessel in excess of three (3) gross tons, whether operating individually or part of a fishing fleet shall be qualified to be issued a license for fishing within the 15km territorial waters off the Municipality. Provided further that any commercial class fishing vessel which intend to dock in the Municipality or ply its waters for purposes other than fishing shall be required to secure the necessary clearance from the Chief Executive. Furthermore, it shall be unlawful for any person, cooperative, partnership, association or corporation to use and operate a fishing boat or vessel without a Certificate of Inspection and Registration from the Philippine Coast Guard and/or PNP Maricom. Finally, it shall likewise be unlawful for any fisherman, whether operating individually or part of a municipal fishing fleet, in bancas less than three (3) gross tons, motorized or otherwise, to fish or attempt to catch fish without registering first with the Municipal FARMC and securing a fisherman's license to be issued by the Municipality. Provided finally, that the issuance of fishing license shall be based on the maximum sustainable yield of the Municipality's fishery resources which shall be determined periodically by the FARMC. Based on the allowable catch level, the Municipality may impose a limit to the number of fishing licenses that it shall issue for each gear type; or designate only a specific period within the year in which a particular license can be used; or impose catch quotas for particular species of fish which are found to be endangered by over-fishing; or allow the entry of only a specified number of board or licensees into a specific zone at any one time; or close a zone entirely to fishing for a particular period; or impose any combination of the aforementioned

measures for the protection and conservation of the resources, or when public interest so dictates.

**Section 23. PERSONS ELIGIBLE FOR FISHING AND/OR FISHERY PRIVILEGES.** The following are, under this Article, eligible for fishery licenses and/or privileges:

- i) Citizens of the Philippines;
- ii) Preferably permanent residents of the Municipality;
- iii) Cooperatives, partnerships, associations, or corporations duly registered or incorporated under the laws of the Philippines and authorized to transact business in the Philippines, and at least 60% of whose capital stock belongs wholly to citizens of the Philippines.

It shall be unlawful for persons, cooperatives, partnerships, associations or corporations not qualified by law and by this Section to engage, personally or through representations, in fishing or catching or collecting aquatic products in the territorial waters of the Municipality.

**Section 24. EXCLUSIVE FISHERY PRIVILEGES.** Operation of fish corrals, oyster and mussel culture beds, or the catching of bangus fry, prawn fry, or fry of other species for propagation shall be considered exclusive fishery privileges which shall be granted always to the highest bidder in a public bidding held according to the provisions of this Article and under the terms and conditions set forth under this Code. The Sangguniang Bayan may grant to the highest qualified bidder the exclusive privilege of constructing and operating fish corrals, oyster/mussel culture beds or other aquatic beds, or of the gathering of fry for a period not exceeding five (5) years; provided that these grants of exclusive fishery privileges shall be under the conditions prescribed by this Code and other existing municipal ordinances on fisheries.

The Sangguniang Bayan shall post in the Municipal Hall and at least in two (2) other strategic places as a notice to fisher-folk organizations or cooperatives to apply for the granting of preferential rights over the above-named privileges. The same notice shall be posted in at least two strategic places in every fishing barangay and announced periodically by the Barangay Captain. Organizations shall be given thirty (30) days to express their intention to bid. Should two or more groups signify their intent to avail of the right, the FARMC shall accommodate both where possible, or consequently, shall develop a final selection criteria. Only when no qualified applicants from the Municipality shall other parties be invited to participate in the bidding.

If after two notices for the grant of exclusive fishery privileges through public bidding/auction no interested bidders opt to lease any fishing zone within the Municipal Waters, the Sangguniang Bayan is authorized to grant the privilege of erecting fish corrals, operating oyster or mussel culture beds or other aquatic beds, or of catching bangus fry, prawn fry or fry of other species within a definite area or portion of the Municipality Waters to individuals upon payment of license fees thereof at rates provided for under the existing revenue code.

**Section 25. PROHIBITED FISHING METHODS.** In addition to fishing practices and methods already banned or prohibited under the national laws, no person shall operate a fishing boat of whatever tonnage which shall engage in fishing with the use of *liba-liba*, *hulbot-hulbot*, *muro-ami*, baby trawl, commercial trawl, beach seine, purse seine, super lights, drag nets and filter nets, regardless of the measurements of the mesh size of the nets used, or use any deleterious form of fishing operation. Other restrictions on fishing and fisheries include the following:

- (i) for fish corals:
  - the allowable maximum size for fish corral shall be 5,000 sq. meters;



- the minimum mesh size of the net used shall be 3.0 cm.;
  - no fish corral shall be constructed within 200 meters of another fish corral in marine waters or 100 meters in rivers, river mouths, lakes or streams;
  - fish corral shall be entirely opened during closed fishing seasons for the free passage of fish.
- (ii) for oyster, mussel and other culture beds:
- the maximum size of an area for establishment of oyster, mussel or other aquatic beds shall be not more than one (1) hectare for individuals and five (5) hectares for cooperatives, partnerships or corporations;
  - culture beds shall be closed and all harvesting activities shall be prohibited during times of Red Tide outbreaks;
  - water quality in the culture beds shall be periodically tested for coliform and other pathogenic bacterial contamination, the results of which shall be submitted by the lessee to the FARMC.
- (iii) for fish cages:
- no cages shall be constructed within fifty (50) meters of each other;
  - the maximum stocking density for any fish cage shall be prescribed by the local fisheries officer and compliance to such shall be mandatory;
  - cages shall be established only in a designated zone within the municipal waters.
- (iv) for fish pens:
- the maximum allowable size for fish pens shall be three (3) hectares for individuals and ten (10) hectares for cooperatives, partnerships or corporations;
  - no fish pens shall be constructed within 200 meters of another fish pen.

**Section 26. FISHERY LAW ENFORCEMENT.** There is hereby created a *Bantay Dagat* task force to be composed of military and civilian units of the Municipality to be designated by the Mayor in an Executive Order. The *Bantay Dagat* shall be primarily in charge of enforcing all applicable laws on fisheries and coastal resource management.

**Section 27. DUTIES OF LICENSEES, PERMITTEES, AND EXCLUSIVE FISHERY PRIVILEGE HOLDERS.** All licensees, permittees and holders of exclusive fishery privileges from the Municipality are required to perform all duties and obligations attached to the said licenses, including:

- every licensee, permittee, and exclusive fishery privilege holder shall be governed by the laws, rules and regulations governing fisheries and coastal resources management as provided for under this Code and relevant national and local laws; as well as the international convention on responsible fishing;
- the licensee is a partner of the Municipality in the sustainable management of fisheries and coastal resources and commits to adopt precautionary measures to prevent or mitigate the negative impact of his activities to the resources of the sea, particularly coral reefs, seagrass beds, and mangrove swamps;
- the licensee shall assume responsibility for the use of his fishing boat and gear by any of his agents, employees, relatives, friends, particularly in cases where such have been used for illegal fishing operations as provided for under this Code;
- the licensee shall keep a daily record of catch and other fishing effort information and report or submit the same to the FARMC using forms to be provided for such reporting;
- render assistance to *Bantay Dagat* personnel as may be necessary and actively participate in fishery law enforcement monitoring and feed backing activities;

- abide by and carry out all measures to facilitate boat identification markings to be prescribed by the Municipality;
- to prevent pollution of the sea and shores.

