Republic of the Philippines
Province of Ilocos Sur
MUNICIPALITY OF SAN VICENTE
OFFICE OF THE SANGGUNIANG BAYAN

Sangguniang Bayan Members:

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HON. CONRADO R. ROJO

HON. FIDEL R. ALDOS

HON. JUANITA R. RAGIL

HON. ALBERT R. ROLA

HON. WARLITO R. RIDULME

HON. RENATO T. ROJAS

HON. LOU BERNARD R. LAZO

Ex-Officio Members

HON. MELECIO G. DAQUEP SR.

HON. MARK JINDREI L. CAJIGAL

ORDINANCE NO. 12
SERIES 2024

"AN ORDINANCE UPDATING THE ENVIRONMENT CODE OF THE MUNICIPALITY OF SAN VICENTE"

Be it enacted by the Sangguniang Bayan of the Municipality of San Vicente, Ilocos Sur, in regular session assembled, that:

CHAPTER I
GENERAL PROVISIONS

ARTICLE A
TITLE

Section 1A. 01 - Title - This Code shall be known as the **"San Vicente Environment Code of 2024".**

ARTICLE B
NATURE AND SCOPE

Section 1B. 01 - Nature and Scope – This Code shall apply to all lands and its resources, both public and private, the forest ecosystem, including its natural resources therein, all the minerals and its by-products that can be found on lands, beds of seas, rivers, lakes, streams and creeks and bodies of water in and around the territorial waters; and, the air, the air space and elements and resources, within the territorial jurisdiction of the Municipality of San Vicente.

ARTICLE C
DECLARATION OF POLICY AND PRINCIPLES

Section 1C.01 - Declaration of Policy and Principles of the Municipality of San Vicente– It shall be the policy of the Municipal Government to pursue sustainable development and to protect the right of the people to a balanced ecology, as provided for, in Section 16, or the "General Welfare Clause" of RA 7160, otherwise known as, the Local Government Code of 1991.

It shall ensure the sustainable use of natural resources, by advancing development while preserving the quality of environment, thereby achieving a better quality of life, in the context of human and ecological security.

It shall likewise, be the policy of the Municipal Government to promote and protect the right of the people, to participate in the decision making process, concerning development projects or activities, that may have adverse impact on the environment. This shall include the right of the affected communities, prior to public consultation and consent, as to the approval or grant of clearance by the concerned government agencies, or by the local government to any undertaking that has serious potential environmental disturbance, or otherwise effectively deprives the

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community of the use and enjoyment of a natural-resource-based, especially when the lives and livelihood of the greater majority of the residents are dependent on it.

To achieve this end, the Municipal Government shall:

1. Formulate a holistic program of environmental management that shall be implemented, through proper and effective coordination with concerned government agencies, NGOs, POs and the Private Sector.
2. Implement an integrated and participatory management approach in the utilization, exploitation and development of natural resources.
3. Promote a balance between development and environmental protection, through appropriate control systems and incentives mechanisms.
4. Adopt an integrated and comprehensive waste management program, which shall utilize environmentally sound methods or technologies.
5. Conduct general public information and education on environmental protection and conservation, to encourage active participation of the constituents.
6. Undertake appropriate management and control program for environmental pollution, brought about by urbanization, population growth, industrial development and the increasing use of motor vehicles for public health and general welfare.

CHAPTER II
AUTHORITY, OBJECTIVES AND PURPOSES, DEFINITIONS AND RULES IN INTERPRETING THE PROVISIONS OF THE CODE

ARTICLE A
AUTHORITY

Section 2A.01 - Authority — This Code is enacted pursuant to the provisions of Republic Act 7160, otherwise known as, the Local Government Code of 1991, particularly, Sections 2(a), 2(c), 3(d), 3(e), 3(f) up to 3(m), 5(a), 5(c), 16, 1 7, 26 and 27, 33, 34, 35, 36, 129, 186, 289, thereof, including Sections 455(b) (3)(vii), which mandates the Municipal Mayor to adopt adequate measures to safeguard and conserve land, mineral, marine, forest, and other resources of the Municipal; Section 458 (a)(1)(vi), which provides for the authority of the Sangguniang Bayan to protect the environment and impose appropriate penalties for acts, which endanger the environment, such as, dynamite fishing and other forms of destructive fishing, illegal logging and smuggling of logs, smuggling of natural resources products and of endangered species of flora and fauna, slash and burn farming and such other activities, which result in pollution, acceleration of euthrophication of rivers and lakes, or of ecological imbalance.

