



Republic of the Philippines
 PROVINCE OF CAGAYAN
 City of Tuguegarao
SEVENTH CITY COUNCIL



EXCERPTS FROM THE MINUTES OF THE 60th REGULAR SESSION
 OF THE SEVENTH CITY COUNCIL OF TUGUEGARAO CITY, CAGAYAN
 HELD ON OCTOBER 30, 2017, 9:00 A.M., TUESDAY,
 AT THE SANGGUNIANG PANLUNGSOD SESSION HALL

PRESENT:

Hon. Bienvenido C. De Guzman II	City Vice Mayor, Presiding Officer
Hon. Danilo L. Baccay	Sangguniang Panlungsod Member
Hon. Jude T. Bayona	-do-
Hon. Kendrick S. Calubaquib	-do-
Hon. Maila Rosario T. Que	-do-
Hon. Arnel T. Arugay	-do-
Hon. Gilbert S. Labang	-do-
Hon. Winnoco R. Abraham	-do-
Hon. Imogen Claire M. Callangan	-do-
Hon. Raymund P. Guzman	-do-
Hon. Grace B. Arago	-do-
Hon. Jose G. Velasco	-do-



ABSENT:

Hon. Mary Marjorie P. Martin-Chan	Sangguniang Panlungsod Member (on Sick Leave)
Hon. Anthony C. Tuddao	-do-

CITY ORDINANCE NO. 058-2017

**CITY ORDINANCE ENACTING THE COMPREHENSIVE ENVIRONMENTAL
 MANAGEMENT CODE OF TUGUEGARAO CITY**

Sponsors: Hon. Danilo L. Baccay
 Hon. Grace B. Arago
 Hon. Raymund P. Guzman

Co-Sponsors: Hon. Bienvenido C. De Guzman II
 Imogen Claire M. Callangan
 Hon. Jude T. Bayona
 Hon. Anthony C. Tuddao
 Hon. Kendrick S. Calubaquib
 Hon. Arnel T. Arugay
 Hon. Gilbert S. Labang
 Hon. Winnoco R. Abraham
 Hon. Jose G. Velasco

WHEREAS, the State shall protect and advance the right of the people to a balanced and healthful ecology in accord with rhythm and harmony of nature;

WHEREAS, the Local Government Unit shall share with the national government the responsibility in the management and maintenance of ecological balance within their territorial jurisdiction, subject to the provisions of Republic Act No. 7160, otherwise known as the "Local Government Code of 1991", and other national policies;



WHEREAS, the broad spectrum of environment and the enhancement of ecology has become a matter of vital concern to the government, hence, the necessity for the enactment and implementation of environmental protection and management law;

WHEREAS, the city shall promote, preserve, protect and revive the ecosystem through the prevention, control and abatement of air, water and land pollution and spread of hazardous diseases in the environment hand-in-hand with the sustained development of the city;

WHEREAS, the economic progress and physical development of the city through the use of advanced technologies should be in accord with nature, preservation of the environment and enhancement of ecology;

WHEREAS, the Sangguniang Panlungsod is mandated by the Local Government Code of 1991 to enact and approve ordinances, and adopt laws passed by the national government to protect the environment and impose appropriate penalties for acts which endanger the environment;

WHEREAS, there is a need to update, integrate and codify these environmental laws to ensure that they are in consonance and in keeping with modern standards of environmental laws, and provide reference and guide for their implementation and enforcement;

WHEREAS, the Tuguegarao City Environmental and Natural Resources Office (TCENRO) will be created to develop and directly administer the City's Comprehensive Environmental Protection Programs, enforce environmental laws on cleanliness, solid waste management, pollution control and other environmental concerns;

NOW, THEREFORE, be it enacted by the Sangguniang Panlungsod of Tuguegarao City, in session assembled, that:

TITLE I. GENERAL PROVISIONS
Chapter I. Preliminaries

Section 1. Title. This Code shall be known and cited as the "Comprehensive Environmental Management Code of Tuguegarao City."

Section 2. Declaration of Policy. It is the policy of Tuguegarao City to ensure sustainable development of its territorial jurisdiction in conformity to the nation's environmental policies, laws, rules and regulations.

Section 3. Authority and Legal Bases - This Code is enacted pursuant to the following authorities or legal bases:

A. 1987 Philippine Constitution – particularly:

Article XII, Section. 2 which states that "all lands of the public domain, waters, minerals, coal, petroleum, and other mineral oils, forces of potential energy, fisheries, forests or timber, wildlife, flora and fauna, and other natural resources are owned by the State."

Article II, Section 15 which states that "the State shall protect and promote the right to health of the people and instill health consciousness among them."

Article II, Section 16 which states 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. The Local Government Code of 1991, otherwise known as the Local Government Code of 1991, particularly:

Book 1, Title 1, Chapter 1, Section 3 (i) which states that "local government units shall share with the national government the responsibility in the management and maintenance of ecological balance within their territorial jurisdiction, subject to the provisions of this Code and national policies."



Book III, Title III, Chapter 3, Article 1, Section 455, (b) (2) (3) (vii) which states that “it is the power of the city mayor to adopt adequate measures to safeguard and conserve land, mineral, forest and other resources of the city.”

Section 458 (1) (vi) which states that “the Sangguniang Panlungsod has the power to approve ordinances and pass resolutions necessary for an efficient and effective city government and in this connection shall protect the environment from destructive activities 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 balance.”

Section 4. Operative Principle. This Code is enacted pursuant to the underlying vision, mission, goals and objectives of the city to attain sustainable development based on the following operative principles:

- A. The city is bestowed with rich natural resources, conducive to healthful living and progressive businesses. Investors abound in the area bring economic progress and development to the people. These developments can be sustained through judicious management, conservation, development, enhancement and protection of the environment and ecology;
- B. There is a need to formulate a comprehensive, extensive and integrated program on environmental protection that will bring about concerted efforts towards the protection of the entire spectrum of the environment;
- C. Pursuant to the Goals of Philippine Environment Policy (PD No. 1151), the city government shall take responsibility, in cooperation with concerned national agencies and private organizations and entities, to use all practical means, consistent with the other essential considerations of national policy, in promoting the general welfare to the end that the people may (a) recognize, discharge and fulfill the responsibilities of each generation as trustee and guardian of the environment for succeeding generations, (b) assure the safe, decent, healthful, productive and aesthetic environment without degrading it, or endangering human life, health and safety of creating conditions adverse to agriculture, commerce and industry, (c) preserve important and historic and cultural aspects of the Philippines heritage, (d) attain a rational and orderly balance between population and resource use, and (e) improve the utilization of renewable and non-renewable resources;
- D. The responsibility of every individual to contribute to the preservation and enhancement of the environment;
- E. All developments and activities in the city must be consistent with environmental laws, rules and regulations;
- F. The city will spearhead and encourage the participation of its constituents to a clean, orderly, safe and progressive city;
- G. Achievement of sustainable development and environmental protection must be considered as integral and indispensable parts of development process;
- H. The need for the active participation of all stakeholders to attain sustainable development;
- I. The use of environment-friendly and appropriate technologies in promoting healthy and progressive generation;
- J. Climate change is a phenomenon and its impact can be mitigated and can be addressed by intensifying preparedness through access, availability and provision of accurate information and skills to the people of Tuguegarao City;



Handwritten mark or signature.

- K. The nature's principle that nothing is for free, polluters shall bear the cost of pollution and, therefore, they must pay; and,
- L. The city shall protect and promote the right to health of the people and instill health consciousness among them.

Section 5. Basic Principles. The following are the basic principles underlying the enactment of this Code:

- A. **Adaptation** refers to the adjustment in natural or human systems in response to actual or expected climate stimuli or their effects, which moderates harm or exploits beneficial opportunities.
- B. **Integration** refers to the principle behind the mandate for the city to implement and translate into its development initiatives national policies, plans and programs.
- C. **Interdisciplinary** 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.
- D. **Intergenerational Equity** means ensuring equal access to goods and resources for people in the present and future generations.
- E. **Intergenerational responsibility** means the responsibility of the present generation as stewards and trustees to protect and preserve the natural resources and the environment for the future generations.
- F. **Mitigation** in the context of climate change, refers to human intervention to address anthropogenic emissions by sources and removals by sinks of all GHG including ozone-depleting substances and their substitutes.
- G. **Precautionary Principle** refers to the principle that the city government shall take immediate preventive action by using the best available knowledge in situations where there is a reason to think that something is causing a potentially severe or irreparable environment harm even in the absence of conclusive scientific evidence establishing a causal link.
- H. **Principle of Sustainable Development** – that Tuguegarao City shall efficiently and judiciously utilize the disposition and management of its environment and natural resources in a manner that will enable people and communities to uplift their economic, social and physical well-being subject to the equity considerations pertaining to the environment and natural resources use, protection, and conservation.
- I. **Polluter Pay Principle** refers to the principle that polluters assume the external costs of pollution with respect to the community and the environment.
- J. **Resiliency** means the capacity to respond to a perturbation or disturbance by resisting damage and recovering quickly.

Section 6. Scope of Application. This Code shall cover the following environmental management concerns and areas of consideration within the territorial jurisdiction of the city:

- A. Land Resource Management
 - 1. Agricultural Management
 - 2. Soil Resource Regulation and Conservation Management
 - 3. Mineral Resource Management
 - 4. Forest Resource Management
- B. Water Resource Management
- C. Air Quality and Pollution Control Management
- D. Noise Pollution Management
- E. Land-Based Pollution Management
- F. Solid Waste Management



- G. Climate Change Management
- H. Cleanliness, Orderliness and Sanitation Management
- I. Land Use Planning Management
- J. Parks and Tourism Management
- K. Green Building Design and Infrastructures
- L. Environmental Fund

Section 7. Rules of Interpretation. Rules of construction and interpretation of this Code shall be observed unless inconsistent with the manifest intent of the said provisions, thus;

- A. **Words and Phrases** - Words and phrases shall be construed and understood according to their common and approved usages. Words and phrases which may require a technical, peculiar and appropriate meaning under this Code shall be construed and understood according to such technical, peculiar or appropriate meaning.
- B. **Gender and Number** - Every word in the Code importing the masculine gender shall extend and apply to both male and female. Every word importing the singular number shall extend and apply to several persons or things as well. Every word importing the plural number shall extend and apply to one person or thing as well.
- C. **Computation of Time** - The time within an act is to be done as providing in this Code in any rule or regulation issued pursuant thereto, when expressed in days, shall be computed by excluding the first day and including the last day.
- D. **Interpretation of Conflicting Provisions** - If the provisions of this Code conflict with each other, the section which affords greater protection to the environment shall prevail.
- E. **Interpretation in Favor of Environmental Protection** - All doubts in the implementation and interpretation of the provisions of this Code including its implementing rules and regulations shall be resolved in favor of environmental management.

Section 8. Definitions. For purposes of this Code, the terms or phrases enumerated in this section shall be construed or interpreted to mean or refer to as follows:

1. **“Administrative Arrangement”** refers to the agreement entered into between and among the city and other government agencies such as the DENR, EMB Region II, NWRB, LTO, LTFRB, DOLE, DOH pursuant to this Code, whereby the city recognizes the authority, jurisdiction and mandates of the national agency and the national agency empowers and share with the city its enforcement and monitoring functions to ensure effective implementation of national laws in the city
2. **“Agricultural Lands”** which are neither classified as forest, mineral lands nor national park.
3. **“Ambient Air Quality”** is the average atmosphere 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. **“Biological Diversity”** means the variability among living organisms from all sources including terrestrial, marine and other aquatic ecosystem and the ecological complexes of which they are part; this includes diversity within species, between species and ecosystems.
5. **“Buffer”** refers to an identified area 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.
6. **“City”** refers to Tuguegarao City.
7. **“City Government”** refers to Tuguegarao City Government as used in the City Charter.
8. **“City Waters”** include not only streams, lakes and tidal waters within the territorial jurisdiction of the city, not being the subject of private ownership and not included within national parks, public forest, timber lands, forest reserves or fishery reserves and marine waters included between two (2) lines drawn perpendicularly to the general coastline from points where the boundary lines of the city touch the sea at low tide and



a third line parallel with the general coastline and fifteen (15) kilometers from such coastline.

9. **"Clean and Green Campaign"** deals with the massive cleaning of the city and the planning and maintenance of trees as well as intensive beautification drive in consonance with national government goals and objectives.
10. **"Commercial Lands"** refer to portions of alienable and disposable lands of the public domain classified as suitable and intended for trading of goods and services by competent authority.
11. **"Comprehensive Land Use Plan (CLUP)"** is the document embodying specific proposals for guiding and regulating growth and development. It translates community goals into spatial form, allocates various sectoral land requirements considering socially desired mix of land uses, and includes a land use map as well as a set of land use policies to guide future development.
12. **"Cover Crop Planning"** means the process of conditioning denuded areas which are highly cogonal, rocky or erodible by 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 area.
13. **"Detention Pond"** is a low lying area that is designed to temporarily hold a set amount of water while slowly draining to another location. It temporarily detains the water and keeps the run-off at a desired rate. This is for purposes of flood control when large amounts of rain could cause flash floods. Such ponds eventually dry up.
14. **"DENR"** refers to the Department of Environment and Natural Resources which, under Executive Order 192, Series of 1987, is the primary government agency responsible for the conservation, management, development and proper use of the country's environment and natural resources.
15. **"DOH"** refers to the Department of Health.
16. **"DPWH"** refers to the Department of Public Works and Highways.
17. **"Dry Goods"** refer to any product that does not require refrigeration or freezing for its long use such as textile and clothing.
18. **"Ecological Solid Waste Management"** refers to the systematic administration of activities which provides for segregation at source, segregated transportation, storage, transfer, processing, treatment and disposal of solid wastes and all other waste management activities which do not harm the environment.
19. **"Eco-Park"** refers to ecological parks to be established in barangays where people can commune and enjoy nature.
20. **"Effluent"** refers to any wastewater, partially or completely treated, or in its raw natural state or liquid waste flowing out through a pipe or a single outlet structure from a manufacturing/industrial plant or wastewater treatment plant.
21. **"EMB"** refers to the Environmental Management Bureau.
22. **"Emission"** refers to the act of passing into the atmosphere an air contaminant, pollutant, gas stream and unwanted sound from a known source.
23. **"Enrichment Planting"** is the 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.
24. **"Environment"** refers to the quantity, quality, diversity and sustainability of renewable and non-renewable natural resources including the ambient environment such as the atmosphere, climate, sound and odors that are critical determinants of the quality of life. In a broad sense, it shall include the total environment of man such as economic, social, cultural, political and historic factors.
25. **"Environmental Compliance Certificate (ECC)"** refers to the document issued by the government agency concerned certifying that the project under consideration will not bring about an unacceptable environment impact and that the proponent has complied with the requirements of the environmental impact statement system and that the proponent will further comply with the obligations set forth in said ECC for its continued operations.
26. **"Environmental Planner"** refers to a person who is registered and licensed to practice environmental planning and who holds a valid certificate to registration and a valid professional identification card from the Board of Environmental Planning and the Profession Regulation Commission.



27. **“Environmental Planning”**, also known as urban, regional, city, town and country planning, and/or human settlements, refers to the multi-disciplinary art and science of analyzing, specifying, clarifying, harmonizing, managing and regulating the use and development of land and water resources, in relation to their environs, for the development of sustainable communities and ecosystem.
28. **“Excessive”** is going beyond the limit of what is needed, tolerable or desirable.
29. **“Farm Lands”** are lands intended for or actually devoted to the production of food including plantations, except fishponds and other adjoining bodies of water.
30. **“Flood Neutral Development”** refers to land development that mitigates flooding by retaining/detaining additional flood waters due to conversion of permeable lands within a property.
31. **“Generation”** is the act or process of producing solid waste.
32. **“Greenhouse Gases”** refer to gases such as carbon dioxide, methane and oxides of nitrogen, chlorofluorocarbons and others that can potentially or can be reasonably be expected to induce global warming.
33. **“Groundwater”** refers to that portion of the rainwater which has percolated into the earth to form underground deposits called aquifers.
34. **“Habitat”** is a place or environment where species or subspecies naturally occur or has naturally established its population.
35. **“Hazardous Chemicals”** refer to any chemicals potentially dangerous to the environment and to people because of chemical reactivity, toxicity, flammability and explosiveness.
36. **“Hazardous Wastes”** refer to substances that are without any safe commercial, industrial, agricultural or economic usage and which may cause danger to health and safety of people, plants and animals.
37. **“HLURB”** refers to the Housing and Land Use Regulatory Board.
38. **“Incineration”** means the burning of biochemical and hazardous wastes which process emits toxic and poisonous fumes.
39. **“Industrial Lands”** are public lands within the zone established by Tuguegarao City for the manufacture and production of large quantities of goods and commodities.
40. **“Land Classification”** is the assessment, appraisal and determination of land potentials which include survey and classification of land resources and the study and mapping of soil.
41. **“Land Development”** refers to the improvement of land to make it more suitable for future use or resale as developable lots for housing or other purposes.
42. **“Land Reclassification”** refers to the subsequent classification, allocation and disposition of alienable and disposable lands of the public domain into specific uses.
43. **“Land Resource”** refers to all terrestrial, subterranean, and all geological features and land masses of the public and private domains of the state, within the respective geographical jurisdiction of the city, including all flora and fauna, minerals and aquatic resources that dwell or exist upon it.
44. **“Land Use Planning”** is the 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 sociocultural and environment objective as an aid to decision making and legislation.
45. **“LTO”** refers to the Land Transportation Office.
46. **“LTFRB”** refers to the Land Transportation, Franchising and Regulatory Board.
47. **“Materials Recovery Facility”** refers to the station where recyclable solid waste materials are stored and includes a solid waste transfer station or sorting station, drop-off center, a composting facility and a recycling facility.
48. **“Mayor”** refers to the City Mayor of Tuguegarao City.
49. **“MTWD”** refers to the Metropolitan Tuguegarao Water District.
50. **“NWRB”** refers to the National Water Resources Board.
51. **“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 siltment 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 streets surfaces contaminated with car oil, fuel, dust and animal feces.
52. **“Person”** refers to natural or juridical person.



[Handwritten mark]

53. **"Plastic Bag"** refers to sando bag, pouch, plastic shopping bag and plastic film bag. It is a type of flexible packaging material made of thin, plastic film that is used for containing and transporting goods and other products (commercial or industrial). It shall also refer to thin gauge packaging medium that is used as bags or wraps.
54. **"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, 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.
55. **"Pollution"** is the man-made or man-induced alteration of the physical, biological, chemical and radiological integrity of any land, water or air resource.
56. **"Population, Resources and Environment Balance"** refers to 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 preservation of the environment and vice-versa.
57. **"Population and Development Planning and Approach"** is the development of a mindset to look at all important socioeconomic and demographic interrelationship in formulating, implementing, monitoring and evaluating plans and programs.
58. **"Pollution Control Device"** refers to 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 Resource.
59. **"Primary Packaging Material"** refers to those materials used as the first bag or packaging material for the goods or products.
60. **"Private Lands"** refer to lands owned by private persons.
61. **"Protected Areas"** are 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.
62. **"Public Lands"** refer to lands owned by the government.
63. **"Quiet Zones"** are areas within the city in which blowing of horns is prohibited.
64. **"Residential Lands"** are public lands intended to or devoted to the construction and establishment of dwelling.
65. **"Rain Garden"** is a planted depression that allows rainwater run-off from impervious urban areas like roofs, driveways, walkways, parking lots and compacted lawn areas the opportunity to be absorbed. This reduces rain run-off by allowing storm water to soak into the ground (as opposed to flowing into storm drains and surface waters).
66. **"Retention Pond"** is a pond that has water and retains water at all times. It is designed to hold a specific amount of water indefinitely. The pond has a drainage leading to another location when the water level gets above the pond capacity, but still maintains a certain capacity.
67. **"Sanitary Landfill"** refers to a waste disposal site designed, constructed, operated and maintained in a manner that exerts engineering control over significant potential impacts arising from the development and operation of the facility.
68. **"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, water, air for tire, greasing and repair.
69. **"Secondary Packaging Material"** refers to those types of packaging materials used for wet goods to provide support to the primary packaging material first used and is intended to better the packaging and for the convenience of the handler as well.
70. **"Segregation"** refers to a solid waste management practice of separating different materials found in solid wastes in order to promote recycling and re-use of resources and to reduce the volume of wastes for collection and disposal.
71. **"Segregation at Source"** refers to a solid waste management practice of separating at the point of origin different materials found in solid wastes in order to promote



M

- recycling and re-use of resources and to reduce the volume of wastes for collection and disposal.
72. **"Smoke Belching Vehicles"** are vehicles that emit excessive smoke than that allowed by law and regulations that endangers health of people when being exposed and may lead to various lung-related ailments.
 73. **"Solid Wastes"** refer to all discarded household, commercial wastes, nonhazardous institutional and industrial wastes, street sweepings, construction debris, agricultural wastes and other non-hazardous/non-toxic solid wastes.
 74. **"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.
 75. **"Stationary Source"** is any building or fixed structure, facility or installation that emits or may emit any repair pollutants.
 76. **"Styrofoam"** refers to a packaging material used as food containers, disposable cups, plates, etc.
 77. **"Swales"** are drainage systems with linear, shallow, open channels which are trapezoidal or parabolic in shape. They are vegetated and may be employed only by low-density development projects.
 78. **"TCENRO"** refers to the Tuguegarao City Environment and Natural Resources Office.
 79. **"Vicinity"** is an area immediately in front, at the side or back of any public building, church, hospital or school.
 80. **"Waste Management"** refers to the practice of properly disposing wastes through segregation, recycling and other activities.
 81. **"Watershed"** refers to a land area drained by a stream of fixed body of water and its tributaries having a common outlet for surface run off.
 82. **"Water Appropriation"** is 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.
 83. **"Wet Goods"** refer to any product such as fish, meat, poultry products, fruits, vegetables and cooked/baked foods and other similar goods that require refrigeration, freezing or plastic packaging to maintain its freshness or usefulness.
 84. **"Zoning"** is the delineation/division of a city into functional zones where only specific land uses are allowed. It directs and regulates the use of all the community in accordance with an approved or adopted land use plan for the City. It regulates land uses and prescribes limitations on structures/infrastructures thereon.
 85. **"Zoning Ordinance"** is the implementing tool of Comprehensive Land Use Plan.

Chapter II - Administrative and Organizational Structure

Section 9. Essence of Creating the Office. The Tuguegarao City Environment and Natural Office (TCENRO) shall be responsible in the sustainable development, protection, management, rehabilitation and conservation of the environment and natural resources of the city in accordance with the provisions of Republic Act 7160 and other pertinent environment laws, rules and regulations.

To efficiently and effectively implement the purpose of this Code, there is a need for the land resource management, water resource management, waste management, air and noise pollution control management, land-based pollution management, climate change management, environmental impact assessment management, records, equipment, property and such personnel to be merged in the TCENRO referred and defined under the provisions of this Code.

To further strengthen the TCENRO, the office shall adopt and undertake the following environmental development initiatives relevant to the proper utilization, protection, management, rehabilitation and conservation of the environment and natural resources of the city:

- A. **Fund Sourcing** - Establish linkages with national and international institutions for purposes of fund sourcing/network building research and information data bank generation.

- B. **LGU Clustering** – Encourage adjoining municipalities to group into clusters to address environmental concerns such as protection to the municipal river system and pollution control as stipulated under Section 3 (f) Title I Chapter I of Republic Act 7160.
- C. **Linkaging** – Establish an operational, both internal and external linkages, and networking system that will maintain and expand local government-driven environmental initiatives.
- D. **Management Review** – Facilitate and coordinate the holding of *City Environment Summit* to be held on the month of effectivity of this Code and the years thereafter where Tuguegaraoenos and the City Government through the TCENRO will resolve issues about environmental management concerns.
- E. **Organizational Development** – Assist the Barangay Councils including environmental organizations through the provisions of technical assistance such as, but not limited to development of environmental management organizational capabilities particularly the formulation of environmental program and mobilization of local and external pool of environment specialists to facilitate in the formulation and implementation of environmental laws.
- F. **Program Development** – Develop a long-term environment management framework plan for the promotion of local government driven community-based and livelihood oriented initiatives particularly in land resource management, solid waste management and pollution control management.
- G. **Policy Advocacy** – Organize a network of advocate groups by maintaining local network of environmental organizations.
- H. **Showcasing** – Develop and implement environmental programs through the promotion of best-as-of-the-moment methods, processes and approaches by establishing showcases within the province for LGUs to adopt in their respective jurisdictions.