**Section 28. MEASURES TO MITIGATE VESSEL DAMAGE TO MARINE HABITATS.** Appropriate measures shall be established in coordination with concerned agencies, to control the damage to coastal ecosystems by marine transportation such as the dragging of corral branches by anchors and attached chains, boat grounding on corral reefs, and siltation from point sources which may cover reef colonies or seagrass beds.

**Section 29. PENAL PROVISIONS.** Any person, partnership, association, cooperative or corporation violating the provisions of this Chapter shall suffer the penalty of fine of not less than P 1,000.00 but not more than P2,500.00 or an imprisonment of not less than 1 month nor more than 6 months, or both fine and imprisonment at the discretion of the Court.

**Section 30. RELEVANT LAWS AND ISSUANCES.** The Coastal Code of Loon, and all related ordinances, resolutions, legal orders, decrees, and national laws relevant to water and coastal marine resources management shall form part of this Code.

## **CHAPTER VI**

### **AIR QUALITY MANAGEMENT**

**Section 1. POLICY STATEMENT .** The basic intention of the Municipality of Loon is to undertake the necessary precautionary and preventive measures to ensure the maintenance of ambient air quality. Given the complexity of clean air management and the insufficient technology and resources available for the conduct of atmospheric monitoring and evaluation, the Municipality of Loon shall prevent to the greatest extent permissible, the continued degradation of air quality within its territorial jurisdiction based on available resources, information and technical support to achieve such level of a standard quality of air as prescribed by the Department of Environment and Natural Resources (DENR).

**Section 2. AMBIENT AIR QUALITY CONTROL.** The Loon Environment and Natural Resources Office (TENRO) in coordination with the DENR shall conduct an annual inspection of all industrial facilities, including all equipment emitting potential air pollutants, to ensure that such establishments are complying with the prescribed standards on air quality.

**Section 3. FUGITIVE PARTICLES.** No person shall allow the emission of fugitive particulates from any source whatsoever, including but not limited to vehicular movement, transportation of materials, construction, alteration, demolition or wrecking, or industry-related activities such as loading, storing or handling without taking reasonable precautions to prevent such emissions. In line with such precautions, the following are hereby adopted:

- a. covering of open loaded trucks transporting materials likely to give rise to airborne dust, odor and other fugitive particles.
- b. treatment or removal of all air pollutants e.g., dust, fumes, gases, mists, odorous matters or vapors or any combination thereof prior to discharge into the open air.

- c. in case of building construction or demolition, quarrying operations or clearing of land, precautions shall be carried out to ensure that fugitive dusts remain within the premises of the activity conducted.

**Section 4. REDUCING EMISSIONS OF CARBON DIOXIDE (CO<sub>2</sub>) AND OTHER GREENHOUSE GASES.** The Municipality of Loon shall exert major effort to contribute towards the minimization of global warming. As such, in coordination with the Environmental Management Bureau (EMB) of the DENR, the Municipal Government shall regulate the use of chemical fertilizers, burning of timber and crop residues and burning of fossil fuels within its territorial limits.

**Section 5. REDUCING EMISSIONS OF SUBSTANCES THAT DEPLETES THE OZONE LAYER.** The depletion of the ozone layer (in the earth's atmosphere) caused by the use of chlorofluorocarbon (CFC), halon and other hydrochlorofluorocarbons poses extreme health hazards to mankind such as exposure to harmful ultraviolet rays of the sun. Pursuant to the Montreal Protocol where the Philippines is a signatory, the Municipality of Loon hereby adopts some of its relevant provisions:

- a. all citizens in the Municipality are discouraged to use aerosols with CFC content, e.g. spray nets, pesticides, fertilizers, etc.
- b. refrigeration and air-conditioning shops, including factories and manufacturing entities shall be required to institute measures to avoid the release of CFCs directly into the atmosphere.
- c. the use of yellow fire extinguishers containing halons will not be allowed in the Municipality of Loon Section 119. Smoke Belching. It shall be the policy of the Municipal Government to strictly enforce its Anti-Smoke Belching Program to prevent the excessive emission of pollutive particles from motor vehicles and to ensure that the citizens enjoy clean air. To achieve these objective, the following, measures are promulgated:
  - a.) all public and private motor vehicles should pass through an anti-pollution test from the TENRO prior to its annual registration at the Land Transportation Office (LTO) and every three (3) months thereafter. A corresponding test clearance shall be issued to operators and owners by the LENRO.
  - b.) as part of its Traffic Mitigation Program, the Municipal Government shall periodically conduct a road-side (on-site) anti-smoke belching test for motor vehicles. Fines and penalties thereof shall be determined by the Municipal Council or *Sangguniang Bayan* through a separate administrative ordinance.

**Section 6. OPEN BURNING.** Open burning adds to global warming and provides hazards to health, properties and natural resources. Therefore, no person shall ignite, cause to be ignited or maintain any open fires except on the following activities:

- a. open fires for cooking of food for human consumption;
- b. fires for recreational or ceremonial purposes;
- c. fires for the prevention and control of diseases, mosquitoes and pests;
- d. fires for the disposal of dangerous materials or waste, when there is no practical alternative method for disposal, provided that a clearance is secured from the Office of the Mayor; and

- e. fires for training personnel in the methods of fire fighting.

**Section 7. NOISE POLLUTION.** To protect public health and welfare against nuisance caused by excessive noise, the Municipality of Loon in coordination with the DENR and various sectors within the Municipality shall cause the standard limits for noise pollution and set standards for noise reduction at the source as may be appropriate.

- a. Airport
- b. Construction
- c. Vehicles, mufflers, stereo system
- d. Pub houses, restaurants and karaoke bars
- e. Public gatherings such as concerts, rallies, etc.

**Section 8. TOLERABLE DECIBEL LEVELS.** The Municipality of Loon hereby limits the loudness of sound within its territorial jurisdiction to only up to 60 decibels.

## **CHAPTER VII OTHER ENVIRONMENTAL CONCERNS**

### **ARTICLE I HAZARDOUS AND TOXIC MATERIALS**

**Section 1. OPERATION OF GASOLINE STATIONS.**

- a.) All gasoline stations located in the municipality shall install oil and water separation facility including facilities in the storage of used oil and grease into sealed receptacles. All these are mandatory pre-conditions before the issuance of business permits by the municipal government.
- b.) Gasoline stations shall ensure that their underground storage tanks are always in good conditions by undertaking periodic maintenance and monitoring of fugitive effluents.
- c.) The gasoline station operators shall ensure the safety from fire and explosion hazards of their respective facilities by installing appropriate signage for the general public and by attaching proper gadgets and devices to prevent gaseous or fume emissions.

**Section 2. TOXIC SUBSTANCES AND HAZARDOUS WASTE CONTROL.** The Municipality shall require all persons and entities dealing with toxic substances and hazardous materials to comply fully with full disclosure procedures in the following manner:

- a. Manufacturers are required to present material fact sheet which should explain or describe the quantity, toxicity, ignitability, flammability and leaching potentials of the chemicals manufactured.