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ARTICLE B
OBJECTIVES

Section 2B.01 - Objectives- This Code is enacted for the following objectives:

OBJECTIVES:

a) To promote the principles of ecologically sustainable development:

1. That the use, development and protection of the environment should be managed by the Municipal Government in a way, and at a rate, that will enable people and communities to provide for their economic, social and physical well-being and for their health and safety while:
   1.1. Sustaining the potential of natural and physical resources, to meet the reasonably foreseeable needs of future generations:
   1.2. Safeguarding the life-supporting capacity of air, water, land and ecosystems;
   1.3. Avoiding, remedying or mitigating any adverse effects of activities on the environment;

2. That proper weight should be given to both long- and short-term economic, environmental, social and equity considerations, in deciding all matters relating to environmental resource use, protection, restoration and enhancement.

b) To ensure that all reasonable and practicable measures are taken by the Municipal Government to protect, restore and enhance the quality of the environment, having regards to the principles of ecologically sustainable development, and

1. To prevent, reduce, minimize and where practicable, eliminate harm to the environment;
2. To encourage and assist action by industry, government authorities and the community aimed at pollution, prevention, clean productions and technologies, reduction, reuse and recycling of materials and natural resources and waste minimization;
3. To regulate in an integrated, systematic and cost effective manner;

   3.1. Activities, products, substances and services that, through pollution or production of waste, cause environmental harm;
   3.2. The generation, storage, transportation, treatment and disposal of waste;

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4. To coordinate activities, policies and program necessary to prevent, reduce, minimize or eliminate environmental harm to ensure effective environmental protection, restoration and enhancement;
5. To facilitate the adoption and implementation of environment protection measures, initiated by the national government;
6. To apply a precautionary approach to the assessment of risk of environmental harm and ensure that all aspects of environmental attributes are considered in decisions, relating to the environment;
7. To require persons, natural and juridical, engaged in pollution activities to progressively make environmental improvements including reduction of pollution and waste at source, as much as improvements become practicable, through technological and economic developments;
8. To allocate the costs of environmental protection and restoration equitably and in a manner that encourages responsible use of and reduces harm to the environment, with polluters bearing an appropriate share of costs that arise from these activities, products, substances and services;
9. To provide for monitoring and reporting on environmental quality on a regular basis, to ensure compliance with environmental laws, rules and regulations and the maintenance of a record of trends in environmental quality;
10. To provide for reporting of the state of the environment on a periodic basis;
11. To promote (a) industry and community education and involvement in decisions about the protection, restoration and enhancement of the environment; and (b) disclosure of and public access to information about significant environment incidents and hazards.

ARTICLE C
PURPOSES

Section 2C.01 - PURPOSES – This Code is enacted for the following purposes:

a) Operationalize the inherent powers and responsibilities of the Municipal Government of San Vicente in the delivery of general welfare services, particularly in environment and natural resource management;
b) Establish a framework for a local government-driven, inter-agency and multi-sectoral system of environment management in the municipal;

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c) Regulate, control and guide future growth and development of the municipal, in the pursuit of its common vision and aspirations of progress, through agro-industrial and eco-tourism development, within the context of wise management and utilization of the natural, biophysical, geological, cultural and historical heritage of the San Vicentenians;
d) Inform the constituents on the environment and natural resources management policy of the Municipal Government of San Vicente; and
e) Establish the mechanism for implementing the provisions of this Code.

ARTICLE D
DEFINITION OF TERMS

Section 2D.01 - Definition of Terms — As used in this Code, the following words and phrases shall be defined, as follows:

"Air Pollutant" — any matter found in the atmosphere other than oxygen, nitrogen, water vapor, carbon dioxide, and the inert gases in their natural or normal concentrations and includes smoke, dust, soot, cinders, fly ash, solid particles of any kind, gases, fumes, mists, odors and radio-active substances.