Section 10. The City Environment and Natural Resources Office. The Tuguegarao City Environment and Natural Resources Office (TCENRO) shall be the DEPARTMENT principally tasked to implement the provisions of this Code. The office shall have the following general functions:

- A. Formulate policies, plans and programs for the consideration of the Sanggunian and provide technical assistance and support to the city mayor in carrying out measures to ensure the delivery of basic services and provision of adequate facilities relative to environment and natural resources services.
- B. Develop plans and strategies and, upon approval thereof by the city mayor, implement those which have to do with environment and natural resources programs, projects and activities.
- C. Be responsible for the sustainable development of existing forest resources, conservation of biodiversity and management of watersheds within the city.
- D. Coordinate with concerned local or national government agencies, private sector and civil society organizations in the implementation of plans, programs, projects and activities related to waste management, ecological and environmental concerns, forest resources conservation, watersheds, bio-diversity, climate change and similar concerns.
- E. Enforce laws for the sustainable development of the existing forest resources, conservation of biodiversity, management of watersheds, pollution control and waste management within the city.
- F. Be the frontline in the delivery of services, in dissemination of information, education and communication campaign concerning the environment and natural resources, proper waste disposal and management particularly in the renewal and rehabilitation of the environment during and in the aftermath of man-made and natural calamities and disasters.
- G. Recommend to the Sanggunian Panlungsod and advise the city mayor on all matters relative to the protection, conservation, maximum utilization, application and adoption of appropriate technology and other matters related to the environment and natural resources.
- H. Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

Section 11. Composition of Tuguegarao City Environment and Natural Resources Office (TCENRO). The following positions are hereby created to constitute the Department

- One (1) Department Head SG-24
- One (1) Supervising Environmental Management Specialist SG 22
- Five (5) Senior Environmental Management Specialists SG18
- Five (5) Environmental Management Specialists II SG15
- Five (5) Environmental Management Specialists I with SG 11
- Five (5) Administrative Assistants II SG 8

Section 12. Positions, Titles, Qualification Standards and Salary Grades for the Technical Staff of the TCENRO.

Position Title (SG)	Education	Experience	Training	Eligibility
Supervising Environmental Management Specialist (SG 24)	Bachelor's Degree	5 years experience relevant to the job	16 hours training relevant to the job	Career Service/Professional 2 nd Level Eligibility
Supervising Environmental Management Specialist (SG 22)	Bachelor's Degree	3 years experience relevant to the job	16 hours training relevant to the job	Career Service/Professional 2 nd Level Eligibility
Senior Environmental Management Specialist (SG 18)	Bachelor's Degree	2 years experience relevant to the job	8 hours training relevant to the job	Career Service Professional/ 2 nd Level Eligibility
Environmental Management Specialist I (SG 15)	Bachelor's Degree	1 year experience relevant to the job	4 hours training relevant to the job	Career Service Professional/ 2 nd Level Eligibility
Environmental Management Specialist (SG 11)	Bachelor's Degree	None- required	None- required	Career Service Professional/ 2 nd Level Eligibility
Administrative Assistant II (SG 8)	Completion of 2 years in college	None- required	None- required	Career Service Sub-Professional/ 1 st Level Eligibility

Section 13. Divisions of the Office. The following divisions shall be created:

A. Environmental Protection, Regulation and Law Enforcement Division.

This Division shall have the following functions:

1. Implement and enforce the provisions of this Code, all laws, rules, regulations and ordinances on solid waste management, environmental management and pollution control.
2. Implement plans and programs on pollution control and management in coordination with other concerned agencies.
3. Implement policies and guidelines of the city's anti-smoke belching campaign and organize the anti-smoke belching task force in coordination with the concerned agencies.
4. Process and issue permits and environmental compliance certificates, authority to operate and environmental charge sheets.
5. Conduct regular inspection, monitoring, check-up, and evaluation of the levels of air, land and water pollution within the city and design different pollution control measures.
6. Conduct regular inspection, check-up, monitoring and evaluation on the compliance of establishments, residents and institutions on solid waste management and environmental laws, rules, regulations and policies.
7. Conduct regular inspection, check-up, monitoring and evaluation on the compliance of motor vehicles and stationary sources of air, land and water pollution within the city. In connection with this task, the staff will coordinate with DENR and EMB for the creation of joint task forces like Anti-Illegal Logging, ASBU, Bantay-Ilog and others.

8. Institute cases and impose fines to environmental and ecological solid management laws violators.
9. Process and issue City Environmental Certificate (CEC) and City Environmental Permit to operate business with full compliance with the CEC and all other environmental permits covered in this Code.
10. Perform such other functions as may be required and necessary.

B. Waste Management Division.

This Division shall have the following mandate and functions:

1. Design and develop Ecological Waste Management Plans for solid, water and other wastes.
2. Implement policies, guidelines, rules and regulations pertaining to effective waste management.
3. Develop waste management system for all forms of waste disposal.
4. Implement plans and programs for the benefit of waste collectors, sweepers and environmental law enforcement officers and agents.
5. Conduct regular monitoring and inspection of different industrial, commercial and business establishments.
6. Formulate action plan and conduct waste segregation training; improve and develop existing land fill areas of Tuguegarao City Government.
7. Design, improve and develop existing land fill area/s of the city.
8. Implement plans and programs relative to industrial Waste Management, Septage Treatment Facilities and Waste Processing Plant.
9. Conduct regular monitoring, assessment, evaluation and inspection of waste disposal and management system of industrial and business establishments.
10. Coordinate with other offices for the establishment, construction, development and operation of Septage/Sewerage Management System like Septage/Sewerage Treatment Plant (STP) and Waste Processing Plants (WPP).
11. Perform such other functions and duties as may be required and necessary in the discharge of the above enumerated responsibilities.

C. Parks, Open Spaces, Tree Planting and Watershed Management Area Maintenance Division

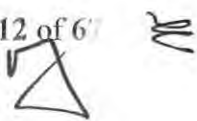
This Division shall have the following mandate and functions:

1. Identify possible areas for tree planting sites, "Green Belt Areas", Recreational Parks and open spaces in the city.
2. Establish and manage green belt areas and tree planting sites.
3. Develop and maintain parks and playgrounds in the city.
4. Improve and maintain landscape of the islands and landmarks along the streets and highways in Tuguegarao City in coordination with the City General Services, City Engineering Office and the DPWH.
5. Identify sites suitable for the establishment of recreational facilities, eco-tourism park and open spaces.
6. Establish, maintain and coordinate with the DENR and other concerned agencies in the establishment and/or rehabilitation of a city nursery and seeds and seedlings bank for forest and other tree species.
7. Manage, develop and protect existing watershed area in the city.

D. Environmental Information, Education and Communication (IEC) Division.

The IEC Division shall have the following functions:

1. Formulate civic consciousness programs geared towards management sanitation and environmental protections.
2. Conduct public education programs on solid waste management including waste recycling and re-use.



3. Undertake continuing studies and research on environmental management with the end view of adopting modern concepts and technologies and best practices that may be adopted by the city government.
4. Conduct trainings, seminars, symposia and/or environmental fora.
5. Establish linkages and coordination with concerned offices of the city government and national agencies for the promotion of environmental protection, waste management programs and projects.
6. Conduct, manage, monitor and evaluate special projects and activities being undertaken by the city government to promote and sustain environmental management campaign and advocacy.
7. Formulate programs for the conduct of evaluation and search for clean and green barangays and schools in the city.
8. Perform such other functions and duties as may be required and necessary in the attainment of the city's goal, mission and vision

E. Environmental Safety and Regulatory and Climate Change Division.

The Environmental Safety and Climate Change Division shall perform the following functions:

1. Develop and implement comprehensive Environmental Protection Program in line with national and local laws and their respective implementing rules and regulations.
2. Manage environmental risk reduction and environmental restoration after an environmental disaster or phenomenon occurs.
3. Pro-actively implement programs, projects and activities related to climate change, risk reduction and city's resiliency.
4. Formulate programs, projects and activities on the development, protection and conservation of the city's environment and natural resources in relation to hazard operability and risk reduction.
5. Implement programs, projects and activities on environmental protection and natural resources conservation.
6. Exercise such other powers and perform such other activities and functions that may be prescribed by laws and ordinances.

TITLE II - ENVIRONMENTAL MANAGEMENT CONCERNS

Chapter I - Land Resource Management

Tuguegarao City has a total land area of 11,395 hectares including straits and bodies of water. It is composed of 49 barangays (villages). The city has the following land uses: residential 1,762.93 hectares; 168.90 hectares allocated and utilized for commercial purposes; 28.45 hectares allocated for industrial use; 187.73 hectares for institutional purposes; 5,541.16 hectares for agriculture; open space of 2,426.27 hectares; open grassland of 3,627 hectares; utilities of 181.24 hectares; 1,098.32 hectares of creeks and rivers.

The city has an increasing population which causes demand for use of land resource either for residential, industrial, institutional, commercial and others. The city is growing rapidly and the neighboring towns absorb its spill-over from various economic and social activities. The expansions of economic activities cause serious effects to agricultural land due to land conversion. Land and Land dependent resource have been extracted for human survival.

Article I. Agricultural Resource Management

Section 14. Operative Principle. Humans obtain more than 99.7% of their food (calories) from the land and less than 0.3% from aquatic ecosystems: preserving cropland and maintaining soil fertility should be the highest importance to human welfare.

Section 15. Maintenance of Productivity of Agricultural Lands. All agricultural lands shall be maintained in their optimum productive state to ensure food security. Negative consequences of production and utilization shall be balanced with measures to improve the land's capacity to

resuscitate and sustain its natural and nurturing processes consistent with sound environmental management.

Section 16. Strategic Agricultural Development Zone Map. The City 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 formulation in the improvement of food production and prevention of the leaching or degradation of the top soil on farmlands. To this end, a Strategic Agricultural Development Zone map shall be prepared.

Section 17. Soil Conservation Initiatives. The city shall undertake soil conservation program with the adoption of measures to maintain its fertility and prevent erosion like the following:

- A) Implementation of cover crop planting for soil conditioning of denuded areas.
- B) Promote the maximum use of organic fertilizer and adopt technologies on organic farming.
- C) Use appropriate and guided farming techniques such as contour farming, contour strip cropping, organic farming, green manure, cover crop, and mulch tillage, or combination of any of the techniques such as the sloping agricultural land technology (SALT) to reduce soil erosion before attempting to control water flow.
- D) Adaption of enrichment planting using fuel wood or non-timber crops in between trees of reforested areas or open spaces for additional income to organized people and indigenous communities.
- E) Planting of trees in all perimeters of the agricultural land for crop protection.
- F) Implementation of associated rainwater management programs such as:
 - 1) Infrastructure support in the form of "riprapping" or the construction of creek, river, and shore protection walls, with planting of vegetables dubbed as "vengineering."
 - 2) Provisions of waterways and drainage.
 - 3) Provision of detailed engineering design and construction, and construction of erosion control structures such as dams, and spillways.
- G) Banning the use of pesticides and toxic substances detrimental to public health environment and crops.
- H) Promote Integrated Pest Management in agriculture by adopting environment-friendly biological techniques and use of botanical insecticides through the use of indigenous plants.
- I) Promote Bio Incentive Technology (organic farming) to the barangays and communities.

Section 18. Regulation and Reclassification of Agricultural Lands. Reclassification of agricultural lands shall be limited to ten (10%) of the total agricultural land area of the city subject to the provisions of the City Land Use Plan. When reclassification is necessary, the appropriate environmental impact assessments shall be required before any development activity shall be undertaken.

Section 19. Prohibition on the Alteration of the Use and State of the Soil. No person, even the registered owner or holder of the land, may alter the use of the land which will adversely affect its natural contour without securing the necessary clearance from the TCENRO and appropriate ECC from the EMB. The appropriate agency or office has the authority to stop any project, activity or undertaking in the area if there is no showing of the requisite permit or clearance.

Article II - Soil Resource Regulation and Conservation Management

Section 20. Operative Principle. Soil is the earth's fragile skin that anchors life on Earth. It is comprised of countless species that create a dynamic and complex ecosystem and is among the most precious resources to humans. With this, the sound policies of the City Government for a sustainable land use can help to prevent soil degradation and erosion within the locality and more importantly it can maintain that fragile skin from which biodiversity springs.

Section 21. Authority and Mandate. The Local Government Code of 1991 expressly authorizes the city mayor pursuant to Section 455 (b) (3) (vii) thereof to adopt adequate measures to safeguard and conserve land and other resources of the city.

The city government shall likewise exercise other powers and functions necessary, appropriate or incidental to efficient and effective provision of basic services and facilities enumerated under Section 17 of the Local Government Code of 1991. These basic services and



facilities shall include soil resource utilization and conservation projects as enshrined specifically under Section 17 (b) (2) of the above-cited law.

Section 22. Policy Objective. In line with the Philippine Strategy for Sustainable Development (PSSD), the Tuguegarao City Government shall adopt adequate measures or protection to address specifically the adverse impact of depletion and degradation of its soil resources due mainly to misuse, mismanagement and over exploitation. The integration of environmental considerations and environmental education, and strengthening the citizens participation are vital in attaining the city's goal of preserving soil resources - mineral land, timber or forest and alienable and disposable land of the public domain.

Section 23. Importance of Topsoil. Topsoil is soil in the upper-most layer of the ground which contains quantity of organic matter suited for agricultural and production activities.

Section 24. Limitations in the Sale of Topsoils. The city government, in the exercise of its police power, may establish a sound legislative measure aimed of conserving the usable and fertility of its topsoils against mismanagement, misuse and over exploitation. Only topsoils considered acidic shall be extracted and removed for commercial sale.

Section 25. On Earth Movement. Earth movement within Tuguegarao City shall be governed by the following rules.

- A. The owner or developer of the land from where the earth is obtained shall pay Earth Moving Fee according to the following schedule upon presentation to the city treasury a certification from the barangay as to the volume of earth to be moved:
- For every truckload of:
- | | |
|--------------------------------------|------------|
| 1. Five (5) cubic meter and below | Php 100.00 |
| 2. Six (6) to eight (8) cubic meters | Php 150.00 |
| 3. Above eight (8) cubic meters | Php 200.00 |
- B. In the case of land filling, the owner or developer of the land shall, prior to filling, secure from the barangay a certification as to the area to be filled and thereafter pay a fee of Five Pesos (Php 5.00) per square meter at the city treasury.
- C. Fees collected shall be shared equally between the city government and the barangay where the earth is moved or where the land filling takes place.
- D. The share of the barangay shall be forfeited in case of failure to report the earth movement in their jurisdiction.

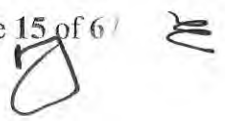
The land owner and the hauler shall ensure that earth movement, removal, collection or transfer shall not cause any degradation of environment or siltation or destruction of any existing roads and infrastructures.

The land owner and/or hauler/contractor shall undertake restoration and rehabilitation activities after the collection, transfer, removal or any movement of earth or soil surface from the property.

The TCENRO or any deputized city personnel shall have the authority to stop, prevent and close the area in case of violation or non-compliance of the owner, hauler and/or contractor.

Section 26. Unauthorized Removal of Topsoil. The unauthorized removal of topsoil shall be considered as prohibited act and shall be penalized as follows:

- First Offense - Fine of Two Thousand Pesos (Php2,000.00) and four (4) hours environmental community work.
- Second Offense - Fine of Three Thousand Pesos (Php3,000.00) and four (4) hours environmental community work.
- Third Offense - Fine of Five Thousand pesos (Php5,000.00) and thirty (30) days imprisonment.



Article III - Mineral Resource Management

Section 27. Operative Principle. The gravel, sand and stones found along the banks of Pinacanauan and Cagayan River have been the major source of quarry activities in Tuguegarao City. No other mining activities will be conducted in the city except quarry business and/or sand and gravel extraction. Hence, adequate measures must be adopted to ensure its proper utilization and sustainability for economic growth and development.

Quarry activities in the city shall be governed by the principle of sustainable quarrying and the utilization shall be pro-environment and pro-people in sustaining wealth creation and improved quality of life under the following terms:

- (a) Quarrying activities must always be guided by best practices in environmental management which will reduce the adverse effects of such activity to the community.
- (b) The wealth accruing to the government and communities as a result of quarrying should also lead to other wealth generating opportunities for people and to other environment-responsible endeavors.
- (c) Quarrying operations shall be undertaken with due and equal emphasis on economic and environmental considerations, as well as for health, safety, social and cultural concerns.
- (d) Permittees/grantees of quarry privileges are required to adopt and implement safety and security measures in transporting sand and gravel or any quarry resources within the city which includes, but not limited to, proper covering to avoid spillage, minimize dust and solid particles, watering of roads and payment of fees based on the tonnage of loads.
- (e) Granting of quarry rights shall harmonize existing policies, rules and regulations of the government with the view of enhancing sustainable development and resource management.

Section 28. Declaration of Policy. All mineral resources in public and private lands within the territory and exclusive economic zone of the Republic of the Philippines are owned by the State. It shall be the responsibility of the State to promote its national exploration, development, utilization and conservation through the combined efforts of the government and private sectors to enhance national growth in a way that it effectively safeguards the environment and protects the rights of affected communities.

Section 29. Scope of Powers and Functions. As stated under Section 455 (b) (3) (vi) of Republic Act 7160, otherwise known as the Local Government Code of 1991, the city mayor is mandated or authorized to adopt adequate measures to safeguard and conserve the mineral resources of the city.

Section 30. Management Strategies. To ensure the proper utilization of mineral resources within the city, the city government shall undertake the following:

- A. Participate in the monitoring to ensure that holders of a permit to quarry shall strictly adhere to the conditions set forth in the Environmental Compliance Certificate (ECC) pursuant to the provisions of PD 1586 in close coordination with the Environmental Management Bureau (EMB) of the DENR.
- B. Conduct environmental fora wherein affected communities are informed of the likely environmental impacts as well as measures to abate the adverse effects of quarry activities.
- C. Strictly implement Sections 26 and 27 of Republic Act 7160, otherwise known as the Local Government Code of 1991, where government agencies and instrumentalities are required to consult with the LGU concerned in the implementation of projects and programs relating to mineral resources that will affect the environment.
- D. Ensure that no license, lease, agreement or permit shall be issued by other government agencies or the provincial governor without the prior clearance from the city mayor and sangguniang panlungsod pursuant to the Revised Implementing Rules and Regulations of the Philippine Mining Act of 1995 and applicable provisions of RA 7160.

Section 31. Compliance before the Undertaking of Quarrying Business. In order for an entity or individual to legally undertake quarrying business in the city, the entity or individual must first



comply with all the requirements imposed not only by the national government but also by the local government unit where his business is situated.

Section 32. Rules and Regulations for Quarry Extraction. The operation of quarry within the city shall be regulated by the following protection measures:

- A. Slow Down Zone signs shall be implemented on all entry and exit points on populated sectors leading to the quarry area with the speed limit of 20 kms. per hour.
- B. Speed limit signs, check brake signs and other warning signs shall be in place visible to all haulers and non-haulers.
- C. Truck drivers should check tailgate lock if it is well fastened. Penalties shall be imposed on dump trucks with unfastened tailgates.
- D. Trucks of any kind loaded with river minerals shall not be allowed to leave the loading area without proper dump box covers.
- E. For loader operator, easement of twenty (20) meters from embankments shall be observed.
- F. No stockpiling of waste minerals shall be allowed. All wastes shall be flattened or moved to embankments to serve as protective dikes.
- G. Environmental Billboards shall be placed in entry point leading to any quarry area to remind extractors and haulers that they should observe environmental protection measures for a sustainable quarry operation.
- H. Government Equipment shall be required to present copy of program of work duly certified by the provincial engineer (for province), city engineer (for city), for review of the TCENRO technical men to justify their extraction.
- I. Haulers/Extractors shall be issued loading slip at entry points, direct payment for extraction. Tax shall be collected over and all fees due (list of fees and dues shall be circulated to members for their guidance).
- J. Loader operators are prohibited to load trucks without loading slip.
- K. The road right of way shall be for the exclusive use of extractors for proper monitoring
- L. Trucks and other loading equipment shall provide covering device to avoid spillage along roads.
- M. Permittees/grantees of quarry privileges are required to minimize dust and solid particles to be blown into the air.
- N. Payment of fees based on the tonnage of loads.

Section 33. Monitoring and Evaluation. The TCENRO shall monitor and evaluate compliance of permits and/or licenses thereof in relation to mining laws, rules and regulations.

Section 34. Prohibited Acts. The following are the prohibited acts under this Article.

- A. Presentation of any false application, declaration or evidence to the government or that publication of any prospects or other information containing false statement relating to mines, mining operations or mineral agreements, financial or technical assistance agreement and permit.
- B. Extracting minerals or steals minerals from mills or processing plant and disposing the same without a mining agreement lease or permit license.
- C. Willful violations or gross negligence to abide by the terms and conditions of the Environmental Compliance Certificate.
- D. Unauthorized and/or unlawful intrusion upon any ancestral lands or domains.
- (5) Extraction or removal for sale of sand and gravel and other loose and unconsolidated materials from its source without a permit or in excess of the allowable quantity specified in the permit or any extraction or removal or sale of materials outside the permit area and any other unlawful extraction.
- (6) Failure to comply with safety measures as required by this Code.

Section 35. Penalty. Any person found violating the provision of the immediately preceding Section shall be penalized as follows:

- First Offense - Fine of Three Thousand Pesos (Php3,000.00) and four (4) hours environmental community work.
- Second Offense - Fine of Four Thousand Pesos (Php4,000.00) and four (4) hours environmental community work with stern warning.
- Third Offense - Fine of Five Thousand Pesos (Php5,000.00), thirty (30) days imprisonment and cancellation of permit or license to operate.



Article IV - Forest Resource Management

Section 36. Operative Principle. The TCENRO shall undertake activities to preserve existing forest cover and to protect fragile and important habitats of wildlife in the city and it shall be guided by the following operative principles:

- A) All classified forest or timber lands, forest reserves and grazing lands within the jurisdiction of the city.
- B) All lands where forest trees and other vegetations have eventually transformed the land to become ecologically aesthetic may be recommended for public parks.
- C) Lands registered in the name of Tuguegarao City Government, its accretion and other open spaces with no known claimants or legitimate interest shall be declared reforestation area or eco-parks for tree planting activities.
- D) All lands adjoining banks of the rivers are considered reforestation area for river bank protection and river parks.

Section 37. Management of Protected Forests. The city, in cooperation with the national government, particularly the DENR, shall adopt measures to secure the perpetual existence of all native plants and animals in the city.

As far as practicable, the management of forests for sustained water production, conservation of waterways, easements and right of way, forest based recreation, biodiversity conservation and scientific and educational advancement shall be undertaken with the end view of generating livelihood for local residents and revenues for the city government.

Section 38. Forest Protection and Law Enforcement. The city mayor shall lead in the operation of inter-agency, inter-barangay and multi-sectorial efforts in forest protection and law enforcement in close collaboration with the DENR and other law enforcement agencies.

Section 39. Development of Recreation Forests. Upon request, the city mayor through the city environment and natural resources officer shall assist any public or private entity in the establishment of revenue-generating community-based forest recreation projects such as, but not limited to, forest parks, botanical gardens and camping grounds.

Section 40. Prior Consent of the LGU. Pursuant to Section 26 and Section 17 of RA 7160, government agencies and instrumentalities are hereby required to consult with Tuguegarao City Government in the implementation of developmental and investment programs or projects affecting forest resources. Henceforth, no forest resources management, development, utilization or processing project, lease, license, agreement or usufruct permit shall be issued by the national government agencies without the prior consultation and consent of Tuguegarao City Government.

Section 41. Forest Resource Inventory. There shall be a forest resource inventory to delineate, classify and map the existing micro watersheds, forest lands and forest reserves within the city based on the classifications of the DENR to be used for policy formulation on land utilization.

Section 42. Declaration of All Suitable Public Lands as Protection Forests. All suitable public lands shall be declared as protection forests. While allowing its use for agricultural production of raw materials for any livelihood projects, the rehabilitation, regeneration and continued protection of all declared protection forests shall be carried out.

Section 43. Unauthorized Cutting of Trees. It shall be unlawful to cut or uproot matured trees along roads, highways, parks, river ways and other declared public and private places. Removal of trees can be done through earth balling or cutting. When establishing infrastructure projects, removal of trees shall be considered the last option. However, removal or cutting of trees may be allowed based on the following:

- A. Any over-mature, diseased or defective tree posing hazards to lives and properties.
- B. Any tree or other vegetation in public and private places unavoidably affected by infrastructure projects such as road widening, bridges, building construction and government projects such as road expansion and widening which are on-going, or when such trees pose imminent danger to the general public, and shall be covered by a valid clearance from the TCENRO upon proper inspection.