- b. Transporters are required to submit to the Municipality ahead of time a manifest which will contain the material fact sheet, the origin and destination of the material in transport, the transit time and the route where the hazardous or toxic materials will traverse.
- c. Primary users are required to present to the Municipality and maintain for periodic inspection by competent authorities, a disclosure document which will contain the quantity of the chemicals, type of use, storage facilities, and safety measures.
- d. Secondary users shall likewise be required to submit to the Municipality and maintain for periodic inspection by competent authorities a disclosure document similar to that required of the primary users.

**Section 3. MANUFACTURE OF TOXIC AND OTHER CHEMICAL SUBSTANCES.** All business establishments engaged in the manufacture, processing, and utilization of chemical substances shall submit to municipal authorities a comprehensive occupational safety and hazard mitigation program which will consider conditions within its complex and immediate vicinities. The Municipal Government through the Municipal Environment and Natural Resource Office shall promulgate the necessary safety procedural guidelines and regulations in chemical handling within the Municipality.

**Section 4. QUARTERLY INSPECTION OF THOSE ENGAGED IN CHEMICAL MANUFACTURING.** All businesses engaged in chemical use and manufacturing shall be subjected to a quarterly inspection by the Municipal Environment Office to ensure compliance of safety measures and appropriate procedures. However, if public safety so requires, the Municipal authorities should conduct inspection more frequently.

**Section 5. DISPOSAL OF CLINICAL WASTES.** All hospitals and clinics, both private and public, and other health establishments shall dispose of their clinical waste in accordance with the duly approved practices and technologies by the Municipal Health and Environment offices.

**Section 6. LIMITATIONS ON PRODUCTION CAPACITY.** All industrial, manufacturing and similar business establishments shall operate only within the capacity limits of their respective waste treatment facilities in order to maintain the quality of the environment within the standards required by the Municipal Government.

**Section 7. FARM TECHNICIANS.** All users of fertilizers, pesticides and other farm chemicals in the farms, plantations and other places shall observe precautionary measures in handling, applying, storage and disposal as well as safety practices as indicated in the labels of the chemicals and instructions of farm technicians.

## **ARTICLE II**

### **PUBLIC ENVIRONMENTAL SANITATION**

#### **Section 1. PUBLIC MARKETS.**

- 1.1. The cleanliness and sanitation of the public and private markets in the Municipality of Loon shall always be observed.
- 1.2. No person shall use the structures and buildings in the public market as residential places or as domiciles or as sleeping quarters.

**Section 2. OPERATION OF SLAUGHTERHOUSES.** All slaughterhouses both public and private shall be equipped with appropriate and adequate disposal facilities for solid discards and wastewater, as well as disinfection system for the maintenance of hygienic conditions within their premises.

**Section 3. OPERATION OF FUNERAL PARLORS.** All funeral parlors performing embalming shall dispose their wastes through cremation.

**Section 4. CEMETERIES AND CREMATORIUM.** The provision of a cemetery is one of the basic facilities to be established for the general welfare of the communities and the inhabitants thereof. There shall be permanently appointed cemetery caretakers to see to it that the cemetery should be used exclusively for the interment of bodies and due respect for the dead. In view of the scarce land resources, the establishment of a municipal crematorium shall be included in the municipal development plan and its specifications shall be within the minimum standards set by the Department of Health.

**Section 5. MUNICIPAL CEMETERY COMMISSION.**

5.1. Creation . There shall be created Municipal Cemetery Commission of the Municipality of Loon, otherwise known as MCC.

5.2. Composition. The MCC shall be composed of:

Chairman - Municipal Engineer

Vice-Chairman - MENRO officer

Members - a) Chairmen of 8 Administrative Districts

b) Municipal Architect

c) Municipal Health Officer or his/her representative,

d) Municipal Treasurer who has the financial control, management and supervision thereon.

5.3. Functions. The Commission shall perform the following functions:

- present its architectural design of the cemetery for SB approval
- keep the area clean
- regulate the burial in the area, per compliance of the requirements
- implement the provisions of ordinances appurtenant thereto

**Section 6. RULES ON MUNICIPAL CEMETERY.**

6.1. The burial of human remains must conform to the Sanitation Code of the Philippines, PD 856.

6.2. The grave area shall be in form of niche for cadaver or niche for skeletal remains

6.3. The burial of human remains shall not be denied on account of race, nationality, religion, social class, or political color.

6.4. No human remain shall be buried unless the following conditions are complied with:

a) death certificate issued by a physician

b) payment of prescribed fee as provided under Section 321 of the Revenue Code signing of contract of lease entered into between the member of representative of the bereaved family and the Municipal Engineer

c) permit to bury, or permit to rebury upon payment of P100.00, or permit to exhume upon payment of P200.00 pursuant to Section 243 of the Revenue Code

6.5. The guidelines and fees, provisions for existing graves, and the mausoleum area in the cemetery as provided for under Sections 321,322, 323 of the Revenue Code of Loon are hereby adopted as part of this Code.

### **ARTICLE III**

#### **ENVIRONMENTAL MEASURES**

**Section 1. COMPOST PIT.** Every household is required to have its own compost pit wherein all the “biodegradable wastes” shall be deposited therein for purposes of organic fertilizer process.

**Section 2. COMMUNITY USE.**

- a) Every household is required to maintain a garbage receptacle wherein all the “recyclable wastes” shall be deposited therein.
- b) Every purok is required to utilize the “recyclable products” within the purok for community use.
- c) Any excess of the recyclable wastes shall be used within the barangay level in a competitive manner.

**Section 3. USE OF WATER.** Every household or user of water is mandated to limit its use only for a specific purpose, and never to overuse nor misuse, or abuse its use to the detriment of the future users.

**Section 4. UTILIZATION OF RAIN WATER.** The construction of rainwater tank for every household is encouraged, and the use thereof shall be regulated for bathing, washing, spraying plants, pigpen cleanliness and related uses. However, in remote areas with preserved environmental condition, the collection of rain water is encouraged for drinking purposes.

**Section 5. CYCLE OF USE.** If one cannot refuse to use non-biodegradable items, such as but not limited to plastics, the practice of “reuse” shall be adopted for the same item, and finally, to recycle its other possible use.

**Section 6. APPLIANCE RULES.**

- a) The purchase of equipment and appliances with energy star “logo” is hereby encouraged being pursuant to the environmental concerns.
- b) There must be proper use of equipment and appliances, and never to use it if nobody is benefited by it.

**Section 7. DAY LIGHT.** The use of daylight shall be maximized. Conserve energy by using day light rather than switching on the electrical wirings for lighting purposes where the daylight is made available.

**Section 8. GREEN BUILDING.** The LGU-Loon adopts the “green building rule” to mean, a building which is environmentally friendly, with proper ventilation, with plants / or backyard gardening therein.

**Section 9. PIGGERY/ POULTRY.** No piggery of more than 5 swine or poultry of more than 100 hens shall be allowed to operate in the absence of the following requisites:

- certification of public hearing in the barangay
- project design with septic tank

- barangay resolution favorably endorsing the project
- payment of prescribed fees based on barangay revenue ordinance
- sanitary inspection by LGU Sanitary Inspector and payment of prescribed fees
- payment of fees as prescribed in the Revenue Code
- clearance from the municipal engineer
- SB resolution endorsing the project, stating therein that the project is not hazardous to health and environment, and does not cause unsanitary factor to the area.