"Air Pollution" — means any alteration of the physical, chemical and biological properties of the atmospheric air, or any discharge thereto of any liquid, gaseous or solid substances that will, or is likely to create or to render the air resources of the municipal harmful, detrimental, or injurious to public health, safety or welfare, or which will adversely affect their utilization for domestic, commercial, industrial, agricultural, recreational, or other legitimate purposes.

"Airborne Dust" - minute solid particles released into or carried into the atmosphere, by natural forces, or by any fuel-burning, combustions, or process equipment or device, or by construction works, or by mechanical or industrial processes.

"Ambient Air Quality" - the average atmospheric purity, as distinguished from discharged measurements, taken at the source of pollution. It is the general amount of pollution present in a broad area.

"Aquifers" - a water-bearing rock or a layer of permeable rock, sand, or gravel, through which ground water flows, containing enough water to supply wells and springs.

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"Biological Diversity" - means the variability among living organisms from all sources including terrestrial, marine and other ecosystem and the ecological complexes of which they are part; this includes diversity within species, between species and ecosystems.

"Cesspool" - refers to an underground container for waste matter, or a deep hole or pit in the ground, usually covered to receive drainage or sewage from the sinks, toilets, etc. of a house, or a covered underground tank or well for the collection of waste matter and water, especially sewage.

"Municipal Mayor" - refers to the Municipal Mayor of San Vicente.

"Effluent Standards"- restrictions established to limit levels of concentration of physical, chemical and biological constituents which are discharged from point sources.

"Embankment" — refers to a portion of land on the edge of the river which is locally called "pang-pang".

"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.

"Environmental Compliance Certificate (ECC)" — refers to authorization, issued by the DENR or the Governor, as the case may be, pursuant to law, in favor of a proponent, the project of which have been reviewed, evaluated and finally approved, upon consideration that the project will not bring about an unacceptable environmental impact and that the proponent has complied with all the requirements of PD 1586, as well as Proclamation 2146, otherwise known as, Environmental Impact Assessment System.

"Environmentally-Critical Areas (ECA)" — refer to those socially, ecologically and geologically sensitive areas declared by law or valid proclamation as: (i) areas for natural parks, watershed reserves, wildlife preserves and sanctuaries; (ii) areas set aside as scenic/aesthetic and potential tourist spots; (iii) areas which are the habitat of endangered species; (iv) areas possessing unique historic, archeological or scientific interests; (v) areas traditionally occupied by indigenous communities; (vi) areas with critical slopes; (vii) areas frequently visited by natural calamities; (viii) prime agricultural lands; (b) recharge areas of aquifers; (x) water bodies; (xi) mangrove areas; (xii) coral reefs; (xiii) mossy and virgin forests, and (xiv) river banks and swamplands and marshlands. Technically, it may also validly refer to environmentally-critical projects.

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"Environmental Impact" — is the alteration to any degree, of environmental conditions, or the creation of a new set of environmental conditions, adverse or beneficial, to be induced or caused by a proposed project.

"Environmental Impact Assessment (EIA) – refers to the process of identifying, forecasting and evaluating the future state of the environment, as a consequence of a particular activity and with reference to a comparative assessment of the environment's future state, without the activity.

"Environmental Management" – is the administration of human activities, as they affect and relate to the entire range of living and non-living factors,that influence life on earth and their interactions.

"Emission" — the act of passing into the atmosphere an air contaminant, pollutant, gas stream and unwanted sound, from a known source.

"Fugitive Particulate" — the particulate matter which escapes and becomes airborne from unenclosed industrial operation, or that which escapes from incompletely or partially enclosed operation into the outside atmosphere, without passing or being conducted, through a flue pipe, stack or other structure.

"Greenbelt" - refers to a strip of undeveloped land around a municipal that contains parks, farms, or vacant land.

"Hazardous Substances" — elements or compounds which, when discharged in any quantity, present eminent or substantial danger to public health welfare.

"Initial Environmental Examination (IEE)" - refers to the document required of proponent, describing the environmental impact of and mitigation and enhancement measures for projects or undertakings, located in environmentally-critical areas, including areas outside the coverage of the Philippine Environmental Impact Assessment System, as identified by the Municipal Mayor.