- C. Any tree and other vegetation may be allowed to be cut if earth-balling of such tree and other vegetation is impractical. Before earth-balling of tree/s, there shall be a suitable and available site for the transplanting of earth-balled trees or vegetations to guarantee their continuous growth and survival. Earth-balled trees shall be protected and taken care of for a period of at least a year. For every transplanted tree that did not survive after six (6) months, it shall be replaced with the sapling of indigenous tree.
- D. If there shall be cutting/balling of trees, a Permit to Cut shall be secured from TCENRO. The requesting party shall provide the following requirements:
 1. Letter request; Photos of tree/s to be removed.
 2. Payment of fee of P 100.00 per tree

DIAMETER CLASSES OF TREE/S TO BE REMOVED	REQUIRED NO. SAPLING REPLACEMENTS PER TREE TO BE REMOVED
Less than 3 cm	10 pcs.
3-9 cm	20 pcs
10-19 cm	30 pcs
20-29 cm	40 pcs
30 cm and above	50 pcs

At least 1 meter tall (Sapling)

Section 44. Tree Planting. As part of the City’s Greening Program towards healthful, bio-diverse, cleaner and greener environment, all individuals, barangays, institutions and organizations, whether public or private, are encouraged to plant, protect and maintain trees and other vegetations within their respective areas of jurisdiction. Adaptable and suitable species of native/indigenous trees, fruit bearing trees and ornamental plants, or shrubs shall be planted among road sides, open spaces, parks, creeksides/riverbanks, as approved and determined by TCENRO. The following shall plant trees in accordance with the provisions of PD No. 953:

- A. Every person who owns land adjoining an existing river or creek shall plant trees extending at least five meters on his land adjoining the edge of the bank of the river or creek.
- B. Every owner of an existing subdivision shall plant trees in the open spaces required/reserved for the common use and enjoyment of the owners of the lots therein as well as along the roads and service streets.
- C. All graduating pupils and students in elementary, high school and tertiary levels shall produce and plant at least five (5) forest or fruit bearing trees in any open space, forest parks or forest areas in the city;
- D. Couples about to get married and before issuance of their marriage license are required to plant at least five (5) forest or fruit bearing trees in any private or public lands in the city;
- E. Any person or entity engaged in any business or undertaking will be required to plant trees.

Section 45. Activity during the Arbor Week. The planting of native and fruit-bearing trees of economic value shall be the center of activities during the celebration of “Arbor Week” in Tuguegarao City on June 25TH of every year particularly along the main thoroughfares, open spaces, parks and city hall grounds.

Section 46. The Tuguegarao City People’s Seedlings Nursery. There shall be a space to any government owned lot or facility to serve as the depositary of all tree seedlings with commercial value. These plants shall be exclusively used to supply the need of the city, barangays or organizations for tree planting, roadside greening, waterways bank rehabilitations, potential creek linear parks and mini park development activities.

Section 47. Role of Barangays and Schools. All barangay officials and school authorities including officers and members of Parents and Teachers Association (PTA) in coordination with TCENRO shall undertake tree planting projects and activities within their respective barangays and schools.

Through proper instructions and guidance, they shall infuse to the minds and hearts of the pupils and students the significance and importance of planting trees and to contribute to the enhancement of the environment and ecology.

Section 48. Penalty. (a) Any person who cuts, removes, gathers and/or collects trees without the necessary permit or clearance shall, upon conviction, be punished with a fine of not less than Three Thousand Pesos (P3,000.00) nor more than Five Thousand Pesos (P5,000.00), confiscation of the cut trees, cutting equipment and tools, or with imprisonment of not less than six (6) months nor more than one (1) year or both, at the discretion of the Court (b) Those found guilty under paragraph (a) of this section shall likewise be required to grow a tree, ten times the number of trees cut in a place determined by CENRO.

Section 49. Endangered and Exotic Species. It shall be unlawful to sell endangered and exotic species in malls or any establishments as pets. It shall likewise be unlawful to sell such endangered exotic species in restaurants as food. Such practice of selling shall only be allowed for specific breeding or propagation purposes in accordance with Section 6 of Republic Act No. 9147. Provided, that, only accredited individuals, business, research, educational or scientific entities shall be allowed to collect or sell such species upon the approval of the head. The duly deputized personnel of the department shall be mandated to conduct inspection of restaurants, malls and similar establishments suspected of selling endangered and exotic species.

Section 50. Impounding of Seized Species. Any endangered or exotic species seized by the authorized department personnel shall be turned over to the proper authority for animal custody and confinement.

Section 51. Penalty for Violation of Section 49. Any person who violates Section 49 of this Article shall, upon conviction, be punished with a fine of not less than Three Thousand Pesos (P3,000.00) nor more than Five Thousand Pesos (P5,000.00), confiscation of the prohibited endangered and exotic species, or with imprisonment of not less than six (6) months, or both, at the discretion of the Court.

Chapter II - Water Resource Management

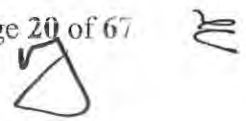
Section 52. Operative Principle. Tuguegarao City envisions being a model in sustainable water management. It shall ensure:

- A. The integrated planning and sustainable management of all water resources within its jurisdiction which covers inland, subterranean or atmospheric.
- B. Shall encourage the productive use and conservation of water resources to balance the present and future needs of the city and the resources for domestic, commercial, industrial, agricultural and other uses.
- C. Water will be made available and prioritized in the following order: domestic use, ecological flows and economic use (i.e. agricultural, industrial and recreational).
- D. 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 city's water resources.
- E. Due to the trans boundary nature of water resources and flooding, the city will coordinate with nearby LGUs of Peñablanca, Enrile and of Solana to ensure sustainable water supply and to minimize flooding.
- F. The city adopts and undertakes to implement the provisions of RA 9275, otherwise known as the Philippine Clean Water Act.

Section 53. Policy Statements on Water Utilization. Under the Constitution and the Water Code, 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 54. 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

- A. Tuguegarao City and MTWD shall ensure the quality of water to be within the National Standard for Drinking Water (NSWD) conforming to physical, chemical and radiological requirements.
- B. The city shall assist the areas which are not covered by the water district services.



- C. The city, in cooperation with MTWD, DPWH and other concerned agencies, shall undertake to construct, establish and operate Septage/Sewerage Treatment Facilities for domestic and industrial water waste. Likewise, the city shall institute measures to compel the private sectors to come up with treatment process for domestic and industrial waste water before discharging to the environment.
- D. The city shall encourage industries, business establishments, households, entities to use treated water from the Sewerage/Septage Treatment Facilities.
- E. The discharge of waste water to the environment either by land spreading to agricultural land for irrigation and watering of crops, injection or dilution in natural bodies of water shall be monitored by the city government in coordination with the EMB.
- F. The use of nitrogenous fertilizer in farms and fields had been pointed out as one of the sources of contamination for groundwater. On areas where important aquifers are located, the use of such fertilizers should be limited, if not prohibited, by the city.
- G. Important point source pollution as gas stations and petroleum products reservoirs should be identified and their locations mapped out in relation with the existing water resource. The city shall come up with the monitoring program for fugitive effluents and require business operators to submit mitigating measures in the event of accidental release of chemicals.
- H. Along natural watercourses such as streams, creeks 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 city.

Section 55. Water Demand. For purposes of this Chapter, the water demand shall be in accordance with the following principles:

- A. **Water Utilization.** In reference to the Water Code of the Philippines, the city shall adhere to the policy that the development of water shall consider the multiple and beneficial uses, adverse effects and cost of development.
- B. **Heavy Users of Water.** Within its political boundary, the city shall identify the heavy users of either the surface water or groundwater and shall determine on a periodic basis the rate of extraction and utilization.

Section 56. Tuguegarao City Water Resources Management Plan. The city together with the concerned national government agencies, local water district and private sector groups shall formulate and adopt a comprehensive water resource management plan which will address the short, medium and long term planning of balancing water source availability vis-à-vis the increasing demand for potable water. It shall integrate programs for sustainable development of industries affecting water resource use such as tourism, human settlements, agriculture, fisheries and waste disposal. The plan shall be based on the following:

- A. Inventory and classification of water resources in accordance with Presidential Decree 1067 and DENR Administrative Order No. 32, series of 1990, for the purpose of determining appropriate uses, protection measures needed and water quality standard to be applied.
- B. Characterization of the status of priority watersheds in terms of water producing capacity, water quantity, water quality and use.
- C. The measures to be implemented to improve water quality and production capacity of the watershed.
- D. The appropriate institutional arrangements to be established for managing watershed.
- E. The investment requirement, duration and revenue generating measures to implemented.
- F. Appropriate policy incentives and regulations to ensure that the watershed is managed in a sustainable manner.

Section 57. Inventory, Classification and Mapping of Water Resources. The city government shall undertake an inventory, classification and mapping of water resources under its jurisdiction in order to generate an accurate data base on which policy decisions on the best use of resources, appropriation of waters and issuance of water utilization permits.

Section 58. Water Sources. The city government shall identify existing and potential water resources for domestic and municipal uses within its territorial boundaries to ensure the needs of the present and future. For the purpose, the following shall be undertaken by the city government:

- A. Identify surface creek, stream, brook and spring sources along with subsurface aquifer systems. Data bases shall be established for these water sources along with adequate



information on quantity and quality. Interim plans shall be established on how these water sources shall be accessed, tapped and developed. The data inventory of the water resources shall include their physical characteristics, location and types and shall be maintained and updated by the city government for future assessment. These data shall be stored and collated in a dynamic system where the information can be easily accessed and updated

- B. Identify the watersheds within its territorial limits, declare them along with and adjacent to watersheds as protected areas, and incorporate them in the zoning plan. It shall adopt appropriate strategies of protection, conservation, utilization and enhancement in view of sustainable development. Measures/regulations to curb human and economic activities from damaging the pristine nature of water reforestation measures shall be instituted to minimize land use threats to watersheds
- C. Determine the contaminated water resources in the city such as saltwater intruded areas and chemically contaminated areas as part of the environmentally affected areas. These areas shall be constrained in terms of utilization and exploitation and an advisory notice shall be issued. In the overall strategy, these areas shall be targeted for either containment or rehabilitation.

Section 59. Establishment of Water Resource Trust Fund. There is hereby created a Water Resource Trust Fund solely to support city programs and projects for the rehabilitation of water production areas within the city. The trust fund shall comprise all amounts from the operation of water utilities and facilities by local and national government agencies and instrumentalities. All fees, fines and penalties collected in the implementation of this Code shall form part of the fund.

The city government shall likewise establish its own water budget on a periodic basis to determine its water needs and potentials. The approach shall be holistic to include all the major users of water and comprehensive enough to determine possible cause and effect scenarios of water utilization.

Section 60. Administrative Arrangements with NWRB. The city recognizes that the National Water Regulatory Board (NWRB) is the national agency whose primary purpose is to regulate and coordinate water resources management and development. NWRB is likewise responsible for the conservation and protection of all water resources by regulating their utilization and allocation through the grant of water permits and certificates of public conveyance. To ensure that those granted water permits and certificates of public conveyance comply with their permits and franchises, a coordinated monitoring and enforcement of the law shall be done by NWRB and the city. Within six (6) months from the passage of this Code, the city mayor shall initiate administrative arrangements with NWRB for:

- A. Joint monitoring and enforcement of water-related laws.
- B. Deputation of city officials to assist NWRB.
- C. Regulation on the grant of rights to drill wells.
- D. Monitoring the volume of water extracted by grantees of water permits and certificates of public conveyance.

Section 61. Regulating the Installation of Overhead Water Tanks in Subdivisions. The use of centralized overhead water tanks in subdivisions shall be regulated. The city mayor shall formulate the necessary guidelines to regulate overhead installation of water tanks taking into account availability of water for all.

Section 62. Priority Uses of Water. The city government, in permitting public uses of its water resources, including the granting, licensing, awarding and revoking of concessions to use its resources and to establish settlements, put up industrial facilities or set up economic endeavors, shall observe the following general priorities:

- A. Uses that enhance, conserve or protect the quality habitat and ecology of the waters and coastal resources.
- B. Uses that promote the greatest, long term benefits to the greatest number of people, particularly the local communities.
- C. Uses that enhance and increase public access to navigable waters, except in areas of high biological and ecological sensitivity where the influx of large numbers of people is to be controlled in order to avoid alteration of fragile habitats and disruption of natural biological processes.



- D. Uses that increase public recreational opportunities along the coastal strip and on navigable waters where there is an unmet demand for such opportunities; provided, that the resulting infrastructure build-up as a consequence of providing for various leisure activities such as bathing, boating, fishing and tourism as a whole will not negatively disrupt traditional fisheries, interfere with marine aquatic life, cause adverse increases in nutrient inputs, nor eliminate important habitats.

Section 63. Authority to Regulate the Use of Water. The city 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.

The city 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. 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 shall be undertaken by the city:

- A. On water concessionaires. Water meters shall be attached to water conveyance facilities. Concessionaires shall be compelled to report their water use to the city.
- B. On other establishments. Establishments who extract water from private lands shall install production meters to determine the volume of water being extracted.

Section 64. Establishment and Operation of Waterworks System. No person, natural or juridical, shall establish or operate waterworks system including the delivery of water supply to consumers without first securing a Sanitary Permit as a prerequisite to the issuance of a Business Permit.

Section 65. Water Permit. The city government shall ensure that all users of water shall apply for Water Permit. It shall be unlawful for any water user to engage in the use, developing and utilization of water resources within the territorial boundaries of the city without first securing such permit.

Section 66. Sanitary Permit for Well Drilling. No person shall drill a well without first securing a Sanitary Permit from the city government for a fee of Five Hundred Pesos (Php500.00).

The city 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 67. Certificate of Potability. A Certificate of Potability duly issued by the City Health Office shall be a necessary requirement for the drilling of a well, if the water source shall be for drinking purposes.

Section 68. Protection of Water from Wells. To protect water from wells from contamination, the following measures shall be observed and complied with:

- A. Washing clothes or bathing within a radius of twenty five (25) meters from any well or other source of drinking water is hereby prohibited.
- B. No artesian, deep or shallow well shall be constructed within (25) meters from any source of pollution such as, but not limited to, sewage treatment plant, sewage wet well sewage pumping station, or a drainage ditch which contains industrial discharges or wastes from sewage treatment plant effluent, sanitary sewers, septic tanks, cesspools, open-jointed drain-fields, animal feed lots or livestock in pastures, dump grounds, especially in limestone areas.
- C. No radioactive sources or material shall be stored within a radius of twenty five (25) meters from any well or source of drinking water unless the radioactive source is adequately and safely enclosed by proper shielding.
- D. The drilling of water well within fifty (50) meter distance from a cemetery is prohibited.

Section 69. Duty of Persons in Control of a Well. It shall be the duty of any person in control of a well to prevent the water from flowing on the surface of the land, or into any surface water, or any porous stratum underneath the surface without being beneficially used.



Any person in control of a well containing water with minerals or other substances injurious to human, animals, agriculture and vegetation to prevent such waters from flowing on the surface of the land or into any surface water or into any other aquifer or porous stratum.

Section 70. Other Rules in the Utilization of Waters. For purposes of this Chapter, the utilization of waters by any person shall likewise be governed by the following rules:

- A. No person shall 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 clearance.
- B. Impounding of water that prejudices 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 cannot construct works which will impede the natural flow, unless he provides an alternative method of drainage, neither can the owner of the higher estate make works which will increase the natural flow of water.
- 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 do not cause damage to the property of another.
- F. When a creek suddenly changes its course to traverse private lands, the owner of the attached land 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.
- G. 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. The owners of the affected lands may undertake to return the stream to its old bed at their own expense; provided that the city government shall be duly informed thereof and the necessary permits are secured from the city government and TCENRO and from the concerned agencies 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 71. Systems of Recycling and Reuse. Heavy users of water shall be required to formulate water recycling and reuse systems to minimize their water utilization. The city government shall establish water treatment facilities in the markets and the slaughterhouse and reuse the treated water. When the reuse of water is feasible, it shall be limited to such uses other than direct human consumption.

Section 72. Environmental Inspection Clearance from CENRO for Backyard Livestock and Poultry Farms. Backyard livestock and poultry farms in the city must obtain an environmental inspection clearance from the Tuguegarao City Environment and Natural Resources Office and City Health Office.

Article I - Protection and Conservation of Water Resources to Ensure Water Quality and Related Land Resources

Section 73. Water Quality Monitoring. The city government, in consultation with WQMA, EMB, NWRB, TWD, other national government agencies and private sectors, shall come-up with a master plan for effective water quality monitoring of major water bodies and ground water in the city, including identification of potable water sources and shall organize and maintain the continuous and effective operation of Multi-Sectoral Water Resources Committee (WRC) to be composed of the city mayor as chairman and DENR, TCWD, DA and CHO as members, including two (2) representatives of non-government organizations as appointed by the city mayor. The committee shall be vested with the following duties and responsibilities:

- A. Establish the number and location of citywide water sampling stations based on proximity to human settlements and possible sources of pollution. The sampling stations shall include estuaries, rivers, community deep wells, artesian wells, aquifers and similar bodies of water as determined by the committee.



W

- B. Conduct regular sampling and cause the analysis of samples collected using parameters, standards and procedures established by national laws. The priority parameters to be measured shall include biological oxygen demand (BOD), total suspended solids (TSS) and coliform.
- C. Release of the monitoring result to the public particularly to the barangay concerned.
- D. In coordination with the City Mining Regulatory Board, monitor the impact on water resources of all mining operations in the city.
- E. Assist national government agencies in the enforcement of anti-pollution laws.
- F. Organize industrial firms, business establishments and tourism establishments in the city so that they can share water pollution reduction techniques and work as a group with the government and non-governmental organizations on pollution reduction.
- G. Advise the sangguniang panlungsod on policy requirements to safeguard water resources in the city.
- H. Recommend to the city mayor the allocation of the Water Resources Trust Fund.
- I. Prepare and recommend to the city mayor annual work and financial plans for the operation of the committee.

Section 74. Water Conservation and Usage for Irrigation Purposes. To promote better water conservation and usage for irrigation purposes, the merger of irrigation associations and the appropriation of waters by associations instead of by individuals shall be encouraged. No Water Permit shall be granted to individual when his/her water requirement can be supplied through an irrigation association.

Section 75. Proposed Water Resource Project. In the consideration of a proposed water resource project, due regard shall be given to ecological changes resulting from the construction of the project in order to balance the needs of development and the protection of the environment.

Section 76. Special Consideration in the Conservation of Fish and Wildlife. The conservation of fish and wildlife shall receive proper consideration and shall be coordinated with other features of water development programs to ensure that fish and wildlife values receive equal attention with other project purposes.

Section 77. Protection of Public Water Infrastructures. The city mayor shall identify waterworks and irrigation systems and shall take measures to ensure that engineering works and infrastructure projects within the city do not adversely impact water quality.

Section 78. Maintenance of Drainage Systems. The city mayor shall adopt necessary measures to ensure that adequate sewage and drainage systems are established and maintained to prevent the negative effects of all types of effluents on both surface and underground water quality.

Section 79. Health and Sanitation Measures. The city mayor shall adopt appropriate measures to assist barangay officials improve environmental sanitation by requiring and insuring all households and establishments to be equipped with sanitary toilets for waste disposal. Such assistance shall include direct investments in public health education and strict enforcement of the Building Code particularly on the prescribed design of septic tanks or vaults.

Section 80. Water Wells, Rainwater Collectors and Spring Development. Pursuant to RA 6716 otherwise known as the "Rainwater Collection and Spring Protection Act of 1989", the city in coordination with the DPWH shall undertake the construction of water wells, rainwater collectors, development of springs and inventory and rehabilitation of existing water wells (open and artesian) in all barangays, including the effective monitoring of the same.

Article II – Rivers

Section 81. Delineation of Municipal Waters. The city mayor shall adopt all measures for the delineation, demarcation, zoning and mapping of city's territorial boundaries and territorial waters.

Section 82. Declaration of Pinacanauan de Tuguegarao as Water Quality Management Area. Pursuant to Section 5 of RA 9275, otherwise known as Philippine Clean Water Act of 2004, DENR Administrative Order No. 2005-10 (Implementing Rules and Regulations of RA 9275) and DENR Memorandum Circular 2009-15 or the Procedural Manual for the Designation of Water Quality Management Areas and considering its critical importance to Tuguegarao City and its communities,



M

the Pinacanauan de Tuguegarao is hereby declared as Water Quality Management Area (WQMA) which shall be considered as protected area for water conservation.

Section 83. City Government's Commitment on Pinacanauan Na Tuguegarao. It is the policy of the state to pursue economic growth in a manner consistent with the protection and revival of the quality of fresh, brackish and marine waters. The city aims to protect and improve the water quality of Pinacanauan Na Tuguegarao to make it a sustaining resource for the people of Tuguegarao City, consistent with the following water quality management objectives:

- A. To achieve and maintain an acceptable degree of water quality in Pinacanauan Na Tuguegarao that will serve the best interest of its stakeholders and user communities.
- B. To provide appropriate processes and procedures for the prevention, control and abatement of water pollution of the Pinacanauan Na Tuguegarao and its watershed through a comprehensive management program for water pollution control.
- C. To ensure that Pinacanauan Na Tuguegarao continues to be a safe source of water for Tuguegarao and its communities and serves as principal sustaining resource for irrigation and ecotourism in the WQMA jurisdiction.
- D. To formulate a program on water quality management which links water quality management issues to ecological protection, water supply, public health and quality life.
- E. To maximize the use of public information and education on river management as a mechanism for active participation of the stakeholders.
- F. To encourage other government agencies, civil society organizations and other sectors, such as the academic and business to take an active role in water quality protection and management.
- G. To promote and harness inter-LGU and stakeholder collaboration and cooperation through coordinated efforts in protecting and sustaining acceptable quality of water of the Pinacanauan Na Tuguegarao.

Section 84. Coverage of the Pinacanauan Na Tuguegarao. The Pinacanauan Na Tuguegarao WQMA shall cover the Pinacanauan River and its natural or man-made tributaries that are within the WQMA boundary including the land embraced by the hydrologic unit identified through various maps.

Section 85. Administrative Arrangements with WQMA. The major waterbody of the city falls within the jurisdiction of Water Quality Management Area - Pinacanauan Na Tuguegarao River System. The city mayor shall:

- A. Require industries to establish water treatment facilities.
- B. Control effluents and other pollutive substances entering waterways and preventing contamination.
- C. Require resource users to adopt precautionary measures, clean production techniques, recycling and waste audits and minimization in all stages of industrial operations.
- D. Control effluent discharge from point sources.
- E. Secure waste management disposal of commercial and backyard livestock farming.
- F. Control of illegal structures along riverbanks and waterbody areas.
- G. Monitor and enforce WQMA rules and regulations including deputation of law enforcement agents.

Section 86. Buffer Strips Easement. In the utilization, development, conservation and protection of aquatic resources, the following setback and/or easement along the entire length of the banks of rivers shall be observed:

- A. Three (3) meter setback for all urban uses
- B. Twenty (20) meter easement for all agricultural uses
- C. Forty (40) meter easement for all forest

The above setback/easements shall be subject for public use such as for reforestation sites, recreation and other similar activities.

Section 87. Cultivation of Riverbeds and Sandbars No riverbed or sandbar shall be subject of cultivation or utilization except upon prior recommendation of the City Development Council; provided further, that no permit shall be granted if it obstructs the flow of water or if it shall increase the flood level and cause damage to these areas.



M

Section 88. No person shall be allowed to stay in this zone longer than what is necessary for reforestation, recreation, navigation, flotage, fishing and salvage or to build structures of any kind.

Section 89. Prohibition on the Disposal of Effluent and Sludge. No person shall dispose or cause the disposal of effluent and/or sludge from motor repair shops, motor pools, vehicle garage and terminals, car wash and junk shop establishments, gasoline stations, livestock and poultry, biodegradable materials, tailings and sediments, heavy metal, nutrients and organochlorine compounds, plastics, dredge materials, oils, untreated waste water, chemical hospital/clinical wastes, other non-biodegradable materials and other similar establishments into the drainage canals, creeks, rivers or any water bodies which cause pollution.

Section 90. Other Prohibited and Punishable Acts. The following are prohibited acts and shall be penalized accordingly:

- A. No person shall operate and maintain any collection system, sewage disposal system, treatment facility or wastewater treatment facility without a valid permit issued by the city mayor.
- B. No industrial or domestic sewage shall be discharged into Class AA and Class SA waters, as defined under DENR Administrative Order No. 34, series of 1990.
- C. No industrial plant or any waste treatment plant with high waste load potential shall discharge directly their waste into the river or any body of water.
- D. No person shall build, erect, install or use any equipment, contrivance or any means the use of which will conceal and/or dilute an effluent discharger and which otherwise constitute a violation of the provisions of this code.
- E. There shall be no construction of dump sites or industrial settlement pits and waste treatment plant within one (1) kilometer away from the river.
- F. The construction or setting up of any structure, temporary or otherwise, that would destroy the scenic value of natural waterways or result to the disruption of water flows that are detrimental to the overall ecological balance.
- G. No person shall develop a stream, marshland or pond for recreational or commercial purposes without first securing a permit from the National Water Resources Council and sangguniang paulungsod, in addition to an Environment Compliance Certificate issued by the DENR and such other issuances to be issued by the city mayor pursuant to an ordinance or existing laws.