## **ARTICLE IV**

### **INFORMATION, EDUCATION AND COMMUNICATION (IEC) PROGRAM**

**Section 1. GENERAL PRINCIPLE.** The resources of the earth and the environment which sustain life are not inexhaustible. As stewards and trustees, the present generation must conserve, develop, and protect these resources and ensure that the environment is not degraded from wasteful and needless exploitation. The concept of intergenerational responsibility for a balanced and healthful ecology is affirmed by the Supreme Court in G.R. 101083. The Municipal Environment Code is an instrument that enables the Municipality to undertake the judicious disposition, utilization, management, renewal and conservation of the Municipality's natural resources and to preserve and maintain environmental quality according to accepted standards.

**Section 2. GENERAL POLICY.** It is the primordial duty of the Municipal Government to undertake public information and dissemination of the provisions of the Loon Environment Code and consistent with the mandate of RA 7160, otherwise known as the Local Government Code. The Municipality expects, on the other hand, its citizens to collaborate in the effective implementation of this Code. Implementation of the Public Information, Education and Communication shall be through multi-media and the active participation of the citizens and other stakeholders shall be enlisted.

**Section 3. OBJECTIVES.** The following are the objectives of the Public Information, Education and Communication Program:

- A. Providing a level of knowledge to prevent any misinformation on any provisions of the Loon Environmental Code,
- B. To facilitate exchange of information on this Environment Code
- C. To advocate the need for effective implementation of this Environmental Code and to persuade the public on the value and importance of such a Code in the preservation, protection and development of the physical environment and the resources therein,
- D. To persuade the target clientele about the need for environmental regulations and for everyone's cooperation in the observance and enforcement of such regulations,
- E. To help justify the need for the religious observance to the provisions of this Environment Code and to maintain a positive healthy relationship between the Municipality and its constituents and other stakeholders.
- F. To cultivate a favorable climate of acceptance for the LEC and its effective implementation.

**Section 4. FUNCTIONS.** The Public Information, Education and Communication Program (PIEC) shall be concerned with the following functions:



- A. Developing understanding about Local Environment Code (LEC) and its role in local and national development.
- B. Developing and strengthening opinions and attitudes favorable to LEC.
- C. Providing general and technical information to appropriate publics, audiences or groups.
- D. Providing motivation, stimulation, and basis for discussion leading toward community assessment and decision.
- E. Developing habits, norms and values leading to the greater appreciation of the Local Environmental Code.

**Section 5. DEFINITION OF TERMS.**

- A. Public information refers to those information activities directed to public audiences. Such activities include mass media, educating and promotion, public relations and commercial advertising.
- B. Information is concerned with those information activities directed to large public audience, organizations, small groups and individuals. Such activities include mass media usage, advocating and promotion, and public relations.
- C. Education refers to the series of formally designed learning objectives and content that are intended to change the behavior of a target audience by providing them knowledge, helping them acquire skills and causing the internalization of desirable attitudes. Education includes technical education on LEC, community extension, and formal schooling. Education modifies people's behavior through the acquisition of knowledge, new skills, development of desirable habits, and beliefs.
- D. Communication is the process through which information and education are conveyed. It is aimed at cultivating a permissive atmosphere that promotes positive attitudes about the environment and on the LEC as an instrument for the promotion of environmental quality. To change behavior of people, it is important to ensure that the various audiences receive the same message and the same interpretation.
- E. Promotion is the process of communicating the features of the LEC and its objectives and the services that it will provide; create awareness for what the LEC is all about, generate public enthusiasm, answer questions asked by the public and the various constituencies, and to place the LEC on a favorable light.

**Section 6. PIEC PROGRAM COMPONENTS.** In designing a Public Information, Education and Communication Program (PIECP) the following components should be included:

- A. Identification of the target clientele
- B. Identification of clientele's needs and wants
- C. Services and the benefits to be derived are spelled out
- D. Methods of presentation are those that are done in a memorable, believable, and exciting manner.

**Section 7. RESPONSIBILITY FOR INFORMATION, EDUCATION, AND COMMUNICATION.** The Municipal Office on Environment and Natural Resources as mandated in the Local Government Code shall take primary responsibility in designing and implementing an Information, Education and Communication Program for public dissemination of all of the provisions of this Code.

**Section 8. INFORMATION SYSTEMS.** The following information systems shall be adopted for thorough information, due observance and compliance of the Loonanons, viz:

- a) publication of environment leaflets
- b) conduct of seminars down to the barangay level
- c) sponsoring contests relative to environment, such as but not limited to song compositions, literary contests, pakigpulong /oratorical contest, debates, drama, short plays, drawing, paintings, and other means of information competitive drives in coordination with the CHARTS
- d) musical combinations and plays to be played by garbage personnel while on duty with their respective garbage trucks
- e) musical and brief environmental ads to be played at the Market and Municipal Hall through its paging system
- f) requiring every program in any place within the territorial jurisdiction of Loon to incorporate environmental concerns either through music, ads, oral exams, and other modes of disseminating the provisions of this Code
- g) adoption of the tri-media system, the print, broadcast and television

**Section 9. THE ROLE OF CITIZENS.** Municipal residents shall take an active role in the planning and implementation of public information, education and communication projects and activities.

**Section 10. APPROPRIATIONS.** There is hereby appropriated a minimum of Three Hundred Thousand Pesos (P300,000.00) out of its General Fund for the implementation of the PIEC.

## **CHAPTER VIII**

### **CLIMATE CHANGE AND DISASTER RISK MANAGEMENT**

#### **Article I**

#### **DISASTER RISK REDUCTION**

**Section 1. STAGES.** The LGU shall adopt 3 stages of Disaster Risk Reduction schemes:

- (a) pre-disaster
- (b) disaster period
- (c) post-disaster.

**Section 2. PRE-DISASTER.** It is the mission of this LGU to prepare our community and specially the entire government machinery to anticipate the onset of and respond to any disaster, thus bringing the number of casualties and damages at a minimum level. The LGU aims to provide an integrated direction and control of manpower, material, monetary and other necessary resources that can be made available - responsive to the disasters and calamities which may occur in the territorial jurisdiction of Loon.

**Section 3. PREPARATORY STAGE.** The LGU shall prepare the following items under the Pre-Disaster Stage, viz:

- 1) Facilities
- 2) Transportation & Equipments
- 3) Manpower
- 4) Communication Equipment
- 5) Finance

**Section 4. RESCUE 161.** There shall be created Rescue 161 at the Alagad Office which is directly under the office of the Mayor with trained and licensed Paramedics.

**Section 5. OFFICE OF PUBLIC SAFETY AND SECURITY.** There shall be created an Office of Public Safety and Security to be attached at the PNP Office comprising police force and Bantay-Bayan personnel comprising all barangay tanods of the town. They shall keep roads and sidewalks hassle-free, with crowd control and securing public buildings/offices during disaster period.

**Section 6. OFFICIAL EVACUATION CENTERS.** There shall be Official Evacuation Centers to be identified by the Office of the Mayor through the Municipal Disaster Risk Reduction Council (MDRRC).