"Pollution" — any alteration of the physical, chemical and biological properties of any water, air and or land resources of the Philippines, or any discharge thereto of any liquid, gaseous, or solid wastes as well, or is likely to create or to render such water, air and land resources, harmful, detrimental or injurious to public health, safety or welfare, which will adversely affect their utilization for domestic, commercial, industrial, agricultural, recreational or other legitimate purposes.

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"Public Consultation" — refers to a stage of public participation in which information is disseminated and opinion gathered in public, in order to ensure that public concerns are fully integrated into the process of environmental impact assessment.

"RA 7160" — refers to the Local Government Code of 1991.

"RA 9003 – refers to the Ecological and Solid Waste Management Act of 2003.

"Standard or Limit" — the concentration of any air contaminant which, in order to protect public health and welfare, shall not be exceeded, at a particular region or zone and at a specified period of time; standards that are enforceable and must be complied with, by the owner or person-in-charge of an industrial operation, process or trade.

"Sustainable Development" - development that meets the needs of the present, without compromising the ability of the future generations to meet their own needs.

"Subterranean Waters" — include streams, creeks, brooks, springs and associated groundwater, not subject to private ownership and not comprised within national parks, forest lands, timberland or forest reserves, that are found beneath the terrestrial features of a municipal, irrespective of depth or breadth, but extending only up to the limits of the Municipal's geographical boundaries.

ARTICLE E
RULES IN INTERPRETING THE PROVISIONS OF THE CODE

Section 2E.01 – Rules in Interpreting the Provisions of the Code:

A. **General Rules**. All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such others, as may have acquired a peculiar and appropriate meaning.

B. **Gender and Number**: Singular and Plural. Every word in the Code importing the masculine gender shall extend to both female and male and every word importing the singular number shall extend and apply to several persons or things as well; and every word importing a plural number shall extend and apply to one person or thing as well.

C. **Person.** The word "person" shall extend and be applied to natural and juridical persons, such as firms, corporations, or voluntary associations, unless plainly inapplicable.

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D. **Tenses**. The use of any verb in the present tense shall include the future when applicable.

E. **Shall Have Been**. The word "shall have been" includes past and future cases.

F. **Shall and May**. "Shall" is mandatory and "may" is permissive.

G. **Computation of Time**. Time which an act is to be done, as provided in this code, or in any rule or legislative issues, pursuant to the provisions hereof, when expressed in days, shall be computed by excluding the first day and including the last day. If the last day falls on Sunday or Holiday, the same shall be excluded from the computation and the business day following, shall be counted the last day.

H. **References**. All reference to Chapters, Articles, Sections are to the Chapters, Articles, and Sections of this Code unless otherwise specified.

I. **Conflicting Provisions of Chapters**. If the provisions of different Chapters or Articles conflict with or contravene each other, the provisions of each chapter or article shall prevail, as to all specific matters and questions involved therein.

J. **Conflicting Provisions of Sections**. If the provisions of different Sections in the same Chapter conflict with each other, the provision of the Section which is last in the point of reference, shall prevail.

CHAPTER III
WATER RESOURCES

ARTICLE A
SCOPE OF POWERS

Section 3A.01 - Scope of Powers — In addition to the powers, duties and functions of the Municipal Mayor to adopt adequate measures to safeguard and conserve land mineral, marine, forest and other resources, as provided under Section 455(b)(3)(vii), other specific powers, functions and responsibilities of the municipal, are enumerated in Section 17, RA 7160, as follows:

Provision of: (1) water and soil resource utilization and conservation projects, and inter-barangay irrigation system, (2) communal irrigation, small water impounding projects and other similar project, artesian wells, spring development, rainwater collectors and water supply systems, seawalls, dikes, drainage and sewerage, and flood control, pursuant to Section 17 (b)(2)(i) and (viii), and 17 (b)(3)(iii) of RA 7160.