Section 91. Penalty. Any person who violates the provision of Sections 88, 89 and 90 shall be issued Environmental Charge Sheet (ECS) by the duly-authorized department personnel and shall be punishable as follows:

- First Offense - Fine of Two Thousand Pesos (Php2,000.00) and four (4) hours environmental community work.
- Second Offense - Fine of Three Thousand Pesos (Php3,000.00) and four (4) hours environmental community work.
- Third Offense - Fine of Five Thousand Pesos (Php5,000.00) and thirty (30) days imprisonment.

Article III. On Disposal and Reduction of Liquid Waste

Section 92. Bases of Action. Pursuant to the pertinent provisions of the Local Government Code of 1991, the city government shall regulate and control discharge of waters and wastes, pollutants and pollution and prevent further damage caused by inadequate wastewater disposal from domestic, institutional, commercial, hospitals and sanitary facilities and discharge from dumpsites and other sources in furtherance of health and environmental sanitation of the residents, citizens and visitors of the city.

Section 93. Operative Principle. The city hereby implements the following policies on water/liquid waste reduction and disposition:

- A. Adopt the full implementation of the provisions of the Building Code and Sanitary Code of the Philippines on the treatment and disposal of liquid wastes.
- B. Adopt and promote wastewater reduction measures and require residences, business establishments, subdivisions, hospitals, industries, sanitary facilities and other sources of liquid wastes to establish means and measures to control wastewater treatment facilities prior to disposal.



- C. Require establishments such as, but not limited to, commercial establishments, healthcare facilities and industries to submit a copy of their ECC or CNC, whichever is applicable when applying for Business Permit and subject their wastewater treatment facility or septic tanks to inspection evaluation.
- D. Implement wastewater reduction process based on the "Beginning of Pipeline Approach" concept.
- E. Prevent, control and regulate raw and inadequately treated wastewater and hazardous waste discharge from hospitals and sanitary facilities into land, coastal and inland bodies of water like ponds, creeks, brooks and springs.
- F. Require residences, business establishments, subdivisions, hospitals, industries, sanitary facilities and other sources of liquid wastes to regularly dislodge their septic tanks and only by a person or entity authorized to do the same in accordance with the provisions of the City Sanitation Code and other applicable national laws.
- G. Sludge from septic tanks shall be collected and disposed only to authorized Sewage Treatment Plant.
- H. Build a city-owned operated and managed wastewater treatment plant for all residences and business establishments.
- I. A "User's Fee" shall be collected for the use of the city wastewater treatment plant to cover the operation and maintenance costs.
- J. The city government, through the CHO and TCENRO, shall conduct an inventory and monitoring of all point and non-point sources of wastewater discharges into the environment either by land spreading, injection or dilution in natural bodies of water.
- K. The city government, through the Office of the City Mayor, shall create an inter-agency and multi-disciplinary Social Marketing Arm that shall provide continuous and integrated development approach education, advocacy and information program on wastewater pollution.

Section 94. Grease Traps. All food establishments and other similar establishments in the city shall have properly designed grease traps as condition for the issuance or renewal of his or its sanitary permit.

Article IV - On Drainage Facilities

Section 95. Comprehensive Drainage Plan. All barangays shall prepare a barangay drainage plan and submit the same to the City Engineering Office which will prepare a master drainage plan for the city. Said plan shall be forwarded to the sanggunian for adoption.

Section 96. Maintenance of Canals and Esteros. The city government shall ensure that canals and esteros within the city are maintained, unclogged and uncontaminated by toxic effluents through regular dislodging.

Section 97. Other Restrictions on Waste Disposal. The following restrictions on waste disposal shall be followed:

- A. No industrial or manufacturing facility and waste service facility shall be operated without proper solid waste and wastewater disposal facilities.
- B. Wastewater shall not be discharged into the public sewerage system or esteros to prevent contamination of ground water.

Non-compliance with the provisions of this Section shall be punished by a fine of not less than five thousand pesos or imprisonment for not less than two years nor more than five years, or both such fine and imprisonment, in the discretion of the court, provided, that if the offender is a corporation, firm, partnership or association, the penalty shall be imposed upon the guilty officer or officers, as the case may be, of the corporation, firm, partnership or association, and if such guilty officer or officers are aliens, in addition to the penalty herein prescribed, he or they shall be deported without further proceedings on the part of the Commission of Immigration and Deportation.

Article V - On Provisions to Prevent or Minimize Flooding

Section 98. Scope and Coverage. These provisions shall apply to all contractors, developers and planners who undertake land development projects in Tuguegarao City.



Section 99. Regulation of Construction and Development Activities. Construction and development activities within the city shall be regulated to ensure the water supply of the city for domestic and business needs of its residents. Contractors, developers and/or planners intending to develop areas within Tuguegarao City shall submit their plans for consideration and approval to the city through its TCENRO and the City Engineer's Office to ensure compliance with the National Building Code as a prerequisite to the issuance of the Development Permit issued by the city government.

Section 100. Guidelines in the Construction and Development of Land in the City. In addition to the provisions of P.D. 957, its implementing rules and regulations, the regulations of the HLURB, the City Planning and Development Office and the City Engineering Office should require contractors, developers and planners to observe the following guidelines:

- A. Water recharge and flooding shall be taken into consideration in the formulation of land development plans.
- B. Methods/measures to address problems of recharge and flooding shall be employed subject to the design parameters.
- C. Drainage and storm water and rainwater run off into water bodies and retention/detention ponds shall be ensured.
- D. Permeable materials shall be used in surface areas located in open spaces.
- E. Rainwater harvesting methods are encouraged.
- F. Regular maintenance of the measures referred to in Item A shall be undertaken
- G. A significant portion of the developed land shall be allotted for recharge.
- H. Vegetation shall be encouraged.

Section 101. Methods/Measures to Address Problems of Recharge and Flooding. To address the problems of recharge and flooding in the city, land developments shall be flood neutral. Contractors, developers and/or planners shall incorporate in their development plans provisions for retention ponds, detention ponds, rain gardens and/or swales insofar as these are appropriate in the area being developed.

Section 102. Pond Design Elements. The design of the ponds shall be guided by the following:

- A. Ponds should preferably have a gradual graded-slope configuration.
- B. Ponds should be constructed away from emergent or other wetlands so as not to cause alteration of hydrology.
- C. Ponds should be sited in previously disturbed areas to avoid habitat loss.
- D. Ponds should ideally be located near the river in consideration of the force of gravity on the water.
- E. The size and dimensions of the pond shall be determined on the basis of the pond design guidelines/standards of the Department of Public Works and Highways (DPWH), the formulation of which is provided in the following section.

Section 103. Effect of Non-Compliance with Guidelines. Contractors, developers and/or planners who fail to comply with the foregoing in their plans shall not be endorsed for approval of the TCENRO. Failure of the contractors, developers and/or planners to execute their approved plans shall be sanctioned with the revocation of their development permit, without prejudice to making the necessary remedial measures at their own expense.

Section 104. Rewards and Recognitions. The city mayor shall give rewards and due recognition to contractors, developers and/or planners who adopt and comply with the best practices for water resources conservation and protection. Likewise, appropriate incentives for entities which shall adopt and/or introduce innovative methods, measures, technologies, techniques and processes that will reduce flooding and/or encourage water recharge in the city shall be formulated.

Section 105. Recovery of Possession and Reversion of Land to the Public Domain. There are illegal encroachments which caused the enlargement of the areas covered by titles or certificates of ownership brought about by consolidation and subdivision surveys and resurveys. Thus, in the interest of the general public, it is imperative that such portions of the public domain illegally acquired must be returned to the State for the purpose which nature has intended for them. In the exercise of its dominical rights, the city shall recover the possession and institute reversion of the land to the public domain without the reacquisition or expropriation proceedings which had been slow and tedious, dragging on for years to the detriment of the general welfare.



M

Section 106. Compliance by Any Person Pursuant to PD 296. Any person, whether natural or juridical, who introduced improvements on or reclaimed and occupied portions of rivers, creeks, esteros or drainage channels is hereby directed to renounce possession thereof, or demolish structures or improvements which may tend to obstruct the flow of water through rivers, creeks, esteros and drainage channels.

Section 107. Penalty. The non-compliance with the provisions of Section 107 hereof shall be punished by a fine of not less than five thousand pesos (P5000.00) or imprisonment for not less than two (2) years nor more than five (5) years, or both such fine and imprisonment, in the discretion of the Court; provided, that if the offender is a corporation, firm, partnership or association, the penalty shall be imposed upon the guilty officer or officers, as the case may be, of the corporation, firm, partnership or association, and if such guilty officer or officers are aliens, in addition to the penalty herein prescribed, he or they shall be deported without further proceedings on the part of the Commission of Immigration and Deportation.

Section 108. Administrative Arrangements with the LGUs of Peñablanca, Enrile and Solana. The city mayor shall initiate and enter into administrative arrangements with the LGUs of Peñablanca, Enrile, and Solana to ensure sustainable water supply and to minimize flooding.

Chapter III - Air Quality and Pollution Control Management

Section 109. Statement of Policy. The city government shall, to the greatest extent, prevent the continued degradation of air quality within its territorial jurisdiction through necessary precautionary and preventive measure to ensure the maintenance of ambient air quality at such levels prescribed by the DENR-EMB. For this purpose, the city government shall conduct environmental inspection control and/or ban the erection, use, installation or operation of any article, machinery, plant, or any contrivance which would release any pollutants in the city which would result to ambient air concentration greater than the quality standards set by the DENR.

Section 110. Basic Principle. The regulation and adoption of adequate measures to safeguard air quality within the city shall be guided by the basic principle of police power of the State in promoting the general welfare within its territorial jurisdiction to ensure and support the right to balanced ecology, the promotion of health and the preservation of comfort of its inhabitants.

Section 111. Operative Principle. The city government envisions to be an ideal place which safeguards and promotes air quality and as such, it shall be guided by the following:

- A. The city shall manage and control air pollution to ensure the health and well-being of its people. For this purpose, the city, pursuant to Sec. 17 of RA 7160 shall, in coordination with DENR-EMB, LTO and other concerned government agencies, enforce pollution control laws and apprehension of smoke belching vehicles
- B. The city reaffirms the principles enunciated in RA 8749 (Clean Air Act of 1999) to the effect that the responsibility of cleaning the habitat and environment is primarily area-based wherein polluters must be penalized, and a clean and healthy environment is for the good of all, and should therefore be the concern of all.
- C. The city shall coordinate with DENR, DOH and such other concerned agencies of the National Government to further minimize adverse effects of air pollution in the city.

Section 112. Air Quality Management. The following terms are operationally and/or conceptually defined:

- A. **Air Pollutant.** Any water found in the atmosphere other than oxygen, nitrogen, water vapor, carbon dioxide and the inert gasses in their natural or normal concentration and includes smoke, dust, soot, cinders, fly ash, solid particles of any kind, gases, fumes, mists, odors, and radioactive substances.
- B. **Airborne Dust 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.
- C. **Ambient Air Quality** The average atmosphere purity as distinguished from discharge measurement taken at the source of pollution. It is the general amount of pollution present in a board.
- D. **Emission.** The act of passing into the atmosphere an air contaminant, pollutant, gas, steam and unwanted sound from a known source.



- E. **Effluent Standards.** Restrictions established to limit levels of concentration, physical chemical and biological constituents which are discharged from point sources.
- F. **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 being conducted through a flue pipe stack or other structures.
- G. **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 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 earth's surface. The earth sends the heat energy back into the atmosphere as infrared radiation. Much of this radiation does 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.
- H. **Particulates or Suspended Particulates.** Any material other than uncombined water which exist in a finely divided form as a liquid or solid.
- I. **Smoke.** Gas-borne particulates resulting from incomplete combustion, consisting predominantly, but not exclusively, of carbon, ashes or other combustion material.
- J. **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 specific period of time. Standards are enforceable and must be complied with by the owner or person in charge of an individual operation process or trade.
- K. **Volatile Organic Compound.** Any compound containing carbon and hydrogen in combination with any other element which has an absolute vapor pressure of 0.10 kg/cm² equivalent to 77.6 mm Hg or greater under actual storage conditions. Organic solvents include diluents.

Section 113. Vehicle Emissions Control. The Tuguegarao City Environment and Natural Resources Office (TCENRO), Public Safety and Security Office (PSSO) and Tricycle Regulatory Unit (TRU) of Tuguegarao City, in coordination with the Land Transportation Office (LTO) and other concerned agencies, shall establish a permitting system to ensure that the emission of vehicles operating within the city is in accordance with the standards provided under existing laws. The LTO may deputize officials and employees of the city government to undertake the necessary testing and initiate the prosecution of violators.

Section 114. Industrial Air Pollution Control. The city government, in collaboration with DENR-EMB, shall ensure that industrial firms operating within the city shall comply with air quality standards, periodically test the emissions of industrial firms and establish adequate capability to respond to citizen's complaints on industrial air pollution.

Any person who violates the provision of this section shall be issued an Environmental Charge Sheet (ECS) by the duly-authorized department personnel and shall be punishable as follows:

- First Offense: Fine of Two Thousand Pesos (Php2,000.00) and four (4) hours environmental community work.
- Second Offense: Fine of Three Thousand Pesos (Php3,000.00) and four (4) hours environmental community work.
- Third Offense: Fine of Five Thousand Pesos (Php5,000.00) and thirty (30) days imprisonment.

Section 115. Industrial Location. Industries shall be buffered away from human settlements and shall be located in areas classified as industrial zone in accordance with the City's Zoning Ordinance.

Section 116. Prohibition of Smoking in Public Places and Public Vehicles. Smoking inside a public building or an enclosed public place including public vehicles and other means of public transport or in any enclosed area outside of one's private residence, private vehicle, private place of work or any duly designated smoking area is hereby strictly prohibited. Any person who violates the provisions of this section shall be issued an Environmental Charge Sheet (ECS) by the duly authorized department personnel and shall be punishable as follows:

- First Offense: Fine of Five Hundred Pesos (Php 500.00) and/or two (2) hours environmental community work.

- Second Offense: Fine of One Thousand Pesos (Php1,000.00) and/or four (4) hours environmental community work.
- Third Offense: Fine of Three Thousand Pesos (Php3,000.00) and thirty (30) days imprisonment.

Section 117. Nuisance. All activities which injure the health, endanger life, offend the senses or produce discomfort to a person or group of persons shall be considered nuisance. If any person, owner or operator fails, neglects or refuses to abate such nuisance within five (5) days after such notification by the concerned city government office, such office shall prohibit such nuisance or provide measures to stop or prevent such nuisance at the expense of the owner or operator concerned.

Section 118. Ambient Air Quality Monitoring Stations. The city government, in collaboration with the DENR-EMB and other offices, shall establish, operate and maintain ambient air quality sampling and monitoring stations to ensure that its residents shall enjoy air quality.

Section 119. Prohibitions. No person shall build, erect, construct, install or implant any new source or to operate, modify or rebuild an existing source, or by any other means release or take action which would result in, together with the concentration of air pollutants, ambient air concentration greater than ambient air quality standards.

Section 120. Emission Limitations. No industrial plant or source shall operate at capacities which exceed the limits of operation or capability of a control device or fails to maintain the air emission within the standard limitations set by DENR nor shall a person use a motor vehicle that discharges air pollutants at a level greater than the acceptable standards prescribed by the DENR.

Section 121. Pollution Control Devices. Every person shall cause or permit the installation or use of any device or any means which will result in the reduction of the total amount of air contaminant emitted in the atmosphere.

All pollution control devices and systems shall be properly and consistently maintained and correctly operated. Such facilities shall be operated with the control equipment in proper operation and with the permission of the DENR under special circumstances.

Any person who violates the provision of this section shall be issued an Environmental Charge Sheet (ECS) by the duly-authorized department personnel and shall be punishable as follows:

- First Offense: Fine of Two Thousand Pesos (Php2,000.00) and four (4) hours environmental community work.
- Second Offense: Fine of Three Thousand Pesos (Php3,000.00) and four (4) hours environmental community work.
- Third Offense: Fine of Five Thousand Pesos (Php5,000.00) and thirty (30) days imprisonment.

Section 122. Fugitive Particulates. 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 emissions. In line with such precaution, the following are hereby adopted:

- A. Covering of open loaded trucks transporting materials which will give rise to airborne dust, odor and other fugitive particles.
- B. Use water or chemicals for control of dust in the demolition of existing buildings or structure, construction operations, grading of roads or clearing of land so that fugitive dusts remain within the premises of the activity being conducted.
- C. Application of asphalt, oil, water or suitable chemicals on dirt and unpaved roads, materials stockpiles, and other surfaces that give rise to airborne dust problem.
- D. Installation and use of hoods, fans and fabric filters to enclose and vent the handling of dusty materials. Adequate containment methods shall be employed during sand blasting or other similar operations.

Section 123. Restrictions in the Discharge of Fugitive Dusts. No person shall cause or permit the discharge of visible fugitive dusts beyond the boundary line of the property from which the emission originates.



M

When dusts, fumes, gases, mists, odorous matters or vapors or any combination thereof escape from a building or equipment, such emissions or gas-borne materials shall first be treated to remove or destroy such air pollutants prior to discharge into open air.

Section 124. Storage and Handling of Volatile Compounds. No person shall place, store or hold in any stationary tank, reservoir or other container of more than one hundred fifty thousand (150,000) liters capacity any volatile organic compounds unless such tank, reservoir or other container is pressure sufficient, under normal conditions, to prevent vapor or gas loss to the atmosphere, or is designed and equipped with vapor loss control devices approved by the DENR.

Any person who violates the provisions of Sections 120, 121, 123, and 124 shall be issued an Environmental Charge Sheet (ECS) by the duly-authorized department personnel and shall be punishable as follows:

- First Offense: Fine of Two Thousand Pesos (Php2,000.00) and four (4) hours environmental community work.
- Second Offense: Fine of Three Thousand Pesos (Php3,000.00) and four (4) hours environmental community work.
- Third Offense: Fine of Five Thousand Pesos (Php5,000.00) and thirty (30) days imprisonment.

Section 125. Reducing Emission of Other Greenhouse Gases. The city government shall raise awareness on the dangers of chemical fertilizers, burning of timber and crop residues, and burning of fossil fuels to public health and global climate to discourage said practices and the use of such chemicals.

Section 126. Reducing Emissions of Substances that Deplete the Ozone Layer. The depletion of ozone layer caused by the use of chlorofluorocarbon (CFC), halon and other hydrochlorofluorocarbon results to exposure to harmful ultraviolet rays of the sun and therefore poses as extreme health hazard to humans. Pursuant to the Montreal Protocol where the Philippines is a signatory, the city hereby adopts the following relevant provisions:

- A. The local constituents are discouraged from using aerosols with CFC content e.g. spray nets, pesticides, fertilizers, etc.
- B. Refrigeration and air-conditioning shops including factories and manufacturing entities are required to institute measures to avoid the release of CFCs directly into the atmosphere.
- C. Yellow fire extinguishers containing halon are banned in the city.

Section 127. Abatement of Urban Air Pollution from Motor Vehicles. To reduce Carbon Dioxide (CO₂) emissions, the following shall be undertaken by the city government:

- A. The anti-smoke belching program of the city shall be strictly implemented/enforced.
- B. Gradual phase out of two-stroke motorcycles shall be implemented.
- C. Encourage and promote the use of electronic bikes or tricycles.
- D. Prohibit the use of two-stroke motorcycles in all the streets and roads in the city.
- E. Encourage the use of catalytic converts in all vehicles particularly diesel-powered engines.
- F. As part of its Traffic Mitigating Program, the city government shall closely coordinate with the Land Transportation Office and Land Transportation Franchising Regulatory Board to limit the number of public utility vehicles and tricycles granted franchise to operate in the city.
- G. The TCENRO in coordination with other concerned agencies shall periodically conduct a road-side (on-site) road checks and anti-smoke belching test for all types of motor vehicles and, whenever appropriate, apprehend vehicles that have exceeded the maximum emission limits set forth in this Code.

Section 128. Urban Greeneries. In addition to the declared city parks, the city government shall establish, replenish and maintain greeneries such as forests parks, tree parks and greenbelt areas which maintain environmental sustainability as carbon sinks in the urban area. Streets islands and both shoulders of all roads shall be planted with shade or ornamental trees.

Section 129. Regulations on Open Burning. No person shall ignite, cause to be ignited, maintain any open fires except the following activities:

- A. Open fires for cooking of food for human consumption.
- B. Fires for prevention and control of diseases and pests



C. Fires for training personnel in methods of firefighting.

Section 130. Restrictions on Open Burning. No establishment, firm or company, government or private entity or organization shall burn or cause open burning of waste materials in their premises, area or jurisdiction including recognized or unrecognized dumpsites in any quality or quantity.

Likewise, no person shall burn any materials in any quantity which shall cause the emission of toxic and poisonous fumes. Such materials include, but are not limited to, plastic, polyvinyl chloride, ink, wastes containing heavy metals, organic chemicals, petroleum related compound, industrial wastes, ozone depleting substances, used tires and other similar toxic and hazardous substances.

Section 131. Regulation on the Use of Firewood. No establishment engaged in the business of providing food services like food catering, carinderia, panciteria, food chain and similar businesses shall use firewood in cooking food. They are encouraged to use liquefied petroleum gas (LPG), green charcoal or any alternative fuel for cooking.

Any person who violates the provisions of Sections 130, 131 and 132 hereof shall be issued an Environmental Charge Sheet (ECS) by the duly-authorized department personnel and shall be punishable as follows:

- First Offense: Fine of Two Thousand Pesos (Php2,000.00) and four (4) hours environmental community work.
- Second Offense: Fine of Three Thousand Pesos (Php3,000.00) and four (4) hours environmental community work.
- Third Offense: Fine of Five Thousand Pesos (Php5,000.00) and thirty (30) days imprisonment. Commission of the offense shall be a ground for the suspension or non-renewal of business permit to operate such business establishment.

Section 132. Ban on Incineration. Incineration is banned in Tuguegarao City. Any person who violates the provision of this section shall be issued an Environmental Charge Sheet (ECS) by the duly-authorized department personnel and shall be punishable as follows:

- First Offense: Fine of Two Thousand Pesos (Php2,000.00) and four (4) hours environmental community work.
- Second Offense: Fine of Three Thousand Pesos (Php3,000.00) and four (4) hours environmental community work.
- Third Offense: Fine of Five Thousand Pesos (Php5,000.00) and thirty (30) days imprisonment.

Section 133. Regulating Tricycle Operations. The city mayor shall determine the carrying capacity of tricycles and will set a limit for the capacity of those tricycles allowed to ply within the city. Tricycle operators shall be required to install pollution and noise reduction devices in their units prior to the grant and/or renewal of franchise.

Section 134. Gradual Phase Out of Two-Stroke Motorcycles. The city mayor, through the TRU and in coordination with the LTO, shall provide a scheme for the gradual phase out of two-stroke motorcycles.

Any person who violates the provision of this section and the preceding section, in addition to the non-renewal or non-issuance of franchise or permit for public utility tricycles, shall be issued an Environmental Charge Sheet (ECS) by the duly-authorized department personnel and shall be punishable as follows:

- First Offense: Fine of Two Thousand Pesos (Php2,000.00) and four (4) hours environmental community work.
- Second Offense: Fine of Three Thousand Pesos (Php3,000.00) and four (4) hours environmental community work.
- Third Offense: Fine of Five Thousand Pesos (Php5,000.00) and thirty (30) days imprisonment.

Section 135. Measures against Offensive Odor. The city shall require industries or other businesses whose operations emit odor which causes secondary disturbances such as nausea, insomnia and overall discomfort to adopt measures that will mitigate the odor pollution including dilution by ventilation or dispersal, combustion or oxidation, neutralization or odor masking.

Any person who violates the provisions of this section shall be issued an Environmental Charge Sheet (ECS) by the duly-authorized department personnel and shall be punishable as follows:

- First Offense: Fine of Two Thousand Pesos (Php2,000.00) and four (4) hours environmental community work.
- Second Offense: Fine of Three Thousand Pesos (Php3,000.00) and four (4) hours environmental community work.
- Third Offense: Fine of Five Thousand Pesos (Php5,000.00) and thirty (30) days imprisonment.

Section 136. Close Coordination with DENR. Consistent with Section 36 of RA 8749 which mandates that the “Department shall provide LGUs with technical assistance, training and continuing capability building program to prepare them toundertake full administration of air quality management and regulation within their territorial jurisdiction”, the city mayor shall enter into suitable administrative arrangements with DENR-EMB and come up with a comprehensive program on air quality management for the implementation of said mandate. The city shall seek deputation from the DENR to enable it to monitor air and noise pollution, and industrial pollution and likewise strengthen its quick response mechanism in environmental law violations.