**Section 7. DISASTER EQUIPMENTS AND FACILITIES.**

7.1. Equipments. The LGU shall acquire and maintain the following disaster equipment and facilities, viz:

- a) Emergency Ambulance
- b) Mobile Command Facility
- c) Non-Emergency Ambulance
- d) Rescue Tender Truck
- e) Fire Trucks/ Water tankers
- f) Police Cars
- g) Disaster Motorcycles and vehicles
- h) Barangay Vehicle
- i) Service Jeep Vehicle
- j) Manlifter
- k) Tow trucks

7.2. Light Equipment. The LGU shall acquire the following light equipment, viz:

- a) Welding Machines
- b) Portable Concrete Cutter
- c) Portable Blower w/ Duct Hose
- d) Power Saw
- e) Bolt Cutter
- f) Generator Sets
- g) Rubber Boats w/ outboard motors
- h) Wooden Boats
- i) Acetylene Cutting Outfit
- j) Oxygen Tanks w/ 4 regulators
- k) Search Lights – portable / 5 flood lights
- l) Tower Light
- m) Command Tent

7.3. Heavy Equipment. The LGU shall acquire the following heavy equipment to cope up whatever disasters that may occur, viz:

- a) dump trucks
- b) water tanker
- c) excavators
- d) aerial basket vehicles

7.4. Multi-Disaster Needs. The LGU shall also acquire 10 sets of Collapse Building Retrieval Boxes, lighting paraphernalia such as kerosene lantern, candles, boxes of match; digging tools such as shovel, pick mattock, axe, sledge hammer; shelter paraphernalia such as crow bar, laminated sack; personal safety such as hydraulic jack, face shield, nylon rope ½", goggles, leather gloves, raincoat, signal flag, first aid kit, body bag, 5 kilos lime; hand tools such as electrical flier, claw hammer, cross cut saw, hacksaw, hacksaw blade, cold chisel; Container Van; complete set of cooking equipments to prepare meals for 10,000 persons within four (4) hours, from time of preparation to distribution; *medical equipments (rescue tender truck) contents*, spine boards, short extrication collars, gas mask, sphygmomanometer, aneroid sphygmo, stethoscope, thermometer, tackle boxes, manual suction machine, splints (long/short), nebulizers, army lift (collapsible).

**Section 8. RATIONALE.** The following are the rationale for disaster preparedness program:

- a) Philippines is situated in the Pacific Ring of Fire where two major tectonic plates of the world, i.e. the Pacific Plate and the Eurasian plate, meet.
- b) This explains the occurrence of: 20 earthquakes recorded per day, 100 to 200 earthquakes felt every year, 90 destructive earthquakes for the past 400 years, tsunamis, existence of 220 volcanoes, of which 22 are classified as active.
- c) Philippines is located along the typhoon belt on the North Pacific Basin in the Pacific where 75 percent of typhoons originate:
  - \* average 20 to 30 typhoons per year, 5 to 7 of which can be destructive
  - \* eastern seaboard is highly exposed to typhoons with wind speeds of 200 kilometers per hour
  - \* 25 percent of typhoons of such high wind speeds in the world occur in the Philippine Area of Responsibility
- d) The National Disaster Risk Reduction Council (NDRCC) is preparing against the occurrence of disasters through the 17 regional DRRC, 81 Provincial DRRC, 113 City DRRC, 1,496 Municipal DRRC, 41,956 Barangay DRRC
- e) There are Social and Environmental Impacts of Disasters such as: Loss of life, Environmental degradation, Loss of natural habitats and destruction of ecosystems, Disruption of communities and family life, Loss of cultural heritage assets, Unemployment, Migration, Differential gender impact, Hindered development, Worsened poverty
- f) Risk is the probability of harmful consequences or expected losses, resulting from interaction between natural or human-made hazards and vulnerable conditions.
- g) Hazard is a potentially damaging phenomenon or human activity that may cause the loss of life or injury, property damage, social and economic disruption and environmental degradation.
- h) Capacity refers to the ability of people, organizations and society as a whole to manage their affairs successfully.

- i) Capacity Development refers to the process whereby people, organizations and society as a whole unleash, strengthen, create, adapt and maintain capacity over time.
- j) Disaster Risk Management is the systematic process of using administrative decisions, organization, operational skills and capacities to implement policies, strategies and coping capacities of the society and communities to lessen the impacts of natural hazards and related environmental and technological disasters. This comprises all forms of activities, including structural and non-structural measures to avoid (prevention) or to limit (mitigation and preparedness) adverse effects of hazards.

**Section 9.** LGU FOUR-POINT PLAN OF ACTION ON DISASTER PREPAREDNESS. The LGU adopts the 4-point Plan of Action on Disaster Preparedness:

1. Up-grading the forecasting capability of warning agencies for hydro-meteorological and seismological hazards through improved equipment and staff development as well as networking with foreign forecasting institutions; or coordinating with concerned agencies, and upgrading the LGU facilities pursuant to disaster preparedness program.
2. Promoting an integrated and coherent strategic public information campaign on disaster preparedness through the conduct of municipal-wide tsunami and earthquake drills; distribution of posters and flyers on natural hazards and other IEC through the tri-media;
3. Enhancing capabilities of Local Chief Executives (LCEs) and their respective Disaster Risk Reduction Councils (DRRCs) down to the barangay level in identified vulnerable areas through the conduct of DM-related trainings, and
4. Strengthening mechanisms for government and private sector partnership in relief and rehabilitation.

**Section 10.** RA 9279.

10.1. Adoption. The LGU adopts the provisions of RA 9279, otherwise known as The Disaster Risk Reduction and Management (DRRM) Act of 2010 which strengthens the Philippine Disaster Risk Reduction and Management Framework duly approved in the bicameral conference on 27 January 2010 and ratified by both Houses of Congress on 01 February 2010.

10.2. Features. The Disaster Risk Reduction and Management provisions duly adopted by this LGU have the following features:

- a) Proactive, comprehensive, integrated, community-based, multi-sector approach in DRM
- b) Respect to people's rights to life and property; adherence / adoption of universal norms, principles and standards of humanitarian assistance
- c) Development, promotion and implementation of the National Disaster Risk Reduction and Management Plan (NDRRMP)
- d) Mainstreaming of DRR and Climate Change Adaptation in development, peace and conflict resolution processes
- e) Keen support to knowledge management and education (e.g. setting-up of training institutes)

**Section 11. PROHIBITED ACTS.** The following are the prohibited acts during disaster, as provided by law:

- a) Preventing the entry/distribution of relief goods and disaster teams/experts in disaster-stricken areas
- b) Buying, for consumption or resale, from disaster relief agencies any relief goods, equipment or other aid commodities intended for distribution to disaster affected communities
- c) Buying, for consumption or resale, from the recipient disaster affected persons any relief goods, equipment or other aid commodities received by them
- d) Selling of relief goods, equipment or other aid commodities intended for distribution to disaster victims
- e) Forcibly seizing of relief goods
- f) Diverting/mis-delivery of relief goods
- g) Repacking of relief goods, equipment and other aid
- h) Substitution of relief goods
- i) Illegal solicitations by persons/organizations
- j) Deliberate use of false or inflated data
- k) Tampering with or stealing hazard monitoring and disaster preparedness equipment and paraphernalia

**Section 12. WEATHER-CAUSING PHENOMENA.** The MENRO shall educate the residents of the town on the following weather-causing phenomena:

1. Thunderstorm-
  - a) lightning and thunder
  - b) heavy rain
  - c) tornado
  - d) hail (ice pellets)
2. cold fronts
3. monsoons
4. inter-tropical convergence zone

**Section 13. LIGHTNING PRECAUTIONARY MEASURES.**

13.1. Kinds of lightning. The MENRO shall educate the people of Loon the kind of lightning, viz:

- a) Forked Lightning / Crooked lightning- bolts discharge from cloud to ground or cloud to air
- b) Sheet Lightning - clouds, rain blocks forked lightning bolt, but flash illuminates clouds.
- c) Ball Lightning - on rare occasions, small glowing balls loops from the cloud, but quickly vanish

13.2. Lightning Safety Precautions:

Go inside a home or large building, if you can.