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ARTICLE B
GOVERNING LAWS

Section 3B.01 - Governing Laws — The water resources provision under this Code shall be governed by, but not limited to, the following national laws:

1) RA 7160 (Local Government Code of 1991)
2) Presidential Decree No. 1067 (Water Code of the Philippines of 1976)
3) Republic Act 9275 (Philippine Clean Water Act of 2004)
4) DENR Administrative Order 34, series of 1990, (Revised Water Usage and Classification/Water Quality Criteria)
5) DENR Administrative Order No. 35, series of 1991 (Revised Effluent Regulations of 1990 Revising and Amending the Effluent Regulations of 1982)
6) Republic Act 6969 (Toxic Substances and Hazardous and Nuclear Waste Water Control Act of 1990)
7) Presidential Decree No. 984 (National Pollution Control Decree of 1976)
8) Presidential Decree No. 825 (Providing Penalty for Improper Disposal of Garbage and Other Forms of uncleanliness and for Other Purposes)
9) Presidential Decree No. 856 (Code on Sanitation of the Philippines, 1975)

ARTICLE C
OPERATIVE PRINCIPLES

Section 3C.01 - Operative Principles — Water resources in the municipal shall be managed primarily to meet the indefinite basic requirements for potable water of all residents of Municipality of San Vicente and for sustained agricultural production, as well as, for securing the availability of adequate supplies of water for the growing industrial, recreational and commercial development activities, through water resources, pricing, institution of local water pollution control, legislation and protection of watersheds. Further, it is hereby declared the policy of the Municipal Government that management of water resources shall be integrated and sustainable. Furthermore, water resources in the Municipality of San Vicente shall be equitably shared and that no person shall be deprived of safe and clean water.

ARTICLE D
COMPREHENSIVE WATER RESOURCE MANAGEMENT

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Section 3D.01 - Comprehensive Water Resource Management Plan - The Municipal Mayor shall initiate the preparation of a Comprehensive Water Resources Management Plan, through highly participative and multi-sectoral approaches. The plan shall contain, among others, the following:

1. Inventory and classification of water resources within the municipal's territorial jurisdiction, for the purpose of determining appropriate uses, protection measures needed and water quality standard to be applied. The inventory should cover rivers, streams, brooks, aquifers, lakes, lagoons, wells, springs, irrigation canals, dams and subterranean waters and all other surface waters, flowing continuously or intermittently over lands;
2. Measurement and delineation of municipal waters using resource maps;
3. A system of promoting compatibility of development activities and avoid subjecting the resources to unilateral or political spheres of influence through multi-level, multi-sectoral and community-based decision making processes;
4. Cooperative action between the Municipal Government of San Vicente and its neighboring cities/municipalities, to address environmental management issues that oftentimes transcend political boundaries;
5. The legislative measures to be implemented to improve water quality;
6. The appropriate institutional arrangements to be established for managing water resources;
7. The investment requirement, duration and revenue generating measures to be implemented; and
8. Appropriate incentives and regulations to ensure water resources are managed in a sustainable way.

Section 3D.02 - Water Quality Monitoring — The Municipal Mayor shall cause the organization of a Multi-Sectoral Water Resources Monitoring Committee (WRMC), which is primarily tasked to regularly monitor water quality, in coordination with the concerned national government agencies and to recommend to the Municipal Mayor policy proposals, to safeguard water resources in the Municipal.

Section 3D.03 - Protection of Water from Public Infrastructures- The Municipal Mayor shall ensure that engineering works and infrastructure projects within the Municipal, do not adversely impact on water quality.

Section 3D.04 - Protection of Riverbanks, Easements and Rights-of-Way, and Greenbelts - The Municipal Mayor shall adopt appropriate measures for the establishment of clearance and greenbelts along

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riverbanks and sea shore areas, as prescribed by law, to recover easements, as provided for in DENR Administrative Order 05, Series of 1997 and Presidential Decree No, 1067, which provides, that banks of rivers and streams and its shores of the seas throughout their entire length and within three (3) meters in urban areas and twenty (20) meters in agricultural areas and forty (40) meters in forest areas along their margins, are subject to easement for public use, in the interest of recreation, navigation, flotage, fishing and salvage. Primarily, the Municipal Mayor shall orchestrate the conduct of community-based forestry projects along the riverbanks and designated greenbelt areas.