Section 137. On the Concept of Polluters Must Pay Principle. Pollution fees shall be collected annually from the owners/users and/or operators of the following:

- | | |
|--|---------|
| 1. Motorcycles and Tricycles | P50.00 |
| 2. Cars, AUVs, UVs, and SUVs | P100.00 |
| 3. Trucks, delivery Vans with maximum capacity of 4500 kg. and below | P150.00 |
| 4. Private/public buses and shuttle vehicles with 40 or below passengers | P200.00 |
| 5. Buses with more than 40 maximum passengers | P250.00 |
| 6. Trucks and other heavy equipment | P300.00 |

Chapter IV - Noise Pollution Management

Section 138. Operative Principle. Tuguegarao City shall regulate and adopt adequate measures to protect the occurrence of noise pollution within the city under its police power and in promoting the general welfare of its people.

Section 139. Noise Level Monitoring Stations. The city government, in collaboration with DENR and other offices, shall establish, operate and maintain noise monitoring stations to ensure that its residents are protected from noise pollution.

Section 140. Regulating Noise Pollution. The city government shall be responsible in evaluating the noise generating potential of infrastructure projects as part of its responsibility in the grant of zoning clearances and building permits. All projects which generate potential noise level must conform to the standards established by the DENR, the Occupational Health and Safety Standards of the DOLE, the DOH and other offices and shall be required to install soundproofing devices and eliminate vibration. In consultation with DENR, DOLE and DOH and other offices, noise and vibration standards shall be set for both mobile and stationary engines, factories, pub houses, restaurants, karaokes, amusement parks and other similar establishments.

Section 141. Regulatory Measures. To protect public health and welfare against nuisance caused by excessive noise from both mobile and stationary devices, the following like or similar regulatory measures are hereby adopted:

- A. All noise and vibration producing machineries (e.g. generator) shall be enclosed by a building/structure and shall be provided with effective noise absorbing materials, noise silencers, anti-vibration mountings, insulation and mufflers and an open yard of not less than twenty (20) meters from the nearest adjoining property planted with trees to act as buffers.
- B. As a general measure of noise abatement in vehicle-congested areas, greenery buffers shall be established between such areas and residential sites.
- C. All construction activities located within commercial and residential areas shall be regulated so as not to constitute nuisance.

- D. Establishments offering videoke services shall be allowed to operate only in commercial zones and only up to 12:00 midnight unless the building in which they operate are equipped with soundproofing materials.

Section 142. On Blowing of Horns. The unnecessary or excessive blowing of horn of any motor vehicle unless necessary to operate said vehicle safely is prohibited within the vicinity of the following areas, declared as Quiet Zones, during specific hours as provided hereunder:

- A. Churches - at all times while passing within the fifty (50) meter radius.
- B. Schools - from 7:00 A.M. to 5:00 P.M.
- C. Hospitals - at any time of the day except emergency cases
- D. Public Buildings - from 8:00 A.M. to 5:00 P.M.
- E. Residential Zone - from 9:00 P.M. to 6:00 A.M.

Any person who violates the provision of this section shall be issued an Environmental Charge Sheet (ECS) by the duly-authorized department personnel and shall be punishable as follows:

- First Offense - Fine of Five Hundred Pesos (Php500.00)
- Second Offense - Fine of One Thousand Pesos (Php1,000.00) or four (4) hours of environmental community work.
- Third Offense - Fine of One Thousand Five Hundred Pesos (Php1,500.00) and 8 hours community service.

Section 143. Modified Muffler. The intensity of loudness level emanating from all motor vehicles operating within Tuguegarao City is hereby regulated to a maximum of Ninety (90) decibels.

The Tuguegarao City Police, the Personnel of the Public Order and Safety Office, the TCENRO, and/or the barangay officials and barangay tanods shall confiscate the modified muffler and shall be forfeited in favor of the government. It shall be disposed in the manner as may be provided by the law or ordinance.

Any motor vehicle found to be creating an intensity of loudness of over ninety (90 Db) decibels shall be penalized as follows:

- First Offense: Fine of Two Thousand (P2,000.00) and confiscation of modified muffler
- Second Offense: Fine of Three Thousand Pesos (P3,000.00), confiscation of modified muffler and Four (4) hours community service
- Third Offense: Fine of Five Thousand Pesos (P5,000.00), confiscation of modified muffler and Eight (8) hours community service

Section 144. Other Prohibited Noise Disturbance. It is further prohibited for any person to cause, create or allow the continuance of any unreasonable or unnecessarily loud, disturbing, unusual or frightening noise or disturbance injurious to the health, peace, or quiet of the residents and property owners in any residential area from 9:00 P.M. to 6:00 A.M. The following noises and disturbances are hereby declared to be a violation of this Code:

- A. Radio, phonograph, compact disc, television, or other electronic or mechanical sound-producing device including any musical instrument. The playing of any such devices in such manner or with such volume as to unreasonably upset or disturb the quiet, comfort or repose of other person of nearby residential properties.
- B. Yelling, shouting, hooting, whistling or singing on the public streets so as to unreasonably upset or disturb the quiet, comfort or repose of any persons in the vicinity.
- C. The keeping of any animal, bird, fowl which emanates frequent or extended noise which shall unreasonably disturb the quiet, comfort or repose of any person in the vicinity such as allowing or permitting any dog to bark repeatedly in an area where such barking can be clearly heard from nearby residential properties.
- D. The operation or permitting the operation of any automobile, motorcycle or other vehicles for repair or so loaded or constructed as to cause loud and unnecessary grinding, grinding, rattling, or other unreasonable noise including the noise resulting from exhaust, which is clearly audible from nearby properties and unreasonably disturbing the quiet, comfort or repose of other persons.
- E. Noise from parties or gatherings that are disturbing to the quiet, comfort or repose of other persons.
- F. The loading or unloading, opening or otherwise handling of boxes, crates, containers or garbage cans or other similar objects such that it creates loud or excessive noise unreasonably disturbing other persons in the vicinity.



Any person who violates the provision of this section shall be issued an Environmental Charge Sheet (ECS) by the duly-authorized department personnel and shall be punishable as follows:

- First Offense: Fine of Two Thousand Pesos (Php2,000.00) or four (4) hours of environmental community work.
- Second Offense: Fine of Three Thousand Pesos (Php3,000.00) or eight (8) hours of environmental community work.
- Third Offense: Fine of Five Thousand pesos (Php5,000.00) and thirty (30) days imprisonment.

Chapter V - Land-Based Pollution Management

Section 145. Operative Principle. Tuguegarao City shall regulate and adopt adequate measures to protect the occurrence of land-based pollution within the city in the exercise of its police power in promoting the general welfare within its territorial jurisdiction. It shall be the responsibility of the city to ensure and support the promotion of health and the preservation of comfort of its inhabitants.

Section 146. Identification of Sources of Land-Based Pollution. Pollution from land-based sources constitutes serious threat to the environment which results to hazards in health, contamination of food, loss of biodiversity and degradation of waters. The TCENRO shall, therefore, identify point and non-point sources of wastes as bases for the formulation of policies that are preventive and anticipatory rather than reactive.

Chapter VI - Solid Waste Management

Section 147. Operative Principle. Tuguegarao City's Solid Waste Management shall be in accordance with the provisions of Republic Act 9003, otherwise known as the "Ecological Solid Waste Management Act of 2000", and hereby adopts the State's Policy on a systematic, comprehensive 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 resource conservation and recovery.
- C. Set guidelines and targets for solid waste avoidance and volume reduction through source reduction and waste minimization measures including composting, recycling, re-use, recovery, green charcoal process, and others, before collection, treatment and disposal in appropriate and environmentally sound solid waste management facilities in accordance with ecologically sustainable development principles.
- D. Ensure the proper segregation, collection, transport, storage, treatment and disposal of solid waste through the formulation and adoption of the best environmental practice in ecological waste management excluding incineration.
- E. Promote national research and development programs for improved solid waste management and resource conservation techniques, more effective institutional arrangement and indigenous and improved methods of waste reduction, collection, separation and recovery.
- F. Encourage greater private sector participation in solid waste management.
- G. Retain primary enforcement and responsibility of solid waste management with local government units while establishing a cooperative effort among the national government, other local government units, non-government organizations and the private sector.
- H. Encourage cooperation and self-regulation among waste generators through the application of market-based instruments.
- I. Institutionalize public participation in the development and implementation of national and local integrated, comprehensive and ecological waste management programs.
- J. 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.

Section 148. Definition of Terms. For the purposes of this Code, the terms used under RA No. 9003 are hereby adopted as follows:

1. "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.



2. **"Bulky Wastes"** shall refer to waste materials which cannot be appropriately placed in separate containers because of either its bulky size, shape or other physical attributes. These include large worn-out or broken household, commercial and industrial items such as furniture, lamps, bookcases, filing cabinets and other similar items.
3. **"Bureau"** shall refer to the Environmental Management Bureau.
4. **"Buy-Back Center"** shall refer to a recycling center that purchases or otherwise accepts recyclable materials from the public for the purpose of recycling such materials.
5. **"Collection"** shall refer to the act of removing solid waste from the source or from a communal storage point.
6. **"Composting"** shall refer to the controlled decomposition of organic matter by microorganisms, mainly bacteria and fungi, into a humus-like product.
7. **"Consumer Electronics"** shall refer to special waste that includes worn-out, broken and other discarded items such as radios, stereos, and TV sets.
8. **"Controlled Dump"** shall refer to a disposal site at which solid waste is deposited in accordance with the minimum prescribed standards of site operation.
9. **"Department"** shall refer to the Department of Environment and Natural Resources.
10. **"Disposal"** shall refer to the discharge, deposit, dumping, spilling, leaking or placing of any solid waste into or in an land.
11. **"Disposal Site"** shall refer to a site where solid waste is finally discharged and deposited.
12. **"Ecological Solid Waste Management"** shall refer to the systematic administration of activities which provide for segregation at source, segregated transportation, storage, transfer, processing, treatment, and disposal of solid waste and all other waste management activities which do not harm the environment.
13. **"Environmentally Acceptable"** shall refer to the quality of being re-usable, biodegradable or compostable, recyclable and not toxic or hazardous to the environment.
14. **"Generation"** shall refer to the act or process of producing solid waste.
15. **"Generator"** shall refer to a person, natural or juridical, who last uses a material and makes it available for disposal or recycling.
16. **"Hazardous Waste"** shall refer to solid waste management or combination of solid wastes which because of its quantity, concentration or physical, chemical or infectious characteristics may:
 - (1) cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or
 - (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.
17. **"Leachate"** shall refer to the liquid produced when wastes undergo decomposition, and when water percolates through solid wastes undergoing decomposition. It is contaminated liquid that contains dissolved and suspended materials.
18. **"Materials Recovery Facility"** includes a solid waste transfer station or sorting station, drop-off center, a composting facility, and a recycling facility.
19. **"Municipal Waste"** shall refer to wastes produced from activities within local government units which include a combination of domestic, commercial, institutional and industrial wastes and street litters.
20. **"Open Dump"** shall refer to a disposal area wherein the solid wastes are indiscriminately thrown or disposed of without due planning and consideration for environmental and health standards.
21. **"Opportunity to Recycle"** shall refer to the act of providing a place for collecting source-separated recyclable material, located either at a disposal site or at another location more convenient to the population being served, and collection at least once a month of source-separated recyclable material from collection service customers and to providing public education and promotion program that gives notice to each person of the opportunity to recycle and encourage source separation of recyclable material.
22. **"Person(s)"** shall refer to any being, natural or judicial, susceptible of rights and obligations, or of being the subject of legal relations.
23. **"Post-Consumer Material"** shall refer only to those materials or products generated by a business or consumer which have served their intended end use and which have been separated or diverted from solid waste for the purpose of being collected, processed and used as a raw material in the manufacturing of recycled product, excluding materials and by-products generated from and commonly used within an original manufacturing process, such as mill scrap.

24. **"Receptacles"** shall refer to individual containers used for the source separation and the collection of recyclable materials.
25. **"Recovered Material"** shall refer to material and by products that have been recovered or diverted from solid waste for the purpose of being collected, processed and used as a raw material in the manufacture of a recycled product.
26. **"Recyclable Material"** shall refer to any waste material retrieved from the waste stream and free from contamination that can still be converted into suitable beneficial use or for other purposes including, but not limited to, newspaper, ferrous scrap metal, non-ferrous scrap metal, used oil, corrugated cardboard, aluminum, glass, office paper, tin cans and other materials as may be determined by the Commission.
27. **"Recycled Material"** shall refer to post-consumer material that has been recycled and returned to the economy.
28. **"Recycling"** shall refer to the treating of used or waste materials through a process of making them suitable for beneficial use and for other purposes, and includes any process by which solid waste materials are transformed into new products in such a manner that the original product may lose their identity and which maybe used as raw materials for the production of other goods or services, provided, that the collection, segregation and re-use of previously used packaging material shall be deemed recycling under this Code.
29. **"Resource Conservation"** shall refer to the reduction of the amount of solid wastes that are generated or the reduction of overall resource consumption and utilization of recovered resources.
30. **"Resources Recovery"** shall refer to the collection, extraction or recovery of recyclable materials from the waste stream for the purpose of recycling, generating energy or producing a product suitable for beneficial use; provided, that such resource recovery facilities exclude incineration.
31. **"Re-use"** shall refer to the process of recovering materials intended for the same or different purpose without the alteration of physical and chemical characteristics.
32. **"Sanitary Landfill"** shall refer to a waste disposal site designed, constructed, operated and maintained in a manner that exerts engineering control over significant potential environment impacts arising from the development and operation of the facility.
33. **"Schedule of Compliance"** shall refer to an enforceable sequence of actions or operations to be accomplished within a stipulated time frame leading to compliance with a limitation, prohibition or standard set forth in this Code or any rule of regulation issued pursuant thereto.
34. **"Secretary Landfill"** shall refer to the Secretary of the Department of Environment and Natural Resources.
35. **"Segregation"** shall refer 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.
36. **"Segregation at Source"** shall refer to a 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.
37. **"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 waste. Unless specifically noted otherwise, the term "solid waste" as used in this Code shall not include:
 - (1) Waste identified or listed as hazardous waste of a solid, liquid, contained gaseous or semisolid form which may cause or contribute to an increase in mortality or in serious or incapacitating reversible illness or acute/chronic effect on the health of persons and other organisms.
 - (2) Infectious wastes from hospitals such as equipment, instruments, utensils and fomites of a disposable nature from patients who are suspected to have or have been diagnosed as having communicable diseases and must therefore be isolated as required by public health agencies, laboratory wastes such as pathological specimens (i.e. all tissues, specimens of blood elements, excreta, and secretion obtained from patients or laboratory animals) and disposable fomites that may harbor or transmit pathogenic organisms, and surgical operating room pathologic materials from outpatient areas and emergency rooms.
 - (3) Waste resulting from mining activities, including contaminated soil and debris.
38. **"Solid Waste Management"** shall refer to the discipline associated with the control of generation, storage, collection, transfer and transport, processing, and disposal of solid



W

- 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.
39. **“Solid Waste Management Facility”** shall refer to any resource recovery system or component thereof; any system, program, or facility for resource conservation; any facility for the collection, source separation, storage, transportation, transfer, processing, treatment, or disposal of solid waste.
 40. **“Source Reduction”** shall refer to the reduction of solid waste before it enters the solid waste stream by methods such as product design, materials substitution, materials re-use and packaging restrictions.
 41. **“Source Separation”** shall refer to the sorting of solid waste into some or all of its component parts at the point of generation.
 42. **“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.
 43. **“Storage”** shall refer to the interim containment of solid wastes after generation and prior to collection for ultimate recovery or disposal.
 44. **“Transfer Stations”** shall refer to those facilities utilized to receive solid wastes, temporarily store, separate, convert, or otherwise process the materials in the solid wastes, or to transfer the solid wastes directly from smaller to larger vehicles for transport. This term does not include any of the following:
 - (1) a facility whose principal function is to receive, store, separate, convert or otherwise process in accordance with national minimum standards, manure.
 - (2) a facility, whose principal function is to receive, store, convert, or otherwise process wastes which have already been separated for re-use and are intended for disposals, and
 - (3) the operations premises of a duly licensed solid waste handling operator who is receives, stores, transfers, or otherwise processes wastes as an activity incidental to the conduct of a refuse collection and disposal business.
 45. **“Waste Diversion”** shall refer to activities which reduce or eliminate the amount of solid waste from waste disposal facilities.
 46. **“White Goods”** shall refer to large worn-out or broken household, commercial, and industrial appliances such as stoves, refrigerators, dishwashers, and clothes washers and dryers collected separately. White goods are usually dismantled for the recovery of specific materials (e.g., copper, aluminum, etc.).
 47. **“Yard Waste”** shall refer to wood, small or chipped branches, leaves, grass clippings, garden debris, vegetable residue that is recognized as part of a plant or vegetable and other materials identified by the Commission.

Section 149. Role of LGUs in Solid Waste Management. Pursuant to the relevant provisions of R.A. No. 7160, otherwise known as the Local Government Code of 1991, Tuguegarao City Government shall be primarily responsible for the implementation and enforcement of the provisions of this Code on Solid Waste Management within its jurisdictions.

Section 150. Waste Segregation and Collection. Segregation and collection of solid waste shall be conducted at the barangay level at source specifically for biodegradable, compostable and reusable wastes; provided, that the collection of non-recyclable materials and special wastes shall be the responsibility of the city.

Section 151. The City Ecological Solid Waste Management Board (CESWMB). The City Ecological Solid Waste Management Board (CESWMB) or otherwise known as the “Board” shall be responsible to prepare, submit and implement a plan for the safe and sanitary management of solid waste generated in areas under in geographic and political coverage.

The Board shall be composed of the city mayor as head with the following as members:

- A. One (1) representative of sangguniang panlungsod, preferably chairperson of either the Committees on Environment or Health, who will be designated by the presiding officer.
- B. President of the Association of Barangay Councils of the city.



Handwritten mark resembling a stylized 'M' or 'W'.

- C. Chairperson of the Sangguniang Kabataan Federation.
- D. A representative from NGOs whose principal purpose is to promote recycling and the protection of air and water quality.
- E. A representative from the recycling industry.
- F. A representative from the manufacturing or packaging industry.
- G. A representative of each concerned government agency possessing relevant technical and marketing expertise as may be determined by the Board.

The Board may, from time to time, call on any concerned agencies or sectors as it may deem necessary; provided, that representatives from NGOs, recycling and manufacturing or packaging industries shall be selected through a process designed by themselves and shall be endorsed by the government agency representatives of the Board.

Section 152. Functions of the Board. The City Ecological Solid Waste Management Board (CESWMB) shall have the following duties and responsibilities:

- A. Develop the City Solid Waste Management Plan that shall ensure the long-term management of solid waste, as well as integrate the various solid waste management plans and strategies of the barangays in its area of jurisdiction. In the development of the Solid Waste Management Plan, it shall conduct consultations with the various sectors of the community.
- B. Adopt measures to promote and ensure the viability and effective implementation of solid waste management programs in its component barangays.
- C. Monitor the implementation of the City Solid Waste Management Plan through its various political subdivisions and in cooperation with the private sector and the NGOs.
- D. Adopt specific revenue-generating measures to promote the viability of its Solid Waste Management Plan.
- E. Convene regular meetings for purposes of planning and coordinating the implementation of the solid waste management plans of the respective component barangays.
- F. Oversee the implementation of the City Solid Waste Management Plan.
- G. Review every two (2) years or as the need arises the City Solid Waste Management Plan for purposes of ensuring its sustainability, viability, effectiveness and relevance in relation to local and international developments in the field of solid waste management.
- H. Develop the specific mechanics and guidelines for the implementation of the City Solid Waste Management Plan.
- I. Recommend to appropriate local government authorities specific measures or proposals for franchise or build-operate-transfer agreements with duly recognized institutions, pursuant to R.A.6957, to provide either exclusive or non-exclusive authority for the collection, transfer, storage, processing, recycling or disposal of municipal solid waste. The proposals shall take into consideration appropriate government rules and regulations on contracts, franchise and build-operate-transfer agreements.
- J. Provide the necessary logistical and operational support to its component cities and municipalities in consonance with subsection (f) of Sec. 17 of the Local Government Code.
- K. Recommend measures and safeguards against pollution and for the preservation of the natural ecosystem.
- L. Coordinate the efforts of its components barangays in the implementation of the City Solid Waste Management Plan.

Section 153. Establishment of Multi-Purpose Environment Cooperatives or Associations in every LGU. The multi-purpose cooperatives and associations referred to in this Section shall undertake activities to promote the implementation and/ or directly undertake projects on solid waste management, organic farming and/or promote the use of biodegradable and other wastes into other beneficial and economic uses on commercial quantity.

Article I - Comprehensive Solid Waste Management Policy of the City

Section 154. The City Government Solid Waste Management Plan. The city, through its Solid Waste Management Board, shall prepare its 10-year solid waste management plans consistent with the national solid waste management framework; provided, that the waste management plan shall be for the re-use, recycling and composting of wastes generated in the city; provided, further, that the solid waste management plan of the LGU shall ensure the efficient management of solid waste generated in the city. The plan shall place primary emphasis on the implementation of all feasible re-

use, recycling and composting programs while identifying the amount of landfill and transformation capacity that will be needed for solid waste which cannot be re-used, recycled or composted. The plan shall contain all the components provided in Sec. 17 of RA 9003 and a timetable for the implementation of the solid waste management program in accordance with the National Framework provided, finally, that it shall be reviewed and updated every year by the City Solid Waste Management Board.

Section 155. The Components of the Local Government Solid Waste Management Plan. The solid waste management plan of the city shall include, but not limited to, the following components:

- A. City Profile - The plan shall indicate the following background information on the city and its component barangays, covering important highlights of the distinct geographic and other conditions:
 - (1) Estimated population of each barangay within the city and population project for a 10-year period.
 - (2) Illustration or map of the city indicating locations of residential, commercial and industrial centers, and agricultural area, as well as dump, landfills and other solid waste facilities. The illustration shall indicate as well the proposed sites for disposal and other solid waste facilities.
 - (3) Estimated solid waste generation and projection by source such as residential, market, commercial, industrial, construction/demolition, street waste, agricultural, agro-industrial, institutional and other wastes.
 - (4) Inventory of existing waste disposal and other solid waste facilities and capacities.
- B. Waste Characterization - For the initial source reduction and recycling element of a local waste management plan, the LGU waste characterization component shall identify the constituent materials which comprise the solid waste generated within the jurisdiction of the LGU. The information shall be representative of the solid waste generated and disposed of within the area. The constituent materials shall be identified by volume, percentage in weight or its volumetric equivalent, material type and source of generation which includes residential, commercial, industrial, governmental or other materials. Future revisions of waste characterization studies shall identify the constituent materials which comprise the solid waste disposed of at permitted disposal facilities.
- C. Collection and Transfer - The plan shall take into account the geographic subdivisions to define the coverage of the solid waste collection area in every barangay. The barangay shall be responsible for ensuring that a 100% collection efficiency from residential, commercial, industrial and agricultural sources where necessary within its area of coverage is achieved. Toward this end, the plan shall define and identify the specific strategies and activities to be undertaken by its component barangays taking into account the following concerns:
 - (1) Availability and provision of properly designed containers or receptacles in selected collection points for the temporary storage of solid waste while awaiting collection and transfer to processing sites or to final disposal sites.
 - (2) Segregation of different types of solid waste for re-use, recycling and composting.
 - (3) Hauling and transfer of solid waste from source or collection points to processing sites or final disposal sites.
 - (4) Issuance and enforcement of ordinances to effectively implement a collection system in the barangay,
 - (5) Provision of properly trained officers and workers to handle solid waste disposal.
- D. Processing - The plan shall define the methods and the facilities required to process the solid waste including the use of intermediate treatment facilities for composting, recycling, conversion and other waste processing systems. Other appropriate waste processing technologies may also be considered provided that such technologies conform with internationally-acceptable and other standards set in other standards and other laws and regulations.
- E. Source reduction - The source reduction component shall include a program and implementation schedule which shows the methods by which the LGU will, in



combination with the recycling and composting components, reduce a sufficient amount of solid waste disposed of in accordance with the diversion requirements of Section 20 of RA 9003.

The source reduction component shall describe the following:

- (1) strategies in reducing the volume of solid waste generated at source.
- (2) measures for implementing such strategies and the resources necessary to carry out such activities.
- (3) other appropriate waste reduction technologies that may also be considered, provided that such technologies conform with the standards pursuant to RA 9003.
- (4) the types of wastes to be reduced pursuant to Sec. 15 of RA 9003.
- (5) the methods that the LGU will use to determine the categories of solid wastes to be diverted from disposal at a disposal facility through re-use, recycling and composting.
- (6) new facilities and expansion of existing facilities which will be needed to implement re-use, recycling and compost.

The LGU source reduction component shall include the evaluation and identification of rate structures and fees for the purpose of reducing the amount of waste generated and other source reduction strategies including, but not limited to, programs and economic incentives provided under Section 46 of the Act to reduce the use of non-recyclable materials, replace disposable materials and products with reusable materials and products, reduce packaging and increase the efficiency of the use of paper, cardboard, glass, metal and other materials. The waste reduction activities of the community shall also take into account, among others, local capability, economic viability, technical requirements, social concerns' disposition of residual waste and environmental impact provided, that projection of future facilities needed and estimated cost shall be incorporated in the plan.