- \* Avoid using electrical appliances such as telephones, computers, or television sets.
- \* If stuck outside, *do not* take shelter under a tall, isolated tree.
- \* Stay away from bodies of water.

- \* If you are trapped in an open field and you feel your hair stand on end, lightning is about to strike. Do not lie flat on the ground.

**Section 14. FLOOD MITIGATION:** The LGU shall cause flood mitigation through the following structures:

- a) dam
- b) dike
- c) channel

**Section 15. BAD WEATHER.** The Municipal Disaster Team shall be vigilant for the protection of its residents in any of the following situations:

- a) tropical depression with than 64 kph
- b) tropical storm with 64-117 kph
- c) typhoon with more than 117 kph.

**Section 16. HAZARD IDENTIFICATION & RISK ASSESSMENT**

16.1. Kinds of Hazards. The following are the kinds of hazards which has an estimated percentage of affected population, viz:

NO. RANK	HAZARD	P	I	AFFECTED POPULATION	AVERAGE
1	TYPHOON	5	5	100% Population Affected	5
2	LIGHTNING	5	3	1% Population Affected	4
	FLOODS	4	4	40% Population Affected	4
2	LANDSLIDE	3	5	20% Population Affected	4
3					
3	DROUGHT	2	5	90% Population Affected	3.5
4	EARTHQUAKE	3	3	30% Population Affected	3
4	WILDFIRES	3	3	5% Population Affected	3
5	TIDAL WAVE	1	4	80%Population Affected	2.5

16.2. Typhoon phenomenon. The Municipal Disaster Coordinating Council in coordination with the MENRO, Agriculture Office, and other offices of this LGU shall cause to minimize the effects of typhoon, with the following data:

ROOT CAUSES	EARLY WARNING	TRIGGERING FACTOR	DRR MEASURES
1.Global Warming 2. Destruction of the Environment 3. Typhoon belt area 4. Natural Phenomenon	Low pressure Cloudy, gusty winds Weather forecast PAG-ASA updates Heavy rains, gusty winds	No correct disposal of garbage Man's negligence Lack of environmental concerns Unplanned human settlements	1. Reforestation 2. Store food 3. Store water, light 4. Solid waste mgt. 5. Open/Active evacuation center

		Act of God	6. Active disaster management teams with active monitoring of weather 7. Cut/Prune trees 8. Stay away from rivers and shorelines 9. Making scaffoldings 10. Evacuation center 11. Food, clothing, medicines
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16.3. Typhoon Scenario. The LGU through the Municipal Disaster Coordinating Council shall be well-prepared on the situations during the typhoon, viz:

SITUATIONS	BAD CASE Signal # 1	WORSE CASE Signal # 2	WORST CASE Signal # 3 &4
Description of Event			
Death/Injury	None	1 or 2	5 or more deaths/injuries
Affected Population	More or less 5% of Population	More or less 20% of Population	50% - 100% population
Effects on Housing, properties & Livelihood	Little and less damage	Flooding, displaced people, crops flooded and some buildings destroyed	Heavy destruction on houses, vegetation, crops, etc.
Effects on infrastructure and facilities	No effect	Less effects on infra., partial damage to property	Heavy destruction on powerlines, communication and structures, etc.
Response capabilities	Activate local NDCC, MDCC and BDCC	Total mobilization of NDCC, MDCC and BDCC	Have evacuated/relocated people already safe & secure relocation areas

## Article II

### HAZARDS

#### Section 1. DEFINITION OF TERMS:

- a) Disaster – is a natural or human-induced events wherein communities experience severe danger and incur loss of lives and properties causing disruption in its social structure and prevention of the fulfillment of all or some of the affected community’s essential functions.
- b) Hazard – is any phenomenon that has the potential to cause disruption or damage to humans and their environment. It is an event or occurrence that has the potential for causing injury to life, property and environment.



- c) Vulnerability – is a factor of the community that allows a hazard to cause a disaster, or the result of a number of factors that increase the chances of a community being unable to cope with an emergency.
- d) Risk – is a level of loss or damage that can be predicted from a particular hazard affecting a particular place at a particular time, or the probability that injury to life or damage to property and the environment will occur.
- e) Emergency – is any situation in which the life or well-being of community will be threatened unless immediate and appropriate action is taken, and which demands an extraordinary response and exceptional measures.

**Section 2.** TYPES OF HAZARDS. The LGU shall be vigilant against the following kinds of hazards, viz:

1) Natural Hazards

- Hydrological and Meteorological Hazards
- Geological Hazards

2) Human-Induced Hazards

- Environmental Hazards
- Complex Emergencies
- Technological Hazards

**Section 3.** HYDROLOGICAL – Meteorological Hazards. The following are the hydrological/meteorological hazards:

- 1) Typhoon / Tropical Cyclone – with estimated 20 typhoons a year, 4 of which are destructive, strong winds, and heavy rains.
- 2) Flood / Flashflood – is the overflowing of water due to intense rainfall caused by sea surge along coastal area
- 3) Drought is the temporary reduction in water and moisture classified as:
  - a) Meteorological Drought
  - b) Hydrological Drought

**Section 4.** GEOLOGICAL HAZARDS. The following are classified as geological hazards which the MDCC should look into for its protective functional operation, viz:

- 1) Earthquake – is the vibration or movement of part of the earth's surface due to the faulting of rocks to volcanic forces, characterized by ground shaking, ground rupturing, or liquefaction, landslides, or tsunami.
- 2) Landslide – is the downward falling or sliding of a mass of soil, detritus or rock, on or from a steep slope. It is a movement of a mass of rocks or soil from a higher point to a lower one characterized by: rock falling, deep failure of slopes, shallow debris flows.
- 3) Tsunami – is a Japanese word to mean “Harbor Wave”, which originates from:
  - Undersea or coastal seismic activity
  - Landslides
  - Volcanic eruptions
- 4) Volcanic Eruption – characterized by lava flow, pyroclastic flows, volcanic ash, water vapor and gases.
- 5) Red Tide – is a discoloration of water bodies with paralytic shellfish poisoning
- 6) Environmental Pollution – which is classified into:
  - Air Pollution
  - Water Pollution

- Ozone Depletion
- Possible Global Warming

**Section 5.** COMPLEX EMERGENCIES. The LGU shall be protective against any threat of complex emergencies such as:

- a) Armed Conflict
- b) Political Destabilization
- c) Socio-political / Security Hazards
- d) Rallies

**Section 6.** TECHNOLOGICAL EMERGENCIES. The MDCC shall mobilize all forces to rescue or help the victims of technological emergencies such as:

- a) Maritime accidents
- b) Plane crash
- c) Vehicular accidents injuring more than 3 persons.