Section 3D.05 - Protection of Rivers—The Sangguniang Bayan shall adopt appropriate ordinances to maintain the long-term viability of all Rivers within its territorial jurisdiction, as the main water resource to include, among others, the following:

a. Ban toxic waste-producing activities near the river
b. Prohibit the construction of houses and other physical structures within the river banks, and
c. Prohibit the dumping and disposal of solid wastes, wastewater and other hazardous wastes into the river.

Section 3D.06 - Soil and Water Conservation and Organic Farming - The Municipal Mayor shall implement community-based forestry projects, for the purpose of instituting improved soil and water conservation techniques. Likewise, the Municipal Mayor shall advocate the application of organic farming techniques among farmers and enforce the laws, governing the use of prohibited agricultural chemicals.

Section 3D.07 - Water Uses and Classification — The provisions of DENR Administrative Order No. 34, Series of 1990, otherwise known as, the "Revised Water Usage and Classification," as amended are hereby adopted. Specifically, water uses may be classified for: (I) domestic consumption; (ii) municipal uses; (iii) irrigation; (iv) power generation; (v) livestock raising; (vi) industrial applications; (vii) recreational uses, and (viii) for other purposes that the Municipal Government may deem beneficial.

The Municipal Government, in permitting public uses of the municipal waters, shall observe the following general priorities, in descending order:

a. Uses which enhance, conserve or protect the quality, habitat and ecology of the waters and coastal resources;
b. Uses which provide the greatest, long-term benefits to the greatest number of people, particularly the local communities;

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c. Uses which enhance and increase public access to the shoreline and 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; and
d. Uses which 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 6 leisure activities, such as bathing, diving, boating, fishing and tourism as a whole, will not negatively disrupt traditional fisheries, interfere with marine or aquatic life, cause adverse increases in nutrient inputs, nor eliminate important habitats. Consequently, development planning for the coastline as a whole, shall include criteria and standards to permit the concentration of such facilities and structures, within specially designated zones, consistent with local, regional and national land and water use policies.

Section 3D.08 – Prohibited and Punishable Acts –

a. No person or entity shall develop a stream, lake, marshland or pond for recreational or commercial purposes, without first securing a permit from the National Water Resources Board and the Municipal Mayor. The requirement for Environmental Compliance Certificate (ECC) from the Community Environment Office shall be strictly enforced.
b. No person, group of persons or organization, shall raise or lower, or cause the raising or lowering of the water level of a stream, river, lake, marsh or pond, nor drain the same, without the necessary government clearances.
c. The use of banks, rivers, lakes, streams and ponds throughout their entire length and within a distance of three (3) meters in urban areas, twenty (20) meters in agricultural areas and forty (40) meters in forest areas along their margins, are subjected to public easement. No person shall stay in the said zone for recreation, navigation, footage, fishing or salvage activities, at a period longer than what is necessary. Building structures of any kind shall likewise be prohibited.
d. No person or entity shall impound water that shall prejudice downstream users.

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e. No person shall drill a well without a permit. There shall be strict enforcement of the requirement for clearance from the National Water Resources Board, for all extraction of subterranean waters. The Board shall determine the allowable depth, location, spacing and the manner by which such wells may be dug.
f. No building for habitation shall be erected or maintained within a radius of 15 meters (50 ft.), from any source of drinking water to protect the latter against contamination.
g. No person shall construct or set up 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.
h. No person shall construct dikes, fishing traps and other paraphernalia that impede and obstruct the ebb and flow of tide and free navigation, in all rivers and creeks of the Municipal.
i. No tailings and sediments from mining operations, as well as, farm waters carrying pesticide residues, shall be dumped into rivers and waterways, without prior permission from the Municipal Government and the DENR.
j. No person shall quarry sand and gravel within seven (7) meters from the embankment of the river.
k. No person shall dump or dispose of any solid waste or liquid waste into the sea or other bodies of water, including shorelines and river banks within the territorial jurisdiction of Municipality of San Vicente, where the wastes are likely to be washed into the sea. Dumping of solid waste or other materials into the sea, or any navigable waters, shall be permitted, in case of immediate or imminent danger to life and property, subject to the rules and regulations of the Philippine Coast Guard and the National Pollution Control Commission.
l. No person shall dig or construct any well or cistern from which drinking water is obtained, except under such conditions of location, depth and concreting, as the Municipal Health Officer and the Municipal Engineer may approve and issue a written permit.
m. No person shall put any water closet, privy, cesspool, or septic tank or the carcass of any dead animal, or any offal of any kind, within a radius of 30 meters (100 ft.) from any well, spring, or other sources of water supply, in such a manner, that the drainage therefrom, will flow into the source of water supply.
n. No person shall keep any horse, mule, cattle, swine, sheep or livestock of any kind, penned, corralled, or housed on, or over, or on the borders of any such stream, pond, lake or river,