F. Recycling - The recycling component shall include a program and implementation schedule which shows the methods by which the LGU shall, in combination with source reduction and composting components, reduce a sufficient amount of solid waste disposed of in accordance with the diversion requirements set in Section 20. The LGU recycling component shall describe the following:

- (1) The types of materials to be recycled under the programs.
- (2) The methods for determining the categories of solid wastes to be diverted from disposal at a disposal facility through recycling.
- (3) New facilities and expansion of existing facilities needed to implement the recycling component.

The five-year strategy for collecting, processing, marketing and selling the designated recyclable materials shall take into account persons engaged in the business of recycling or persons otherwise providing recycling services before the effectivity of Republic Act 9003. Such strategy may be based upon the results of the waste composition analysis performed pursuant to this Section or information obtained in the course of past collection of solid waste by the local government unit and may include recommendations with respect to increasing the number of materials designated for recycling pursuant to this Code.

Recommended revisions to the building ordinances, requiring newly-constructed buildings and buildings undergoing specified alterations to contain storage space, devices or mechanisms that facilitate source separation and storage of designated recyclable materials to enable the local government unit to efficiently collect, process, market and sell the designated materials. Such recommendations shall include, but shall not be limited to, separate chutes to facilitate source separation in multi-family dwellings, storage areas that conform to fire and safety code regulations, and specialized storage containers.

G. Composting - The composting component shall include a program and implementation schedule which shows the methods by which the LGU shall, in combination with the source reduction and recycling components, reduce a sufficient amount of solid waste



Handwritten mark resembling the letter 'M'.

disposed of within its jurisdiction to comply with the diversion requirements of Section 20 of RA 9003. The LGU composting component shall describe the following:

- (1) The types of materials which will be composted under the programs.
- (2) The methods for determining the categories of solid wastes to be diverted from disposal at a disposal facility through composting.
- (3) New facilities and expansion of existing facilities needed to implement the composting component.
- (4) Methods for developing the markets for composted materials including, but not limited to, an evaluation of the feasibility of procurement preferences for the purchase of composted products.

H. Solid waste facility capacity and final disposal - The solid waste facility component shall include, but shall not be limited to, a projection of the amount of disposal capacity needed to accommodate the solid waste generated, reduced by the following:

- (1) Implementation of source reduction, recycling and composting programs required in this Section or through implementation of other waste diversion activities pursuant to Section 20 of the said Act.
- (2) Any permitted disposal facility which will be available during the 10-year planning period.
- (3) All disposal capacity which has been secured through an agreement with another LGU or through an agreement with a solid waste enterprise.

Open dump sites shall not be allowed as final disposal sites. If an open dump site is existing within the city, the plan shall make provisions for its closure or eventual phase out within the period specified under the framework and pursuant to the provisions under Section 37 of the Act.

As an alternative, sanitary landfill sites shall be developed and operated as a final disposal site for solid and, eventually, residual wastes of a municipality or city or a cluster of municipality and/or cities. Sanitary landfills shall be designed and operated in accordance with the guidelines set under Sections 40 and 41 of RA 9003.

I. Education and public information - The education and public information component shall describe how the LGU will educate and inform its citizens about the source reduction, recycling and composting programs.

J. Special Waste - The special waste component shall include existing waste handling and disposal practices for special wastes or household hazardous wastes, and the identification of current and proposed programs to ensure the proper handling, re-use and long-term disposal of special wastes.

K. Resource requirement and funding - The funding component includes identification and description of project costs, revenues, and revenue sources the LGU will use to implement all components of the LGU solid waste management plan.

The plan shall likewise indicate specific projects, activities, equipment and technological requirements for which outside sourcing of funds or materials may be necessary to carry out the specific components of the plan. It shall define the specific uses for its resource requirements and indicate its costs. The plan shall likewise indicate how the province, city or municipality intends to generate the funds for the acquisition of its resource requirements. It shall also indicate if certain resource requirements are being or will be sourced from fees, grants, donations, local funding and other means. This will serve as basis for the determination and assessment of incentives which may be extended to the province, city or municipality as provided for in Section 45 of the Act.

L. Privatization of solid waste management projects - The plan shall likewise indicate specific measures to promote the participation of the private sector in the management of solid wastes, particularly in the generation and development of the essential technologies for solid waste management.

Specific projects or component activities of the plan which may be offered as private sector investment activity shall be identified and promoted as such. Appropriate



incentives for private sector involvement in solid waste management shall likewise be established and provided for in the plan, in consonance with Section 45 of the Act and other existing laws, policies and regulations.

- M. Incentive programs - A program providing for incentives, cash or otherwise, which shall encourage the participation of concerned sectors shall likewise be included in the plan.

Section 156. Waste Minimization. The city government shall promote waste minimization or reduction. All households, business establishments and industries within the territorial jurisdiction of the city shall be encouraged to reduce generation of wastes. Business establishments and industries shall be required to submit a Diagrammatic SWM Plan prior to issuance of an Environmental Permit.

Section 157. Responsibility of Owner and Operator. Responsibility for compliance with the standards set forth by Republic Act 9003 shall rest with the owner and/or operator. If specifically designated, the operator is considered to have primary responsibility for compliance, however, this does not relieve the owner of the duty to take all reasonable steps to assure compliance with these standards and any assigned conditions. When the title to a disposal is transferred to another person, the new owner shall be notified by the previous owner of the existence of these standards and of the conditions assigned to assure compliance.

Section 158. Waste Characterization. The city, in coordination with the DENR-EMB, shall comply with the guidelines for the accurate characterization of wastes including determination of whether or not wastes will be compatible with containment features and other wastes, and whether or not wastes are required to be managed as hazardous wastes under Republic Act 6969, otherwise known as the Toxic Substance and Hazardous and Nuclear Wastes Control Act.

Section 159. Establishing Mandatory Solid Waste Diversion. The city shall include an implementation schedule which shows that within five (5) years, the LGU shall divert at least 25% of all solid waste from waste disposal facilities through re-use, recycling and composting activities and other resource recovery activities; provided, that the waste diversion goals shall be increased every three (3) years thereafter; provided, further, that nothing in this Section prohibits a local government unit from implementing re-use, recycling, and composting activities designed to exceed the goal.

Article II – Provisions on Segregation of Wastes

Section 160. Mandatory Segregation of Solid Wastes. The LGUs shall evaluate alternative roles for the public and private sectors in providing collection services, type of collection system, or combination of systems, that best meet their needs; provided, that segregation of wastes shall primarily be conducted at the source to include household, institutional, industrial, commercial and agricultural sources; provided, further, that wastes shall be segregated into the categories provided in Sec. 22 of RA 9003.

Section 161. On Residential Areas. Every resident in a residential area shall be responsible with the following:

- A. It shall be the responsibility of every resident to be aware of the four (4) types of waste: (1) biodegradable, (2) recyclable, (3) residual and (4) special waste. These four types of waste shall be properly segregated and stored.
- B. It shall be the responsibility of all residents that the generated solid waste shall be properly separated on four (4) containers for recyclable, leftover and others. The left-over or kitchen refuse shall either be directly given to animals as feeds or others shall be composted in a compost pit.
- C. It shall be the responsibility of every resident to provide and use proper containers such as cans, bags, sacks, bins, etc. to facilitate sanitary, efficient handling, storage, collection, transport and disposal at a least cost.
- D. The public thoroughfares, the immediate grounds in front or in the vicinity of residential houses shall be maintained clean and proper at all times by the concerned resident in the concept of "*Tapat Ko, Linis Ko.*"

Section 162. On Commercial Areas including Public Markets. Every concerned owner/operator/lessee of any commercial establishment including market stall owner/lessee shall be responsible with the following:

- A. It shall be the responsibility of every owner/operator/lessee of any commercial establishment including market stall owner/lessee to be aware of the four types of waste: biodegradable, recyclable, residual and special waste. These four (4) types of waste shall be properly segregated and stored especially recyclable materials and special waste.
- B. It shall be the responsibility of all concerned that the generated solid waste shall be properly separated on four (4) containers for recyclable, leftover and others. The left-over or kitchen refuse shall be composted in a compost pits.
- C. It shall be the responsibility of every concerned owner/operator/lessee of any commercial establishment including market stall owner/lessee to provide and use proper containers such as cans, bags, sacks, bins, etc. to facilitate sanitary, efficient handling, storage, collection, transport and disposal at least cost.

The lobby and fronting sidewalks and immediate surroundings of any commercial establishment and market stall shall be maintained clean and proper at all times by owner/operator/lessee of any commercial establishment under the concept of *"Tapat Ko, Linis Ko, Basura Ko, Pananagutan Ko"* which must be displayed in tarpulins, stickers, plates or billboard by the owner/operator/lessee.

Section 163. On Industrial/Institutional Areas. The head of any institutional/industrial firm shall be responsible with the following:

- A. The head of any institutional/industrial firm shall ensure the proper and hygienic storage of generated and segregated waste in a container according to the four types of waste which shall be situated along routes.
- B. Hazardous waste shall be stored safely in good, durable and well covered receptacles which shall be located in a secure and distant site prior to final collection/disposal.
- C. The head of any institutional/industrial firm shall ensure the cleanliness and orderliness of its facilities, yards and its surroundings, sidewalks and streets.
- D. Hazardous waste (chemicals, bio-chemicals and radioactive substances) shall be stored and disposed of in accordance with the applicable laws, guidelines, rules and regulations of the Environment Management Bureau (EMB-DENR), Department of Health (DOH) and the Philippine Nuclear Research Institute (PNRI).

Section 164. Requirements for the Segregation and Storage of Solid Waste. The following shall be the minimum standards and requirements for segregation and storage of solid waste pending collection.

- A. There shall be a separate container for each type of waste from all sources; provided, that in the case of bulky waste, it will suffice that the same be collected and placed in a separate designated area.
- B. The solid waste container depending on its use shall be properly marked or identified for on-site collection as "compostable", "non-recyclable", "recyclable" or "special waste", or any other classification as may be determined by law.

Article III – Provisions on Collection and Transport of Solid Wastes

Section 165. Requirements for Collection of Solid Wastes. The following shall be the minimum standards and requirements for the collection of solid waste:

- A. All collectors and other personnel directly dealing with collection of solid waste shall be equipped with personal protective equipment to protect them from the hazards of handling wastes.
- B. Necessary training shall be given to the collectors and personnel to ensure that the solid wastes are handled properly and in accordance with the guidelines of the law.
- C. Collection of solid waste shall be done in a manner which prevents damage to the container and spillage or scattering of solid waste within the collection vicinity.
- D. Only segregated waste shall be collected under the "NO SEGREGATION, NO COLLECTION" Policy.

Section 166. Manner of Collection of Waste. The following shall be considered in the manner of collection of waste:

A. Residential Areas



- 1) The concerned resident shall ensure that solid wastes are brought out in front of their gate/door and/or along the collection route of the collection vehicle only during the arrival of garbage truck.
- 2) It shall be the responsibility of all concerned to report to the TCENRO or any concerned city official for any uncollected solid waste within his/her vicinity.
- 3) Garbage not segregated, not placed in a proper container and those of late throwers shall not be collected and shall be treated as disposed of in violation of the Anti-littering or Illegal dumping provisions of this Code and shall be penalized accordingly.
- 4) The specific date and hour of garbage collection shall be scheduled and announced for strict compliance of all concerned.
- 5) The city government shall establish collection points in areas inaccessible to garbage trucks/collection vehicles.

B. Commercial Areas Including Public Markets

- 1) The owner/operator/lessee of any enterprise shall be responsible for the timely positioning of stored solid waste during collection period which shall be made known in advance by the proper authorities who shall likewise assist wherever necessary in the sanitary means of loading wastes for collection purposes.
- 2) It shall be the responsibility of all concerned to report to the TCENRO or any concerned city official for any uncollected solid waste within the vicinity.
- 3) Garbage not segregated, wastes that are not placed in a proper container and setting out of waste not on the specified day and time by late throwers shall not be collected and shall be treated as disposed of in violation of the Anti-Littering and Illegal-dumping provisions of this Code and shall be penalized accordingly.
- 4) The specific date and hour of garbage collection shall be scheduled and announced for strict compliance of all concerned.
- 5) The city government shall establish collection points in areas inaccessible to garbage trucks/collection vehicles.

C. Institutional/ Industrial Areas

- 1) The head of any institution whether private or public, industrial and other establishments shall take active part in assisting the city government in the orderly collection and transport of solid waste.
- 2) The collection and transport of hazardous waste shall be duly coordinated with the government agencies.
- 3) Only segregated waste placed in proper container and set out on the specified day and time shall be collected. Non-compliance of this shall be treated as disposed of in violation of the Anti-Littering and Illegal-dumping provisions of this Code and shall be penalized accordingly.
- 4) The specific date and hour of waste collection shall be scheduled and announced for strict compliance of all concerned.

Section 166. Requirements for the Transport of Solid Waste. The following are the requirements for the transport of solid waste:

- A. The use of separate collection schedules and/or separate trucks or haulers shall be required for specific types of wastes. Otherwise, vehicles used for the collection and transport of solid wastes shall have the appropriate compartments to facilitate efficient storing of sorted wastes while in transit.
- B. Vehicles shall be designed to consider road size, condition and capacity to ensure the safe and efficient collection and transport of solid wastes. The waste compartment shall have a cover to ensure the containment of solid wastes while in transit.
- C. For the purpose of identification, vehicles shall bear the body number, the name and the telephone number of the contractor/agency collecting solid waste.

Section 168. Guidelines for Transfer Stations. Transfer stations shall be designed and operated for efficient waste handling capacity and in compliance with environmental standards and guidelines set pursuant to the Act and other regulations; provided, that no waste shall be stored in such station beyond twenty-four (24) hours.

The siting of the transfer station shall consider the land use plan, proximity to collection area and accessibility of haul routes to disposal facility. The design shall give primary consideration to



size and space sufficiency in order to accommodate the waste for storage and vehicles for loading and unloading of wastes.

Article IV - Recycling Program

Section 169. Inventory of Existing Markets for Recyclable Materials. The DTI, in cooperation with the DENR, DILG and other concerned agencies and sectors, shall publish a study of existing markets for processing and purchasing recyclable materials and the potential steps necessary to expand these markets. Such study shall include, but not be limited to, an inventory of existing markets for recyclable materials, product standards for recyclable and recycled materials, and a proposal developed in conjunction with the appropriate agencies, to stimulate the demand for the production of products containing post-consumer and recovered materials.

Section 170. Requirement for Eco-Labeling. The DTI shall formulate and implement a coding system for packaging materials and products to facilitate waste and recycling and re-use.

Section 171. Reclamation Programs and Buy-Back Centers for Recyclables and Toxics. The city, with the assistance of the National Ecology Center, shall establish and implement deposit or reclamation programs in coordination with manufacturers, recyclers and generators to provide separate collection systems or convenient drop-off locations for recyclable materials and particularly for separated toxic components of the waste stream like dry cell batteries and tires to ensure that they are not incinerated or disposed of in a landfill. Toxic materials present in the waste stream should be separated at source, collected separately and further screened and sent to appropriate hazardous waste treatment and disposal plants, consistent with the provisions of Republic Act No. 6969.

Section 172. Non-Environmentally Acceptable Products. Non-environmentally acceptable products as defined by RA 9003 and as listed shall be prohibited according to a schedule; provided, however that non-environmentally acceptable products shall not be prohibited unless there are alternatives available which are available to consumers at not more than ten percent (10%) greater cost than the disposable product. Notwithstanding any other provisions to the contrary, this section shall not apply to:

- A. Packaging used at hospitals, nursing homes or other medical facilities.
- B. Any packaging which is not environmentally acceptable but for which there is no commercially available alternatives as determined by the Commission.

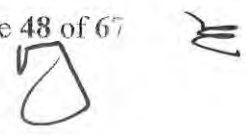
Section 173. Prohibition on the Use of Non-Environmentally Acceptable Packaging. No person owning, operating or conducting a commercial establishment shall sell or convey at retail or possess with the intent to sell or convey at retail any products that are placed, wrapped or packaged in or on packaging which is not environmentally acceptable packaging; provided, that the Commission shall determine a phase out period after proper consultation and hearing with the stakeholders or with the sectors concerned. The presence in the commercial establishment of non-environmentally acceptable packaging shall constitute a rebuttable presumption of intent to sell or convey the same at retail to customers.

Any person who is a manufacturer, broker or warehouse operator engaging in the distribution or transportation of commercial products within the country shall file a report with the concerned local government and annually thereafter, a listing of any products in packaging which is not environmentally acceptable.

A violation of this Section shall be sufficient grounds for the revocation, suspension, denial or non-renewal of any license for the establishment in which the violation occurs.

Section 174. Establishment of LGU Materials Recovery Facility. There shall be established a Materials Recovery Facility (MRF) in every barangay or cluster of barangays. The facility shall be established in a barangay-owned or -leased land or any suitable open space to be determined by the barangay through its sanggunian. For this purpose, the barangay or cluster of barangays shall allocate a certain parcel of land for the MRF. The MRF shall receive mixed waste for final sorting, segregation, composting and recycling. The resulting residual wastes shall be transferred to a long term storage or disposal facility or sanitary landfill.

Section 174. Guidelines for Establishment of Materials Recovery Facility. Materials recovery facilities shall be designed to receive, sort, process and store compostable and recyclable material



efficiently and in an environmentally sound manner. The facility shall address the following considerations:

- A. The building and/or land layout and equipment must be designed to accommodate efficient and safe materials processing, movement and storage.
- B. The building must be designed to allow efficient and safe external access and to accommodate internal flow.

Article V – Provisions Regarding Composting

Section 176. Inventory of Markets of Composts. The Department of Agriculture shall publish an inventory of existing markets and demands for composts. Said inventory shall thereafter be updated and published annually; provided, that the composting of agricultural wastes and other compostable materials including, but not limited to, garden wastes shall be encouraged.

Section 177. Guidelines for Compost Quality. Compost products intended to be distributed commercially shall conform with the standards for organic fertilizers set by the DA. The DA shall assist the compost producers to ensure that the compost products conform to such standards.

Article VI - Waste Management Facility

Section 178. Prohibition Against the Use of Open Dumps for Solid Waste. No open dumps shall be established and operated, nor any practice or disposal of solid waste by any person which constitutes the use of open dumps for solid wastes be allowed.

Section 179. Permit for Solid Waste Management Facility Construction and Expansion. No person shall commence operation, including site preparation and construction of a new solid waste management facility or the expansion of an existing facility until said person obtains an Environment Compliance Certificate (ECC) from the concerned department pursuant to Presidential Decree 1586 and other permits and clearances from concerned agencies.

Section 180. Criteria for Siting a Sanitary Landfill. The following shall be the minimum criteria for the siting of sanitary landfills:

- A. The site selected must be consistent with the overall land use plan of the LGU.
- B. The site must be accessible from major roadways or thoroughfares.
- C. The site should have an adequate quantity of earth cover material that is easily handled and compacted.
- D. The site must be chosen with regard for the sensitivities of the community's residents.
- E. The site must be located in an area where the landfill's operation will not detrimentally affect environmentally sensitive resources such as aquifer, groundwater reservoir or watershed area.
- F. The site should be large enough to accommodate the community's wastes for a period of five (5) years during which people must internalize the value of environmentally sound and sustainable solid waste disposal.
- G. The site chosen should facilitate developing a landfill that will satisfy budgetary constraints including site development, operation for many years, closure, post-closure care and possible remediation costs.
- H. Operating plans must include provisions for coordinating with recycling and resource recovery projects.
- I. Designation of a separate containment area for household hazardous wastes.

Section 181. Criteria for Establishment of Sanitary Landfill. The following shall be the minimum criteria for the establishment of sanitary landfills:

- A. Liners - a system of clay layers and/or geosynthetic membranes used to contain leachate and reduce or prevent contaminant flow to groundwater.
- B. Leachate collection and treatment system - installation of pipes at the low areas of the liner to collect leachate for storage and eventual treatment and discharge.
- C. Gas control and recovery system - a series of vertical wells or horizontal trenches containing permeable materials and perforated piping placed in the landfill to collect gas for treatment or productive use as an energy source.
- D. Groundwater monitoring well system - wells placed at an appropriate location and depth for taking water that are representative of ground water quality.



- E. Cover - two (2) forms of cover consisting of soil and geosynthetic materials to protect the waste from long-term contact with the environment:
 - (a) a daily cover placed over the waste at the close of each day's operations.
 - (b) a final cover or cap which is the material placed over the completed landfill to control infiltration of water, gas emission to the atmosphere, and erosion.
- F. Closure procedure with the objectives of establishing low maintenance cover systems and final cover that minimizes the infiltration of precipitation into the waste. Installation of the final cover must be completed within six (6) months of the last receipt of waste.
- G. Post-closure care procedure - During this period, the landfill owner shall be responsible for providing for the general upkeep of the landfill, maintaining all of the landfill's environmental protection features, operating monitoring equipment, remediating groundwater should it become contaminated and controlling landfill gas migration or emission.

Section 182. Operating Criteria for Sanitary Landfills. In the operation of a sanitary landfill, each site operator shall maintain the following minimum operating equipment:

- A. Disposal site records of, but not limited to.
 - 1. Records of weights or volumes accepted in a form and manner approved by the department. Such records shall be submitted to the department upon request, accurate to within ten percent (10%) and adequate for overall planning purposes and forecasting the rate of site filling.
 - 2. Records of excavations which may affect the safe and proper operation of the site or cause damage to adjoining properties.
 - 3. Daily log book or file of the following information: fires, landslides, earthquake damage, unusual and sudden settlement, injury and property damage, accidents, explosions, receipts or rejection of unpermitted wastes, flooding and other unusual occurrences.
 - 4. Record of personnel training.
 - 5. Copy of written notification to the department, local health agency and fire authority of names, addresses and telephone numbers of the operator or responsible party of the site.
- B. Water quality monitoring of surface and ground waters and effluent, and gas emissions.
- C. Documentation of approvals, determinations and other requirements by the department.
- D. Signs.
 - 1. Each point of access from a public road shall be posted with an easily visible sign indicating the facility name and other pertinent information as required by the department.
 - 2. If the site is open to the public, there shall be an easily visible sign at the primary entrance of the site indicating the name of the site operator, the operator's telephone number and hours of operation; an easily visible sign at an appropriate point shall indicate the schedule of changes and the general types of materials which will either be accepted or not.
 - 3. If the site is open to the public, there shall be an easily visible road sign and/or traffic control measures which direct traffic to the active face and other areas where wastes or recyclable materials will be deposited.
 - 4. Additional signs and/or measures may be required at a disposal site by the department to protect personnel and public health and safety.
- E. Monitoring of quality of surface, ground and effluent waters, and gas emissions.
- F. The site shall be designed to discourage unauthorized access by persons and vehicles by using a perimeter barrier or topographic constraints. Areas within the site where open storage or piling of hazardous materials occurs shall be separately fenced or otherwise secured as determined by the department. The department may also require that other areas of the site be fenced to create an appropriate level of security.
- G. Roads within the permitted facility boundary shall be designed to minimize the generation of dust and the tracking of material onto adjacent public roads. Such roads shall be kept in safe condition and maintained such that vehicle access and unloading can be conducted during inclement weather.
- H. Sanitary facilities consisting of adequate number of toilets and handwashing facilities shall be available to personnel at or in the immediate vicinity of the site.
- I. Safe and adequate drinking water supply for the site personnel shall be available.
- J. The site shall have communication facilities available to site personnel to allow quick response to emergencies.



- K. Where operations are conducted during hours of darkness, the site and/or equipment shall be equipped with adequate lighting as approved by the department to ensure safety and to monitor the effectiveness of operations.
- L. Operating and maintenance personnel shall wear and use appropriate safety equipment as required by the department.
- M. Personnel assigned to operate the site shall be adequately trained in subject pertinent to the site operation and maintenance, hazardous materials recognition and screening, and heavy equipment operations, with emphasis on safety, health, environmental controls and emergency procedures. A record of such training shall be placed in the operating record.
- N. The site operator shall provide adequate supervision of a sufficient number of qualified personnel to ensure proper operation of the site in compliance with all applicable laws, regulations, permit conditions and other requirements. The operator shall notify the department and local health agency in writing of the names, addresses and telephone number/s of the operator or responsible party. A copy of the written notification shall be placed in the operation record.
- O. Any disposal site open to the public shall have an attendant present during public operating hours or the site shall be inspected by the operator on a regularly scheduled basis, as determined by the department.
- P. Unloading of solid wastes shall be confined to a small area as possible to accommodate the number of vehicles using the area without resulting in traffic and personnel or public safety hazards. Waste materials shall normally be deposited at the toe of the fill, or as otherwise approved by the department.
- Q. Solid waste shall be spread and compacted in layers with repeated passages of the landfill equipment to minimize voids within the cell and maximize compaction. The loose layer shall not exceed a depth approximately two feet before compaction. Spreading and compacting shall be accomplished as rapidly as practicable, unless otherwise approved by the department.
- R. Covered surfaces of the disposal area shall be graded to promote lateral runoff of precipitation and to prevent pounding. Grades shall be established of sufficient slopes to account for future settlement of the fill surface. Other effective maintenance methods may be allowed by the department.
- S. Cover material or native material unsuitable for cover, stockpiled on the site for use or removal, shall be placed so as not to cause problems or interfere with unloading, spreading, compacting, access, safety drainage or other operations.