### **Article III**

#### **DISASTER MANAGEMENT**

**Section 1.** DEFINITION. Disaster Management refers to the range of activities designed to maintain control over disaster and emergency situation and to provide a framework for helping persons at risk to avoid or recover from the impact of the disaster

**Section 2.** OBJECTIVES OF DISASTER MANAGEMENT. The following are the objectives of Disaster Management:

- To reduce or avoid the human, physical & economic losses suffered by individuals, by the society & by the country at large.
- To reduce personal suffering.
- To achieve rapid & durable recovery

**Section 3.** PHASES OF ENVIRONMENTAL ACTION. The LGU shall adopt two phases of Environmental Action insofar as it affects disaster management, viz:

- 1) Phase I – Pre-disaster measures – refer to those measures adopted by this municipality as embodied in the Environment Code for purposes of preventing the occurrence of disasters, viz:
  - a) Disaster prevention
  - b) Disaster mitigation
  - c) Disaster preparedness
  - d) Disaster warning
- 2) Phase 2 – starts from the happening of a disaster and the recovery measures adopted by this LGU, viz:
  - a) happening of disaster
  - b) emergency response
  - c) rehabilitation
  - d) reconstruction
  - e) development

**Section 4. DISASTER MANAGEMENT CONTINUUM.** The LGU adopts the Disaster Management Continuum as follows:

1. Disaster Prevention - which encompasses activities designed to provide permanent protection from disasters. It includes engineering and other physical protective measures, and also legislative measures.
2. Disaster Mitigation - measures taken in advance of a disaster aimed at decreasing or eliminating its impact on society and on the environment.
3. Disaster Preparedness - activities designed to minimize loss of life and damage to properties, to organize the temporary relocation of people and property from threatened location and facilitate timely and effective rescue, relief and rehabilitation.
4. Disaster Warning - dissemination of messages signaling imminent hazard, which also includes advice on protective and preventive measure.
5. Disaster Happening - a situation usually catastrophic in nature in which people are plunged into helplessness and as a result are in need of food, clothing, shelter, medical care and other basic necessities in life.
6. Emergency Response - activities undertaken immediately following a disaster. It includes situational assessment and needs analysis, health and welfare, search and rescue, relief operations, and psychosocial activity.
7. Rehabilitation - immediate repair and initial efforts to re-establish the essential services associated with social and economic functions of a community.
8. Reconstruction - rebuilding of community services and facilities to a level at least equivalent to those existing before the emergency situation.
9. Development - sustained efforts intended to improve or maintain the physical, social and economic well being of a community.

**Section 5. DISASTER PREVENTION.** The following are the programs of this LGU which encompasses activities designed to provide permanent protection from disasters, to include engineering, agricultural, educational, legislative and other physical protective measures embodied in Chapter III of this Code.

**Section 6. DISASTER MITIGATION.** In order to mitigate the effects of disaster, the LGU adopts measures taken in advance of a disaster aimed at decreasing or eliminating its impact on society and on the environment, as embodied in this Code.

**Section 7. DISASTER PREPAREDNESS.** The LGU adopts the activities designed to minimize loss of life and damage to properties, to organize the temporary relocation of people and property from threatened location and facilitate timely and effective rescue, relief and rehabilitation, as provided for under Sections 3-16, Article I, Chapter VIII of this Code.

**Section 8. DISASTER WARNING.** The LGU through the Municipal Disaster Coordinating Council has to disseminate messages signaling imminent hazard, which also includes advice on protective and preventive measure, as embodied under Article II on Hazards provisions of Chapter VIII of this Code.

**Section 9. DISASTER HAPPENING.** The Municipal Disaster Coordinating Council implements the provisions of Article III on Disaster Management, and the appurtenant provisions of Chapter VIII of this Code, in a situation usually catastrophic in nature in which people are plunged into helplessness and as a result are in need of food, clothing, shelter, medical care and other basic necessities in life.

**Section 10. EMERGENCY RESPONSE.** There shall be a 5-minute emergency response rule to rescue those in helpless cases during disaster period. The LGU shall adopt activities undertaken immediately following a disaster which includes situational assessment and needs analysis, health and welfare, search and rescue, relief operations, and psychosocial activity.

**Section 11. REHABILITATION.**

- 11.1. The LGU shall cause for immediate repair and initial efforts to re-establish the essential services associated with social and economic functions of a community.
- 11.2. Calamity Fund. The calamity fund of this LGU and all the barangays must be reserved and intended only for emergency response and rehabilitation expenses, such as immediate repair and initial efforts to re-establish the essential services associated with social and economic functions of a community.

**Section 12. RECONSTRUCTION.**

- 12.1. Reconstruction Mission. The LGU shall have the mission of rebuilding the community services and facilities to a level at least equivalent to those existing before the emergency situation.
- 12.2. Unused Calamity Funds. The unused calamity funds of this LGU and the barangays for the previous year/s shall be used for the reconstruction expenses.

**Section 13. DEVELOPMENT.** The LGU shall use part of the 20% Development Fund for the sustained efforts intended to improve or maintain the physical, social and economic well being of a community.

## **Article IV**

### **DISASTER ASSESSMENT**

**Section 1. DEFINITION OF TERMS.**

- 1.1. SURVEY is the inspection or examination of situation in order to ascertain conditions and value. The result of this activity is used as basis for recommendations.
- 1.2. DAMAGE ASSESSMENT is the estimation and description based on physical observation by government officials on the nature and extent of damage resulting from a disaster to determine the needs or disaster response.

**Section 2. IMPORTANCE.** The importance of assessment is that:

- It is an information tool for decision makers.
- It helps to identify the most vulnerable sector of the affected population.
- It finds out what is going on, what the changes are and in what direction it may develop by inquiring, investigating, examining the general situation which includes the health and welfare of the affected community.
- It identifies local resources and capacities to respond to the affected areas.
- It identifies of needs for emergency measures to save and sustain the lives of the affected population and the possibilities for recovery and development.

**Section 3. METHODS OF ASSESSMENT.**

- Secondary data Review
- Observation and Visual Inspection

- Key Information Interviews (semi-structured interviews)
- Group Discussion

**Section 4.** TYPES OF ASSESSMENT. The LGU adopts the following types of assessments, viz:

*4.1. Early notification*

- In the first few hours and days of a disaster, decisive action is necessary
- In sudden onset disasters, a preliminary “early notification” should be completed as soon as possible after the disaster occurrence preferably within the first 10 hours after a disaster. This early notification alerts headquarters that a disaster has occurred and approximates the extent and location of the damage.