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within the distance specified in Section 3D.08 (c) hereof, in the case of the springs or wells, in such a manner, that the water becomes polluted, if water is drawn therefrom, for the supply of any portion of the inhabitants of this Municipal.

o. No person shall bath, wash clothes, utensils, bedpans, urinals and others, nor shall he slaughter or dress animals, fowls, and the like, in any spring, stream, river, lake reservoir, well or other waters, which are used or intended for drinking purposes by the Municipal. For the purpose of carrying out the provisions hereof, no person shall be allowed to bath or wash clothes within 15 meters (50 ft.) from any spring or well, if the drainage therefrom will flow into said spring or well.

Section 3D. 09 - Administrative Provisions –

1) The utilization of subterranean or ground waters shall be subject to the control of the Municipal Government, in order to manage extraction according to sustainable limits, as determined, through scientific assessment.
2) The Municipal Government shall reserve the right to revoke or cancel any permit for the extraction of ground water, if this has been found detrimental to its sustainability or inimical to other higher priority water uses. In no case shall the Municipal Government allow extraction of groundwater, if this will result to the deterioration of critically important surface waters.
3) The Municipal Government reserves the right to construct and employ "water banking," or the impounding of water, for purposes that will be beneficial to local governance or for long-term sustainability of water, for municipal purposes.
4) For better water conservation, the Municipal Government, in coordination with the NIA, shall promote the merger of irrigation associations and the appropriation of waters by associations, instead of by individuals. The Municipal Government shall, therefore discourage, the granting of irrigation permits to individuals when his/her water requirement can be supplied through an irrigation association.
    a. Persons or entities who were granted water rights, shall submit their water permits issued to them by the National Water Resource Board (NWRB), to the Office of the Municipal Mayor, as pre-requisite to the renewal of their business license or permit.
    b. In the event that destruction of dikes, fishing traps and other paraphernalia along the waterways is called for, all costs shall be borne by the person who constructed the same.

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c. All wells, duly authorized by the Municipal Health Officer and the Municipal Engineer, shall be maintained by its owner, in a sanitary condition satisfactory to the Municipal Health Officer.

Section 3D.10 - Penal Provision — Violation of any provisions of this article shall be punished by a fine not less than Two Thousand Pesos (P1,500.00), nor more than Five Thousand Pesos (P2,500.00), or an imprisonment of not less than three (2) months nor more than six (5) months, or both fine and imprisonment, at the discretion of the Court.

CHAPTER IV
INTEGRATED WASTE MANAGEMENT ARTICLE A SCOPE OF POWERS

Section 4A.01 - Scope of Powers — In addition to the powers, duties and functions of the Municipal Mayor to adopt adequate measures to safeguard and conserve land, mineral, marine, forest and other resources, as provided under Section 455 (b)(3)(vii) of RA 7160, the Municipal Government shall also provide the services and facilities on waste disposal system or environmental management systems and services, related to general hygiene and sanitation, as well as, enforcement of pollution control la\s and other laws on the protection of the environment, pursuant to Section 17 (b)(2)(Vi) and Section 17 (b)(3)(iii) respectively, of the Local Government Code of 1991.

ARTICLE B
DEFINITION OF TERMS

Section 4.B.01. Definitions of Terms — when used in this Article:

"Adequate sufficient covered trash receptacles" – shall mean that which can accommodate all the trash, generated by the particular office or establishment and sufficient to contain the same, without overflow or spillage, prior to disposal or collection by the duly designated authority.

"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.