Section 183. Establishment of Common Waste Treatment and Disposal Facilities. Pursuant to Section 33 of R.A.7160, otherwise known as the Local Government Code, the city, through appropriate ordinance, may consolidate or coordinate its efforts, services and resources with the province or other municipalities for purposes of jointly addressing common solid waste management problems and/or establishing common waste disposal facilities.

Section 184. Sanitary Landfill/Waste Processing Plant. The city shall establish, manage and operate its Sanitary Landfill Facility in accordance with the design and specifications prescribed by the EMB. In the alternative, it may establish or through agreement with private entity, encourage the establishment of Waste Processing Plant (WPP) or any alternative technology which will process waste into beneficial uses or by products.

Section 185. Waste Minimization. The city government shall promote waste minimization or reduction. All households, business establishments and industries within the territorial jurisdiction of the city shall be encouraged to reduce generation of waste. Business establishments and industries shall be required to submit a Diagrammatic SWM Plan prior to issuance of an Environmental Permit

Article VII - Primary Roles of the Barangay

Section 186. Barangay as Forefront of Integrated Waste Management. Every barangay official shall have the responsibility to ensure that the provisions of RA 9003 are enforced. For this purpose, every barangay official shall ensure that their respective areas of assignments are clean and shall assist in the apprehension of violators of this Code and/or other laws on wastes. Barangay officials shall likewise conduct their own cleanliness program to showcase to the people their leadership in complying with the provisions of this Code. The punong barangay shall submit a quarterly report to the city mayor through the TCENRO on their accomplishments in this regard.



Section 187. Segregation and Collection of Solid Waste at Barangay Level. As provided for under this Code, segregation and collection of solid waste shall be conducted at the barangay level specifically for biodegradable, compostable and reusable waste. Every punong barangay shall make a quarterly report on their activities in this regard and submit the same to the TCENRO.

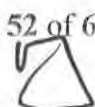
Section 188. Establishment of Materials Recovery Facility. Each barangay must establish its own Materials Recovery Facility, compliant with RA 9003. Collection vehicles shall be compartmentalized and every type of waste shall be separately collected.

Section 189. Barangay SWM Program. Barangays are mandated to formulate and implement a barangay based SWM program in accordance with Republic Act 9003. For the purpose, they shall put up a Materials Recovery Facility and conduct continuing information and education campaign on solid waste management within their jurisdiction.

Article VIII – Provisions on Incentives under the Solid Waste Management

Section 190. Incentives Scheme on Solid Waste Program. For purposes of this Code, the following shall be the incentive scheme on solid waste management program of the city:

- A. Rewards, monetary or otherwise, shall be provided to individuals, private organizations and entities, including non-government organizations, that have undertaken outstanding and innovative projects, technologies, processes and techniques or activities in re-use, recycling and reduction. Said rewards shall be sourced from the national or local funds.
- B. An incentive scheme is hereby provided for the purpose of encouraging LGUs, enterprises or private entities including NGOs to develop or undertake an effective solid waste management, or actively participate in any program geared towards the promotion of ecological solid waste management undertakings
 - (1) Fiscal Incentives - Consistent with the provisions of Executive Order 226 otherwise known as the Omnibus Investments Code, the following tax incentives shall be granted:
 - (a) Tax and Duty Exemption on Imported Capital Equipment and Vehicles - LGUs, enterprises or private entities shall enjoy tax and duty free importation of machinery, equipment, vehicles and spare parts used for collection, transportation, segregation, recycling, re-use and composing of solid wastes, provided, that the importation of such machinery, equipment, vehicle and spare parts shall comply with the following conditions:
 - (i) They are not manufactured domestically in sufficient quantity, of comparable quality and at reasonable prices.
 - (ii) They are reasonably needed and will be used actually, directly and exclusively for the above mentioned activities.
 - (iii) The approval of the Board of Investment (BOI) of the DTI for the importation of such machinery, equipment, vehicle and spare parts; provided, further, that the sale, transfer or disposition of such machinery, equipment, vehicle and spare parts, without prior approval of the (BOI), within five (5) years from the date of acquisition shall be prohibited, otherwise, the LGU concerned, enterprise or private entities and the vendee, transferee or assignee shall be solidarily liable to pay twice the amount of tax and duty exemption given it.
 - (b) Tax Credit on Domestic Equipment - Within ten (10) years from the effectivity of this Act, a tax credit equivalent to 50% of the value of the national internal revenue taxes and customs duties that would have been waived on the machinery, equipment, vehicle and spare parts, had these items been imported shall be given to enterprises and private entities including NGOs, subject to the same conditions and prohibition cited in the preceding paragraph.
 - (c) Tax and Duty Exemption of Donations, Legacies and Gifts - All legacies, gifts and donations to LGUs, enterprises or private entities, including NGOs for the support and maintenance of the program for effective solid waste management shall be exempt from all internal revenue taxes and customs duties, and shall be deductible in full from the gross income of the donor for income tax purposes.



- (2) Non-Fiscal Incentives - LGUs, enterprises or private entities availing of tax incentives under this Act shall also be entitled to applicable non-fiscal incentives provided for under E.O. 226, otherwise known as the Omnibus Investments Code.
- (3) Financial Assistance Program - Government financial institutions such as the Development Bank of the Philippines (DBP), Landbank of the Philippines (LBP), Government Service Insurance System (GSIS) and such other government institutions providing financial services shall, in accordance with and to the extent allowed by the enabling provisions of their respective charters or applicable laws, accord high priority to extend financial services to individuals, enterprises or private entities engaged in solid waste management.
- (4) Extension of Grants to LGUs - Provinces, cities and municipalities whose solid waste management plans have been duly approved by the commission or who have been commended by the commission for adopting innovative solid waste management programs may be entitled to receive grants for the purpose of developing their technical capacities toward actively participating in the program for effectively and sustainable solid waste management.
- (5) Incentives to Host LGUs - Local Government Units who host common waste management facilities shall be entitled to incentives.

Section 191. Business and Industry Role. The city shall encourage commercial and industrial establishments, through appropriate incentives other than tax incentives, to initiate, participate and invest in integrated ecological solid waste management projects to manufacture environment-friendly products, to introduce, develop and adopt innovative processes that shall recycle and re-use materials, conserve raw materials and energy, reduce waste, and prevent pollution and to undertake community activities to promote and propagate effective solid waste management practices.

**Article IX – Regulations and Other Related Prohibited Acts
Pursuant to Republic Act 9003 and Existing City Ordinances**

Section 192. Use of Plastic. All business establishments and vendors may provide bio-oxoplastic bags or recyclable eco-friendly bags to their customers for the carrying and transport of dry goods. As much as practicable, use of plastics for packaging of goods shall not be allowed.

Section 193. Use of Styrofoam. No business establishment and vendor shall use styrofoam and/or other similar materials as containers for food produce and other products.

Section 194. Other Related Prohibited Acts. The following are the other related prohibited acts under this Chapter:

- A. Dumping of waste matters in public places such as roads, sidewalks, canals, esteros or parks, and establishment, causing or permitting the same.
- B. Undertaking activities or operating, collecting or transporting equipment in violation of sanitation operation and other requirements or permits.
- C. Open burning of solid waste.
- D. Causing or permitting the collection of non-segregated or unsorted wastes.
- E. Squatting in open dumps and landfills.
- F. Open dumping, burying of biodegradable or non-biodegradable materials in rivers, flood prone areas or any body of water.
- G. Unauthorized removal of recyclable materials intended for collection by authorized persons.
- H. The mixing of source-separated recyclable material with other solid waste in any vehicle, box, container or receptacle used in solid waste collection or disposal.
- I. Establishment or operation of open dumps.
- J. The manufacture, distribution or use of non-environmentally acceptable packaging materials.
- K. Importation of consumer products packaged in non-environmentally acceptable materials.
- L. Transport and dumplog in bulk of collected domestic, industrial, commercial and institutional wastes in areas other than centers or facilities prescribed under this Code.
- M. The construction of any establishment within two hundred (200) meters from open dumps or controlled dumps or sanitary landfill.




- N. The construction or operation of landfills or any waste disposal facility on any aquifer, groundwater reservoir or watershed area and/or any portions thereof.

Section 195. Penalty. Any person who violates the provision of the immediately preceding section shall be issued an Environmental Charge Sheet (ECS) by the duly-authorized department personnel and shall be punishable as follows:

- First Offense - Fine of One Thousand Pesos (Php1,000.00) and two (2) hours environmental community work.
- Second Offense - Fine of Two Thousand Pesos (Php2,000.00) and four (4) hours environmental community work.
- Third Offense - fine of Three Thousand Pesos (Php3,000.00) and the additional penalty of imprisonment of not exceeding one (1) year at the discretion of the court shall be imposed for third or subsequent violations of the above-mentioned sections.

If the offense is committed by a corporation, partnership or other juridical identity duly recognized in accordance with the law, the chief executive officer, president, general manager, managing partner or such other officer-in-charge shall be liable for the commission of the offense penalized under this Chapter.

If the offender is an alien, he shall, after service of the sentence prescribed above, be deported without further administrative proceedings.

Section 196. Anti-Littering. No person shall litter or scatter any waste in streets, roads, highways, sidewalks or in any public places (parks, playgrounds, rivers, etc.). Any person who violates the provision of this section shall be issued a Environmental Charge Sheet (ECS) by the duly authorized department personnel and shall be punishable as follows:

- First Offense - Fine of Five Hundred Pesos (Php.500.00) and two (2) hours environmental community work.
- Second Offense - Fine of One Thousand Pesos (Php1,000.00) and four (4) hours environmental community work.
- Third Offense - Fine of Two Thousand Pesos (Php2,000.00) and eight (8) hours community service.

Section 197. Cleanliness of Premises. Owners of lots are required to keep them clean and to protect them from becoming the breeding places of mosquitoes, flies, rats and scavengers which are detrimental to public health and safety. In the event of their failure or inability to comply with these obligations, the city government shall undertake the cleaning of the lot premises at the expense of the owners. The lot owner/possessor is required to observe the policy "*Bakuran ko, Linis Ko. Pananagutan ko.*"

Section 198. Public Conveyances to be Equipped With Receptacles. All Public conveyances should be equipped with waste receptacles. Throwing out of waste materials shall be prohibited. It shall be the duty of the concerned drivers, operators and responsible personnel of public conveyances to police their passengers. Violation or any negligence on their part shall be dealt with by the applicable fines and penalties provided in this Code. The erring passenger shall likewise be held liable for violation of this Code. Any violation of the above provisions shall be penalized accordingly. Any person who violates the provision of this section and the immediately preceding sections shall be issued an Environmental Charge Sheet (ECS) by the duly authorized department personnel and shall be punishable as follows:

- First Offense: Fine of Five Hundred Pesos (Php500.00) and Two (2) hours environmental community work.
- Second Offense: Fine of One Thousand Pesos (Php1,000.00) and four (4) hours environmental community work.
- Third Offense: Fine of Three Thousand Pesos (Php3,000.00) and thirty (30) days imprisonment.

**Article X – Enforcing the Provisions of Suits
under Republic Act 9003 and Its Implementing Rules**

Section 199. Citizens Suits. Pursuant to RA 9003 and its implementing rules and regulations, any citizen may file an appropriate civil, criminal or administrative action in proper courts/bodies against:

- A. Any person who violates or fails to comply with the provisions of this Act and its implementing rules and regulations; or
- B. The department or other implementing agencies with respect to orders, rules and regulations issued inconsistent with this Act; and/or
- C. Any public officer who willfully or grossly neglects the performance of an act specifically enjoined as a duty by this Act or its implementing rules and regulations; or abuses his authority in the performance of his duty; or, in any many improperly performs his duties under this Act or its implementing rules and regulations; provided, however, that no suit can be filed until after thirty-day (30) notice has been given to the public officer and the alleged violator concerned and no appropriate action has been taken thereon.

Section 200. Suits and Strategic Legal Action Against Public Participation (SLAPP). Pursuant to RA 9003, it provides that where a suit is brought against a person who filed an action as provided in Section 52 of RA 9003, or against any person, institution or government agency that implements this RA 9003, it shall be the duty of the investigating prosecutor or the Court, as the case may be, to immediately make a determination not exceeding thirty (30) days whether said legal action has been filed to harass, vex, exert undue pressure or stifle such legal recourses of the person complaining of or enforcing the provisions of RA 9003. Upon determination thereof, evidence warranting the same, the Court shall dismiss the complaint and award the attorney's fees and double damages.

Article XI - Toxic Substances and Hazardous Wastes

Section 201. Toxic Substances and Hazardous Wastes. The city hereby adopts the provisions of RA 6969 in the handling and disposition of toxic substances and hazardous wastes.

Section 202. Toxic Substances and Hazardous Waste Control. The city shall require all persons and entities dealing with toxic substances and hazardous materials to comply with full disclosure procedures in the following manner.

- A. Manufacturers are required to present materials 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 city 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 material will traverse.
- C. Primary users are required to present to the city 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 city and maintain for periodic inspection by competent authorities a disclosure document similar to that required of the primary users.

Section 203 Manufacturer of Toxic and Other Chemical Substances. All business establishments engaged in the manufacture, processing, and utilization of chemical substances shall submit to city authorities a comprehensive occupational safety and hazard mitigation program which considers conditions within its complex and immediate vicinities. The city government through the City Environment and Natural Resources Office shall promulgate the necessary procedural guidelines and regulations in chemical handling within the city.

Section 204. Quarterly Inspection of those Engaged in Chemical Manufacturing. All business establishments engaged in chemical use and manufacturing shall be subjected to a quarterly inspection by the City Environment and Natural Resources Office to ensure compliance of safety measures and appropriate procedures. However, if public safety so requires, the city authorities should conduct inspection on a more frequency.

Section 205. Limitation on Production Capacity. All industrial, manufacturing and similar business establishments engaged in chemicals 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 city government.

Section 206. Use of Farm Chemicals. All users of fertilizers, pesticides and other chemicals in the farm, 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.

Section 207. Construction of Septic Vault for Toxic, Hazardous and Medical Wastes. Tuguegarao City Government shall provide structure as basis in constructing septic vault for hazardous and medical wastes. The size of the vault shall be based on the amount of wastes production of the establishment. The procedure will be strictly enforced by the Local Government of Tuguegarao through the City Environment and Natural Resources Office.

Section 208. Fines and Penalties. The fines and penalties provided by RA 6969 shall be applied to any persons found violating the provisions regarding Toxic and Hazardous Wastes, to wit:

- A. The penalty of imprisonment of six (6) months and one day to six (6) years and one day and a fine ranging from Six Hundred Pesos (P600.00) to Four Thousand Pesos (P4,000.00) shall be imposed upon any person who shall violate the provisions on Toxic and Hazardous Wastes.
- B. In case the violation is committed by a partnership, corporation, association or any juridical person, the partner, president, director or manager who shall consent to or shall knowingly tolerate such violation shall be directly liable and responsible for the act of the employee and shall be criminally liable as a co-principal.

Section 209. Operation of Gasoline Stations. The operation of gasoline stations in the city shall be guided by the following policies:

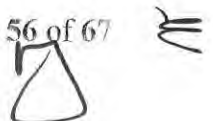
- A. All gasoline stations located in the city shall install oil and water separation facility including facilities in the storage of used oil and grease into sealed receptacles. All these are mandatory pre-conditions before the issuance of business permits by the city government.
- B. Gasoline stations shall ensure that their underground storage tanks are always in good conditions by undertaking periodic maintenance and monitoring 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.
- D. They shall provide for an assessment or buffer zone of at least fifty (50) meters from actual or potential ground water resources, banks of rivers or other bodies of water traversing or adjoining the same.
- E. Adequate drainage system should be provided for liquid runoff from decaying or degrading matters.
- F. Pest control measures should be applied to prevent contamination of surrounding areas.
- G. Shrubs and trees should be planted around the site and on open spaces as buffer strip to preserve ecological balance.
- H. They shall not adversely affect the appropriate or profitable uses of the other properties in the area.

Chapter VII - Climate Change Management

Section 210. Declaration of Policy. It is the policy of the State to afford full protection and the advancement of the right of the people to a healthful ecology in accord with the rhythm and harmony of nature. In this light, the State has adopted the Philippine Agenda 21 Framework which espouses sustainable development to fulfill human needs while maintaining the quality of the natural environment for current and future generations. Toward this end, the State adopts the principle of protecting the climate system for benefit of humankind, on the basis of climate justice or common but differentiated responsibilities and Precautionary Principle to guide decision-making in climate risk management.

Section 211. Management Strategies. Pursuant to Section 14 of Republic Act 9729 on Local Climate Change Action Plan (LCCAP), the City Government of Tuguegarao shall be the frontline agency in the formulation, planning and implementation of climate change action plans in its area of jurisdiction, consistent with the provisions of the Local Government Code, the Framework, and the National Climate Change Action Plan.

The different barangays shall be directly involved with the city government in prioritizing climate change issues and in identifying and implementing best practices and other solutions. The city



government shall consider climate change adaptation as one of their regular functions. Inter-local government unit collaboration shall be maximized in the conduct of climate-related activities.

Meanwhile, the local chief executive shall appoint the person responsible for the formulation and implementation of the local action plan of the city while it shall be the responsibility of the national government to extend technical and financial assistance to LGUs for the accomplishment of their Local Climate Change Action Plans.

Finally, LGUs are expressly authorized to appropriate and use the amount from their Internal Revenue Allotment necessary to implement their local action plan effectively notwithstanding with the provisions of the Local Government Code to the contrary.

Chapter VIII - Cleanliness, Orderliness and Sanitation Management

Section 212. Provisions regarding Markets and Slaughters. The provisions on the cleanliness and sanitation of public, private markets and slaughterhouses including the Market and Slaughterhouse Code of Tuguegarao City are hereby adopted and incorporated in this Code.

Section 213. Operation and Maintenance of Cemeteries/Memorial Parks. The establishment, operation and maintenance of cemeteries, whether public or private, shall be governed by the following environmental protection parameters and standards set by existing national laws on the disposal of dead bodies:

- A. Adequate drainage system should be provided for liquid runoff from decaying or degrading matter.
- B. Pest control measures should be applied to prevent contamination of surrounding areas.
- C. Shrubs and trees should be planted around the site and on an open space as buffer strip to preserve ecological balance.
- D. Sanitary requirements of the Sanitation Code and other existing laws, particularly those referring to final procedures in case of the incidence of epidemic or communicable diseases should be complied with.
- E. They shall comply with other sanitary requirements prescribed by existing laws.

Chapter IX - Land Use Planning and Management

Section 214. The Comprehensive Land Use Plan. The Comprehensive Land Use Plan of the city and its accompanying Zoning Ordinance are hereby adopted. The city government shall continue to update or revise as may be necessary the City 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).

Section 215. Urban Development. It is the collective vision of Tuguegarao City to be a world class city tasked to promote the well-being and wholesome interaction of people. A city made for people to live in, not for cars. It shall promote locomotion instead of transportation (e.g walking, cycling and other man powered motion systems). It shall likewise endeavor to make the place safe for children to walk in the streets, along sidewalks lined with shady trees or ride bicycles in secure bicycle lanes where utmost priority and courtesy is given to the pedestrian. The city shall also promote urban reconfiguration by:

- A. Pedestrianization of the city roads
- B. Road Beautification
- C. Reduction of carbon emissions through existing technology
- D. Empty urban lands must be planted with vegetables
- E. Development of recycling facilities with the end objective of obtaining renewable sources of energy from waste material (i.e. biogas digester).

Section 216. Land Speculation and Development. The city government shall ensure that all land speculation and development activities conform to existing laws on land uses and environmental impact assessment issued by the Land Management Bureau and the DENR.

To this end, the CPDO shall monitor through the Land Use Information and Monitoring Center any activities related to land speculation and development that may lead to unproductive uses, loss of aesthetic value and ecological degradation. The CPDO shall further devise an accreditation



system for developers and speculators to ensure that their plans are consistent with and will positively benefit and support the city development and environmental plans.

Section 217. Requirements for Land Development. No person shall introduce any development or construction on a parcel of land, nor convert the present use thereof without first applying for clearance/permit/approval from the Mayor's Office after complying with environmental and zoning requirements.

Section 218 Building Permit. No permit of occupancy shall be issued by the city government for buildings, subdivisions, condominiums and the like unless there are provisions for planting of trees and flowers in the development plan duly implemented. Any person who violates the provision of this section shall be issued an Environmental Charge Sheet (ECS) by the duly-authorized department personnel and shall be punishable as follows:

- First Offense: Fine of Two Thousand Pesos (Php2,000.00) and four (4) hours environmental community work.
- Second Offense: Fine of Three Thousand Pesos (Php3,000.00) and four (4) hours environmental community work.
- Third Offense: Fine of Five Thousand Pesos (Php5,000.00) and thirty (30) days imprisonment.

Section 219. Abandoned Buildings. Owners or administrators of old and abandoned buildings are required to maintain their cleanliness and free them from squatters or totally demolish them not only in support to beautifying the environment but also as a safeguard to accidents and other hazards. Any person who violates the provision of this section shall be issued an Environmental Charge Sheet (ECS) by the duly-authorized department personnel and shall be punishable as follows:

- First Offense: Fine of Two Thousand Pesos (Php2,000.00) and four (4) hours environmental community work.
- Second Offense: Fine of Three Thousand Pesos (Php3,000.00) and four (4) hours environmental community work.
- Third Offense: Fine of Five Thousand Pesos (Php5,000.00) and thirty (30) days imprisonment.

Section 220. City Canals and Drainage. The canals and drainage systems within the city 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 waste and garbage is strictly punishable including the direct tapping of human waste septic to the canals. Any person who violates the provision of this section shall be issued an Environmental Charge Sheet (ECS) by the duly-authorized department personnel and shall be punishable as follows:

- First Offense: Fine of Two Thousand Pesos (Php2,000.00) and four (4) hours environmental community work.
- Second Offense: Fine of Three Thousand Pesos (Php3,000.00) and four (4) hours environmental community work.
- Third Offense: Fine of Five Thousand Pesos (Php5,000.00) and thirty (30) days imprisonment.

Chapter X - Parks and Tourism Management

Section 221. Tourism Establishment Facilities. There shall be enacted an ordinance on regulation of tourism-oriented establishments in Tuguegarao City.

Section 222. Management Strategies. Tuguegarao City Government shall ensure that tourism activities would not compromise the environment. Along this line, it shall be the policy of the city government to incorporate in its tourism development programs and strategies the protection of the environment and conservation of resources in its identified areas. It shall thus endeavor to:

- A. Increase awareness among tourists and locals for the conservation of coral reefs and marine life around them. Activities to appreciate the aesthetic values of these areas shall be favored and extractive activities prohibited or discouraged.
- B. Educate the local community on practices of tourists and tourism establishments that would endanger or damage the environment and mobilize public participation in monitoring and enforcement activities as well as in the environmental assessment of proposed tourism projects.



- C. Encourage commitment among tourism establishments to a Code of Conduct for Sustainable Tourism that shall be formulated and enforced by the industry operators in the city.
- D. Control such negative impacts of tourism activities such as:
 - 1) Sewage pollution
 - 2) Loss of vegetation resulting in instability due to trampling of tourists
 - 3) Disappearance of sensitive animals due to mere human presence or disruption of their breeding habitats
 - 4) Destruction/clearing of vegetations, land reclamation sites and other infrastructure requirements

Section 223. Urban Forests, Greenbelt Areas and Open Spaces or Parks. The city government shall establish urban forests, greenbelt areas and open spaces or parks within the city.

Section 224. Allocation of Open Space. Pursuant to Presidential Decrees 953, 957 and 1216, the owner as developer of a condominium or subdivision, exclusive of roads, service streets and alleys, shall allocate an open space for parks and recreational areas. In the absence thereof, the sangguniang panlungsod shall not issue a Development Permit, neither a Certificate of Completion from the Planning and Development Office.

Such areas within the subdivision reserved for parks, playgrounds and recreational use shall be non-alienable public lands and non-buildable.

Section 225. Greening of Street Shoulders and Islands. Streets islands as well as both shoulders of all roads or streets within the territorial jurisdiction of Tuguegarao City shall be planted with shade or ornament trees. To this end, barangays shall undertake greening projects in roads or streets within their jurisdiction.

The plans of subdivision and condominium projects shall likewise include a planting strip along streets and roads. For the purpose, a "Tree Planting Scheme" specifying therein the species of trees to be planted shall be submitted. Otherwise, no Development Permit and Certificate shall be issued for the condominium.