*4.2. Situation assessment –*

- The early notification is followed by a more intensive detailed disaster situation report
- Usually within the first 12 - 36 hours after the disaster occurrence.
- This report will provide more details about the disaster: the damage, urgent needs and priorities, and actual response measures being taken

*4.3. Emergency needs analysis*

- Between 36 and 72 hours after disaster impact, as more complete information is known.
- There should be a rapid, yet detailed assessment of specific damages, resources, response mechanisms and needs within the different sectors: water supply, health and nutrition, food, household needs, shelter, infrastructure and communications, etc.

*4.4. Ongoing Monitoring and Needs Assessment*

This will be a detailed assessment of sector specific damages and needs and should attempt to identify and forecast sectoral needs in the next 3 - 7 days, 7 - 28 days, and 28 - 90 days.

**Section 5.** GENERAL CONSIDERATIONS IN ASSESSMENT.

5.1. Disaster 6 Qs. The Municipal Disaster Coordinating Council shall be opt to answer the 6 questions as follows:

- What happened?
- When did it happen?
- Where did it happen?
- Who are affected? Who are involved?
- Why did it happen?
- How did it happen?

5.2. Keys to a Successful Assessment. The MDCC shall adopt the following keys to a successful assessment, viz:

- Ask Questions!
- GET OUTSIDE -- in the field
- Balanced team (Generalists And Specialists)
- Timeliness
- Communication Barrier (dialect, skills, etc.)
- Cultural Awareness
- Separate emergency needs from chronic needs (pre-disaster baseline data is critical)

- Gender Sensitivity (interviewee and interviewer)
- Use the tools (CHECKLISTS, QUESTIONNAIRES, ETC.)
- Be aware of raised expectations
- Be aware of bias
- Proper Documentation

5.3. Purpose of Situational Assessment & Needs Analysis. The following shall serve as the purpose of Situational Assessment and Analysis:

- To plan effective relief efforts, decision-makers need to know:
- whether or not an emergency exists
- the demographics and numbers of the affected populations
- the details of the emergency (cause, location, magnitude of disaster, etc.)
- the conditions of the affected populations (mortality and morbidity rates)
- the local response capacities and available resources, including organizational and logistical capabilities
- the immediate life-saving priorities
- the likelihood of additional future problems or needs
- Ultimately, the purpose of situational assessment and needs analysis is to assist emergency relief decision-makers in determining and implementing appropriate emergency relief measures.

5.4. Minimizing Assessment Bias. The LGU adopts TRIANGULATION which is one method for minimizing bias that requires the assessors to seek out, compare and correlate several sources of information. Triangulation is based on the principle that data must obtain from at least two other known points. Information for emergency assessments must come from different sources to provide a relatively accurate assessment of the situation.

5.5. Assessment Tools. The following are the assessment tools the LGU MDCC shall use:

- *Checklists* - are perhaps the easiest and most complete tools for a rapid initial assessment. A checklist is an abbreviated list that prompts assessors to remember key points and ask certain questions; they can also be useful for documenting responses.
- *Questionnaire* - is a simple list of questions for an individual or group of people to answer orally or in writing.
- *Gap identification charts* - are used to organize information and highlight “gaps” between needs and resources in an emergency response (resources provided by different actors during disaster).

## **Section 6. DISASTER REPORTING.**

6.1. Definition. Disaster Reporting is a primary tool for gathering data and reception of knowledge or intelligence that generates useful information relative to a disaster.

6.2. Reporting Objectives. The reporting is intended:

- a) to improve capacity, plan programs, and take decisive actions
- b) to provide a permanent record of the information obtained
- c) to communicate this information
- d) to keep abreast of current events
- e) to serve as basis for the dissemination of activities to the public

6.3. Disaster Reporting Coverage. The reporting covers any of the following stages:

- Pre Disaster Report
  - During Disaster Report
  - Post Disaster Report
- 6.4. Substantial Disaster Report. It is characterized with complete, accurate and specific, easy to understand, properly paragraphed, abbreviated, capitalized, punctuated, concise, grammatically correct, adapted to the level of the reader.
- 6.5. Complete Disaster Report. There must be a complete and accurate disaster report for purposes of responsible response thereon which covers the following areas of inquiry:
- II. WHAT– status of the situation
  - III. WHO – information such as age bracket names, etc. that will identify the persons concerned in the incident
  - IV. WHERE – information that has to do with location/ places pertinent to the incident
  - V. WHEN – time, day, month and year
  - VI. HOW – information that will explain how the incident took place
  - VII. WHY – factors which led to the occurrence of the incident
- 6.6. Levels of Report. The MDCC shall adopt the following levels of Disaster Report, viz:
- a) Initial Report –which is a brief summary of the situation:
    - \* Initial statistics gathered
    - \* Present action taken by LGU's and/or other agencies involved in the operation
    - \* Need assessment or recommendation
  - b) Progress or Update Report –is an update of the situation:
    - \* Current statistics gathered
    - \* Present action taken by LGU's and/or other agencies involved in the operation
    - \* Need assessment or recommendation
  - c) Final Report –is the summary of the incident/ situation.
    - \* Last statistics gathered
    - \* Problems and difficulties encountered /recommendations

## **CHAPTER IX**

### **FINAL PROVISIONS**

#### **Section 1. PENALTY.**

- a. Any person who violates the provisions of this Code not herein otherwise covered by a specific penalty, or of the rules and regulations promulgated under the authority of this Code, shall be punished :

First Offense	- P500.00
Second Offense	- P1,000.00
Third Offense	- P2,500.00

Succeeding Offense/s - P2,500.00 or imprisonment of six (6) months, or both, at the discretion of the court.

- b. Any public officer or employee who violates the provisions of this Code may be meted administrative disciplinary action, without prejudice to the filing of appropriate civil or criminal action against the same.
- c. Any other officer required by this Code to perform acts relating to the implementation of the provisions of this Code, who willfully fails to discharge such duties shall, upon conviction, be punished by a fine of one thousand pesos (P1,000.00), or imprisonment of fifteen (15) days, or both, at the discretion of the court.

**Section 2. APPLICABILITY CLAUSE.** Provisions of such other laws, codes/ordinances, rules and regulations as they pertain to the subject matters included in this Code and applicable in the Municipality are made integral part of this Code.

**Section 3. SEPARABILITY CLAUSE.** If, for any reason or reasons, any part or provisions of this Code shall be declared unconstitutional or invalid by the court, or suspended or revoked by competent authorities, other parts of the provisions thereof which are not affected thereby shall continue to be in full force and effect.

**Section 4. REPEALING CLAUSE.** All ordinances, executive orders, proclamations and administrative regulations, or parts thereof, which are inconsistent with any provisions of this Code, are hereby repealed or modified accordingly.

**Section 5. EFFECTIVITY.** This shall take effect after the lapse of ten (10) days at the date of publication in a newspaper of local circulation or after posting of the same in three (3) consecutive places in the Municipality and the review of the Sangguniang Panlalawigan.

**UNANIMUOSLY APPROVED.**

I hereby certify to the correctness of the above-quoted municipal ordinance.

**EDWIN R. LADEZA**  
Vice-Mayor  
Presiding Officer

A T T E S T E D:

**FIDELINO P. CORITICO**  
Secretary to the Sanggunian

A P P R O V E D:



**LLOYD PETER M. LOPEZ, M.D.**  
Municipal Mayor

Date: \_\_\_\_\_