Section 226. Barangay Greenbelt Development Program. All barangays shall develop, manage and maintain greenbelt areas within their jurisdiction where barangay roadside shall be the primary areas to be developed.

Section 227. Prohibited Acts on Parks. No person shall destroy the aesthetic beauty and structure of parks, including the squatting in the area, picking of flowers, cutting of trees, vandalism and other detrimental acts that will cause the disturbance of the park's general security. Any person who violates the provision of this section shall be issued an Environmental Charge Sheet (ECS) by the duly-authorized department personnel and shall be punishable as follows:

- First Offense: Fine of Two Thousand Pesos (Php2,000.00) and four (4) hours environmental community work.
- Second Offense: Fine of Three Thousand Pesos (Php3,000.00) and four (4) hours environmental community work.
- Third Offense: Fine of Five Thousand Pesos (Php5,000.00) and thirty (30) days imprisonment.

Chapter XI - Green Building Design and Infrastructures

Section 228. Operative Principles. For purposes of this Code, the city government shall be guided by the following operative principles underlying the green building design and infrastructures:

- A. The city government recognizes and accepts its responsibility to implement and promote building practices that protect city's natural and built environment.
- B. The city government shall finance, plan, design, construct, manage, renovate, maintain and decommission its buildings and facilities to be sustainable.
- C. Green building design in the construction and remodelling of city building can result in significant cost savings to the city over the life of the buildings.
- D. It integrates building materials and methods that promote environmental quality, economic vitality and social benefit through the design, construction and operation of the built environment.



- E. It integrates sound, environmentally responsible practices into one approach that looks at the environmental, economic and social effects of a build or built project as a whole.
- F. It emphasizes efficient management of energy and water resources, management of material resources, protection of environmental quality, protection of health and indoor environmental quality, reinforcement of natural systems and the integration of the design approach.

Section 229. Purpose of the Green Building Design and Infrastructures. The green building design and infrastructures shall have the following purpose which shall include, but not limited to:

- A. To promote human health and safety of the occupants of the building, livable and comfortable building environment, environmental stewardship and sustainability practices in the construction, operations and renovations of city buildings.
- B. To encourage private developers and building owners of large offices, hotels, shopping malls, high-rise residential and mixed-use projects to design, construct and operate environmentally responsible buildings.
- C. To minimize negative environmental impacts of development and construction practices such as the depletion of natural resources, air and water pollution, solid waste, deforestation, toxic wastes, health hazards and global warming.
- D. To reduce the impacts of land development on ecosystem services that the landscape provides to the community like groundwater recharge, pollution control, carbon sequestration, minimization of urban heat island effect, provision of natural green space and provision of habitat for birds, butterflies and eco-friendly insects among others.
- E. To promote the use of renewable building materials, installation and use of insulation and energy reduction and efficiency measures, waste minimization, incorporation of green architecture and reduction of greenhouse gases emission and other toxic and hazardous waste.
- F. To institutionalize environment-friendly systems and technologies for planning, designing, construction and maintenance of buildings and green infrastructure supporting city government efforts towards green city.
- G. To enhance the beauty of nature in the city while rehabilitating its environment from further deterioration.

Section 230. Regulatory Provisions. For purposes of this Code, the city government shall be committed to the following regulatory provisions of green building design and infrastructures.

A. Building Design

- 1) The Tuguegarao City Government shall finance, plan, design, construct, manage, renovate, maintain and decommission its buildings and facilities to be sustainable. Such design in the construction and remodelling of city buildings can result in significant cost savings to the city over the life of the buildings.
- 2) The city government through the City Engineering Office shall implement and promote building practices that protect city's natural and built environment and shall incorporate Green Building Design in all future city infrastructure, projects and renovations.
- 3) Land developers, landscape and building architects, engineers, owners and contractors of buildings should reduce negative impacts of the building and landscape development and use mitigating measures allowed by existing environmental policy to address the remaining impacts. They are required to comply with building standards that promote and support renewable energy as well as other energy efficient technologies and environment-friendly materials and technologies within the premises of the buildings.
- 4) The City Engineer's Office shall review the building design submitted for building permit application and evaluation of the implementation of the construction and constructed building.
- 5) Building location and design should have minimal environmental impacts to reduce site disruption of the environmentally sensitive areas.
- 6) The TCENRO with the approval of the city mayor may issue green building and infrastructure permit for purposes of availing of the incentives of not more than 25% deduction in building permit.
- 7) The TCENRO shall monitor the environmental management of the green building and shall recommend to the City Treasurer's Office 5% deduction in annual basic property tax for a period to be recommended by the city treasurer but not to exceed five years provided that said property complies with the provision of this Code.
- 8) Pre-Construction, Construction Phase and Decommissioning



- a. Conserve existing natural areas and restore damaged areas to provide habitat and promote biodiversity
 - b. Rescue large trees on the proposed building site and transplant to open space
 - c. Prevent the loss of soil during construction by storm water run-off and protecting topsoil by stockpiling for reuse
 - d. Maintain or preferably reduce existing impervious covert while maintaining density by stacking floor plans or tucking parking under buildings
 - e. Manage construction demolition and wastes with a jobsite recycling plan
- 9) Building design shall specify materials and systems that simplify and reduce maintenance requirements. Adopt such building designs that would require less water, energy, and toxic chemicals and cleaners for maintenance.
 - 10) Protect the health of building occupants, construction workers, installers and/or maintenance staff by using products that are safe. Reduce pollutant source in both interior and exterior environments. Use low Volatile Organic Compound materials and finishes. Also include walk-off mats to decrease toxins entering the vicinity from people's shoes.
 - 11) Recognize local developers promoting green building design and owner of buildings with green design.

B. Health and Safety

Use environmentally-preferred products which have a lesser or reduced effect on human health and the environment when compared with competing products or services that serve the same purpose in constructing and renovating building to enhance worker safety and health, reduced liabilities, reduced disposal costs and achievement of environmental goals.

C. Air-Conditioning and Ventilation

- 1) Avoid the use of materials with high volatile organic carbon emissions to have sound indoor environmental quality that would enhance occupant health, comfort and productivity.
- 2) Eliminate environmental contamination with filtration devices for air and water systems.
- 3) Separate ventilated mechanical rooms, storage rooms for hazardous materials and spaces with copiers and printers.

D. Energy Conservative Techniques

- 1) Adopt site lighting criteria to maintain safe light levels while avoiding off-site lighting and night sky pollution.
- 2) With dwindling supply of fossil fuel and concerns on the impact of greenhouse gases on climate change, optimize energy and utilize renewable energy sources.
- 3) Maximize day-lighting and natural ventilation.

E. Water Saving and Conservation Techniques

- 1) Develop and implement a storm water management plan that protects receiving stream channels or storm sewer from excessive erosion by implementing a stream channel protection strategy and quantity control strategies.
- 2) Reuse or recycle water for on-site use when feasible to protect conserve water.

G. Green Infrastructure

- 1) Green Infrastructure includes green roofs, porous and permeable pavements, rain gardens or bio-retention basins, planter boxes, green parking, rain water tanks, downspout connection systems, bio-swales, pocket wetlands, community forest and trees and protection of the riparian lands and native landscapes. Storm water shall be captured and reused by directing it back into the ground through infiltration and evapo-transpiration. This reduces flooding risk and improves water quality.
- 2) Protect the quality of surface and groundwater, minimize storm water runoff and associated flooding and erosion and preserve natural groundwater recharge and wetland areas. Preserve soil hydrology by minimizing mass grading and impervious surfaces to keep as much rain water on-site as possible for absorption and infiltration to the ground. This will also allow the natural cleaning of water. Decentralize and localize management of urban runoff to integrate water management throughout the watershed. Control urban runoff and pollution at the source of the problem, rather than at the end of the storm drain outlet. The City Engineer's Office shall conduct a city-wide land development strategies and planning along with the creation of infrastructure for storm-water management.



W

- 3) Landscaping should use drought tolerant, native and non-invasive vegetation appropriate for site conditions including, but not limited to, levels of moisture availability, soil depth, shade, slope stability, extreme wind speed and proximity to existing or future dwellings and power lines. Organic fertilizers and green level pesticides should be used. This provides habitats diverse native flora and fauna. Landscaping plan shall be furnished to the CENRO for evaluation.
- 4) Commercial areas with significant parking areas should install tree boxes or infiltration gardens to capture runoff.

Chapter XII - Environmental Impact Assessment System

Section 231. Environmental Impact Assessment. The pursuit of a comprehensive and integrated environmental management and protection program requires the establishment and institutionalization of a system whereby the exigencies of socioeconomic undertakings can be reconciled with the requirements of environment policy.

Presidential Decree 1151 requires all agencies and instrumentalities of the national government including government-owned or controlled corporations as well as private corporations, firms and entities to prepare an Environmental Impact Statement (EIS) for every project or undertaking which significantly affects the quality of the environment.

Section 232. Environmental Assessment Policies. Tuguegarao City Government hereby adopts the policies that will promote environment-friendly activities of business, industry and settlements in the urban and residential as far as infrastructure and social services are concerned.

For this purpose, any proposed project needing the approval of the city government in requiring the issuance of a permit shall not cause a negative environmental impact on the physical, biological, and socioeconomic quality of the environment.

Additionally, the city government shall conduct a yearly inspection of business sites and premises to determine the preservation of the physical environment. Should there be findings of the degradation, destructions 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 shall be applied to the violators.

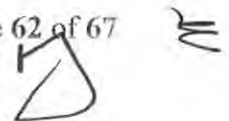
Section 233. Annual Environmental Assessments. The operations, premises, facilities and systems of all industrial, manufacturing and similar business establishments shall be subject to an annual environmental assessment which shall be conducted by the TCENRO in coordination with the DENR and other concerned agencies.

Section 234. Environmental Audit. There shall be conducted once every two years an environmental audit to determine the changes in land use resources, state of water uses, 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 government.

Section 235. Environmental Compliance Certificate (ECC). The city mayor may, on his initiative or upon recommendation of the TCENRO, by Executive Order declare certain projects, undertakings or areas in the city as environmentally critical. No person shall undertake or operate any such declared Environmentally Critical Project (ECP) or Environmentally Critical Area (ECA) without first securing an Environmental Compliance Certificate (ECC) issued by the DENR-EMB.

Section 236. Policies on ECC Issuance. The following are the policies to be considered in ECC issuance:

- A. The city mayor shall not grant/issue any Business/Mayor's Permit under existing ordinances or allow the operations of business or projects without the herein required ECC.
- B. Issuance of ECC shall also be required for quarry operations within the city.



TITLE III - MISCELLANEOUS PROVISIONS

Chapter XIII - Mechanisms in Implementing the Code

Section 237. Operative Principle. Tuguegarao City envisions a dynamic and active community which unites citizens to actively participate in the attainment of the objective and purpose of this Code particularly in all areas of environmental management concerns and accordingly:

- A. The city recognizes that the sound management of the environment cannot be done by the city alone. For this purpose, it shall enter into partnership arrangements with DENR, NWRB, other government agencies, civil society organizations, business entities, religious and all other sectors of the community in environmental protection and management.
- B. The city mayor shall call upon the entire citizenry of the city and rally the people towards environmental conservation, protection, restoration and enhancement.
- C. The city shall also set up a "Quick Response Mechanism" to immediately respond to environmental law violations.

Section 238. Management Direction. Environmental management is not the management of resources per se: *it is the management of the people.* And when the city has a sufficient community education on the contents of the Comprehensive Environmental Management Code, both local resources and community efforts can be mobilized effectively towards compliance to environmental measures and achieve participation in environmental impact assessment and monitoring. Thus, the objective of a continuing education program is to cultivate environment-friendly lifestyles and concretize sustainable use practices among individuals and industries alike.

Section 239. Creation of Tuguegarao City Environment Council. For purposes of this Code, there is hereby created the Tuguegarao City Environment Council (TCEC) to be composed of the following:

- A. City Mayor as the Chairman
- B. SP Member preferably Chairperson on Environment as the Vice Chair and with the following members:
 - 1) DENR Regional Executive Director or representative
 - 2) WQMA- Board Chairman or representative
 - 3) Chief of Police
 - 4) Representative from the academe
 - 5) Representative from the business sector
 - 6) Representative from Non-Government Organization on environment
 - 7) Representative from the media
 - 8) Representative from the women sector
 - 9) Representative from the homeowner's association sector
 - 10) Representative from the religious sector

Section 240. Functions of the TCEC. The TCEC shall meet at least once every quarter and shall have the following functions:

- A. Serve as a venue to discuss various environmental breakthroughs, issues and problems in the city and act on the same either by taking direct action and/or recommend the same to the appropriate body/office.
- B. Monitor progress of implementation of the City's Environment Code.
- C. Make the discussions, deliberations and findings of the TCEC in public except when the TCEC itself decides that the same is confidential.
- D. Recommend environmental plans to the sangguniang panlungsod.
- E. Take the lead role in information and education campaigns.
- F. Mobilize the TCEC members in support of environmental protection and management.

Section 241. TCENRO to Act as Secretariat. The TCENRO shall serve as the Secretariat of the TCEC and for this purpose, shall:

- A. Assist the TCEC in ensuring that regular meetings are conducted.
- B. Prepare preliminarily the agenda for every meeting for approval of the chairman of TCEC.
- C. Follow-up on meetings' attendance to ensure that quorum and maximum participation of members are achieved,



- D. Take down minutes of meetings, and prepare summary of meetings and agreements reached.
- E. Follow-up on agreements reached and reports the same in the next meeting.
- F. Provide technical support to the members.
- G. Undertake such actions and assistance as the chairperson or the members may direct.

Section 242. System of Awards and Recognitions. The city mayor, upon recommendation of the TCENRO, shall come-up with programs and projects like Search for Cleanest and Greenest Barangays, Ecological Friendly Schools, Outstanding Civil Society Organizations, Non-Government Organizations and other similar awards on a yearly basis to give recognition to champions of environmental protection and management.

Section 243. Quick Response Mechanism. In all cases of violations of environmental laws, notwithstanding that the DENR, WQMA, NWRB or some other national agencies primarily responsible for the enforcement of national laws, the city through the TCENRO pursuant to Rule 11 of the Supreme Court Administrative Matter No. 09-6-8, otherwise known as the Rules of Procedure for Environmental Cases, approved on April 10, 2010, may arrest a person violating environmental laws, even without a warrant in the following instances, quoted, thus:

- A. When in his presence, the person to be arrested has committed, is actually committing or is attempting to commit an offense; or
- B. When an offense has just been committed, and he has probable cause to believe that based on personal knowledge of the facts or circumstances that the person to be arrested has committed it.
- C. Individuals deputized by the proper government agency who are enforcing environmental laws shall enjoy the presumption of regularity under Section 3(m), Rule 11 of the Rules of Court when effecting arrests for violations of environmental laws.

Section 244. Declaration of Tuguegarao City Environment Day. The date of effectivity of this Comprehensive Environmental Management Code and every year thereafter is hereby declared as the Tuguegarao City Environment Day. The city mayor shall promulgate the necessary guidelines for the celebration of the City Environment Day with the end view of institutionalizing the same and inculcating to every resident of the city the importance of the environment.

Chapter XIV - Environmental Awareness and Education Program

Section 245. Declaration of Policy. It is hereby declared to be a policy of Tuguegarao City to promote environmental awareness and educate its constituents on the importance and value of environmental conservation, protection and rehabilitation; to intensify the youth's role and awareness in preserving the environment and to advance a balanced and healthful ecology towards sustained development.

Section 246. Scope of the Environmental Education. All departments and units of the City Government of Tuguegarao shall integrate environmental education in all their programs, projects and activities including in the daycare program, out-of-school youth learning program, in the continuing education program of city-led organizations and in other programs of the city government.

Section 247. Programs. The laudable environmental education program of the city shall be the following:

- A. ENVIRONMENTAL CONCEPTS AND CURRENT ISSUES. These refer to the study of the definitions, terms and principles related to environment; the different problems affecting our environment, the root cause of such problems and the possible solutions; and updates on the current status of our environment.
- B. NATIONAL AND LOCAL ENVIRONMENTAL LAWS. These refer to all laws enacted by the Congress pertaining to environmental concerns such as Republic Act 8749, *The Philippine Clean Air Act of 1999*; Republic Act 9003, *the Ecological Solid Waste Management Act of 2000*; Republic Act 9729, *The National Environmental Awareness and Education Act of 2008*; and Republic Act 9729, *The Climate Change Act of 2009*; as well as city ordinances related to environmental protection and preservation. They also include ways to aid the implementation of the different environmental laws.
- C. ENVIRONMENTAL BEST PRACTICES. This refers to practices with redeeming qualities and attributes that have proven to be successful in their implementation and



M

would be of beneficial use to others for the preservation and protection of the environment.

- D. **WASTE MANAGEMENT AND POLLUTION CONTROL.** This refers to the collection, transport, processing, recycling and monitoring of waste materials in relation to their effect on health and in the environment as well as issues related to pollution, ways and means to prevent and solve pollution and the effects and causes of pollution.
- E. **NATURAL RESOURCES MANAGEMENT.** This refers to the proper discipline in the management of natural resources such as land, water, soil, plants and animals, with a particular focus on how management affects the quality of life for both present and future generations. It focuses on scientific and technical understanding of resources and ecology and the life-supporting capacity of those resources.
- F. **GLOBAL WARMING AND CLIMATE CHANGE.** This refers to the definitions and terms related to global warming and climate change, their root causes, their harmful effects and possible solutions to prevent global warming. It aims to create awareness about environmental problems and its link to global warming and climate change and provides knowledge and tools to address climate change.
- G. **THREATS OF ENVIRONMENTAL DEGRADATION AND ITS IMPACT ON HUMAN WELL-BEING.** This refers to the study on the deterioration of the environment through depletion of resources; the destruction of ecosystems and biodiversity loss and its effects to mankind. It also includes any change or disturbance to the environment that causes people and properties vulnerable to disasters.
- H. **RESPONSIBILITY OF THE CITIZENRY IN THE ENVIRONMENT.** This refers to the programs which inculcate in the minds of our constituents their responsibility towards the environment. It aims to create awareness with regard to environmental crisis gripping the world; the values of conservation, protection and rehabilitation of natural resources; disaster risk reduction; and the environment in the context of sustainable development.
- I. **ENVIRONMENTAL-FRIENDLY ALTERNATIVE LIVELIHOOD.** This refers to the introduction and promotion of alternative livelihood that fulfill human needs while maintaining the quality of the natural environment for current and future generations.

Section 248. Strategies. Environmental education program covers practicum modules comprising projects and activities including, but not limited to, proper method of tree planting; segregation, recycling, composting; regular clean-up drive or oplan linis within the barangay; fresh water and marine conservation and other undertakings to aid in the implementation of the different environmental laws.

Section 249. Barangay Environmental Education. All barangay units of the city government in collaboration with the DENR, NGOs and other relevant agencies shall regularly undertake seminars, lectures and workshops on environmental protection and conservation to their respective constituents. They shall incorporate environmental education in their sessions, barangay assemblies, sangguniang kabataan assemblies, PTCA meetings, TODA meetings and in other barangay affairs.

Section 250. Environmental Awareness Month Celebration. The Tuguegarao City Government in partnership with other government agencies and NGOs shall join in the celebration of the "Environmental Awareness Month" in the month of November every year. It shall promote collaboration and linkages with the DepEd, CHED, DENR, DOST and seek active participation of the NGOs, the Academe and other concerned sectors in promoting awareness among its constituents.

Section 251. Tri-Media Participation. All radio stations and local cable networks operating in the city shall include environmental education in their regular programs to stimulate environmental awareness. Print media circulating in the city shall feature environmental issues and articles on their publication.

Chapter XV - Penal Clause

Section 252. Operative Principle. Penalties that will be imposed for violations of this Code have the primary purpose of educating the violator of the importance of environmental protection and management. However, the city shall, in accordance with existing and pertinent law, may impose punitive measures to those who will continue to violate this Code.

Section 253. Persons Responsible for Violation of Code. Any person who violates any of the provisions of this Code shall be penalized as herein set forth. In case of partnerships or corporations,



aside from the penalties to be imposed on the actual violator, the managing partner or executive officer shall also be required to render environmental community work.

Section 254. Environmental Community Work. Immediately after the passage of this Code, the city mayor shall issue the necessary guidelines on the imposition of environmental community work. Environmental community work, rather than punitive, aims to inculcate upon the violator the importance of environmental protection and management. It has the objective of turning the violator into an advocate.

Section 255. Prohibited Acts not Included, Applicable Penalties. Prohibited acts not herein included shall be penalized in accordance with the provision of applicable laws, city ordinances and administrative orders.

Section 256. Issuance of Citation Tickets. Violators of the provisions of this Code will be issued a Citation/Violation Ticket by TCENRO or any other deputized officer and will be informed of the infraction committed, corresponding fines to be paid, the hours required for environmental community work and the imprisonment penalty imposable.

Section 257. Payment of Fines and Rendering of Environmental Community Work. If the violator does not contest the citation, the violator shall pay the fine and render environmental community work. Otherwise, the violator shall be brought to the police station for the filing of the necessary charges in court.

Section 258. Procedure in Cases where Violation of Provision Includes Suspension or Cancellation of Business License. The violator shall be given a Citation Ticket and be required to explain within seventy two (72) hours why the business establishment will not be suspended or closed, or why no criminal charges shall be filed against the violator. Said explanation shall be given in writing to the TCENRO which shall evaluate the explanation, and if unsatisfactory, either recommend to the city mayor the suspension or cancellation of the business permit, or file the corresponding cases in court as the case may be.

Section 259. Administrative Sanctions and Citizens Suits. City officials and employees and national agencies who fail to comply with the provisions of this Code when required, or who fail to enforce the provisions of this Code and its Implementing Rules and Regulations shall be charged administratively in accordance with the Ombudsman Law, Civil Service Rules and Regulation, RA 7160 and other existing laws, rules and regulations. Any citizen may file appropriate civil, criminal or administrative action in the proper court or bodies against:

- A. Any person who violates or fails to comply with the provisions of this Code or its Implementing Rules and Regulations.
- B. Other implementing agencies or any public officers who willfully or grossly neglects the performance of an act specifically enjoined as a duty by this Code or its Implementing Rules and Regulations.

Chapter XVI Final Provisions

Section 260. Authority of the City Government to Levy, Impose and Collect Taxes, Fees and Charges. In order to efficiently and effectively implement the provisions of this Code, the city government may levy, impose and collect necessary and reasonable taxes, fees and charges within its territorial jurisdiction subject to appropriate ordinances to be passed by the sanggunian panlungsod. Such authority of the city government to levy, impose and collect as such is in accordance with the following provisions:

- A. Section 151 of Republic Act 7160, otherwise known as the Local Government Code of 1991, which provides that, except as otherwise provided by RA 7160, the city may levy taxes, fees and charges which the province or the municipality may impose.
- B. Section 153 of the above-mentioned law likewise provides that local government units may impose and collect such reasonable fees and charges for services rendered.

Section 261. Environmental Trust Fund. All fees, charges, fines and penalties relative to the implementation and enforcement of environmental laws, ordinances and regulations shall form part of the Environmental Trust Fund. The Fund shall be used exclusively for environmental projects.



programs and activities including payment of rewards and incentives to individuals involved in the activities.

The city mayor may issue executive order on the grant of incentives and awards to individuals involved in the enforcement and implementation of environmental laws, ordinances, rules and regulations.

Section 262. Implementing Rules. The city mayor may, from time to time, issue rules and regulations as maybe necessary for the efficient and effective implementation of this Code.

Section 263. Appropriations. The funds necessary for the implementation of this Code shall be taken from the annual appropriations of the TCENRO. Said funds shall be included in the preparation of the annual budget of the city government.

Section 264. Repealing Clause. All Ordinances and local issuances inconsistent with the provisions of this Code are hereby repealed or modified accordingly.

Section 265. Separability Clause. If any section or provision of this Code be declared unconstitutional or invalid, the other sections or provisions hereof which are not affected thereby shall continue to be in full force and effect.

Section 266. Effectivity Clause. This Code shall take effect ten (10) days after its publication in a local newspaper of general circulation in the city and its posting in the bulletin board at the entrance of the city hall and in two (2) other conspicuous places in the city, whichever comes later, either the publication or the posting.


On motion of Hon. Raymund P. Guzman and with the exclusion and non-participation of Hon. Maila Rosario T. Que who asked permission to leave early due to health reasons, **Ordinance No. 058-2017** was **APPROVED** on its Second, Third and Final Reading under suspended rules.

X-X-X

I HEREBY CERTIFY TO THE CORRECTNESS OF THE FOREGOING:


JOEL JOSEPH L. EGIPTO 110817
Secretary to the Sanggunian

ATTESTED:


HON. BIENVENIDO C. DE GUZMAN II
City Vice Mayor
Presiding Officer
Date: 11/3/17

APPROVED:


HON. ATTY. JEFFERSON P. SORIANO
City Mayor
Date: 11/3/17