"Ash" — a sort of residue or an end product from the process of burning any materials, thus becoming a contributing factor to air pollution.

"Collection" – shall refer to the act of removing solid waste from the source or from a communal storage point.

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"Composting" - shall refer to the controlled decomposition of organic matter by micro-organisms, mainly bacteria and fungi, into a humus-like product.

"Container" — refers to any box, used sacks, used fertilizer bags, or any plastic bags for the purpose.

"Dead Animals" — pets, poultry, swine, rodents and other harmful or useful animal, that are lifeless, when not properly disposed becomes an added factor to air pollution and disease.

"Discarded Building Materials" – those that cannot be put to use, such as nipa and coconut shingles, sawali and other similar materials, when changing roofs, walls, etc.

"Disposal" – shall refer to the discharge, deposit, dumping, spilling, leaking or placing of any solid waste into or in a land.

"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.

"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.

"Embankment" – refers to a portion of land on the edge of the river which is locally called "pangpang".

"Garbage" - shall include the refuse of such animals or vegetable matter or food supplies, as were intended for human food but have been rejected for such use, dead animals, offal and the refuse of slaughterhouses.

"Generation" – shall refer to the act or process of producing solid waste.

"Hazardous Substances" – elements or compounds, which when discharged in any quantity, present eminent or substantial danger to public health welfare.

"Hazardous Waste" – shall refer to solid waste management or combination of solid waste, which because of its quantity, concentration or physical, chemical or infectious characteristics, may: (a) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or (b) pose a substantial present or potential hazard to human health or the environment when properly treated, stored, transported, or disposed of, or otherwise managed.

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"Manure" - an end product and waste matter coming from the process of the digestive system of animals which can be generally be used for fertilizer purposes.

"Materials Recovery Facility" – includes a solid waste transfer station or sorting station, drop-off center, a composting facility and a recycling facility.

"Non-biodegradable objects" - anything that is not capable of decaying and not absorbed by the environment, such as 9 cellophanes, plastic rubbers and the likes.

"Public Consultation" – refers to a stage of public participation, at which information is disseminated and opinions gathered in public, in order to ensure that public concerns are fully integrated into the process of environmental impact assessment.

"Public Places" — include roads, alleys, lanes, pathways, sidewalks, streets, park or plazas, public market, public ground and public properly of the municipal.

"Receptacles" – shall refer to individual containers used for the source separation and the collection of recyclable materials.

"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.

"Recycled material" – shall refer to post-consumer material that has been recycled and returned to the economy.

"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.

"Refuse" - anything discarded and is worthless or waste, be it soft or hard material, such as bottles, broken glass, tin cans, waste papers, discarded porcelain wares, pieces of metal and other wrapping and packaging materials.

"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.

"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.

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"Rubbish" — shall include waste or used papers, paste boards, woven matting, straw, bamboo, nipa, grass, leaves, banana stems, sawdust, wood, husk, metal cans, or other metallic vessels, broken glass or porcelain; also loose or decayed materials and dirt like substances, which may accumulate from repairing operations or from storing or cleaning of property and goods; and the dung of cattle, horses, mules, and other animals and stable litter, refuse and sweepings; and any other matter of similar kind, which the development of any business or industry may produce.

"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.

"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.

"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.

"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 foam, 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 waste from hospitals, such as equipment, instruments, utensils and fomites of a disposal 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 secretions 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; and (3) Waste resulting from mining activities, including contaminated soil and debris.

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"Solid Waste Management"- shall refer 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.

"Special Wastes" – shall refer to household hazardous wastes, such as paints, thinners, household batteries, lead-acid batteries, spray canisters and the like.

"Storage" – shall refer to the interim containment of solid wastes after generation and prior to collection, for ultimate recovery or disposal.

"Streets sweeping" — is one process of cleaning a paved street of locally made cleaning equipment, e.g. dust, manure, leaves, cigarette butts, waste papers, etc.

"Waste Management"- includes both solid and liquid waste management.

"Within their premises/property" – it shall mean that area which is legally within the private domain of the concerned establishment or office and upon which it has possession, supervision and/or control.

"Yard cutting" — twigs, branches, trunks of trees, grass and other similar materials, as a result of cleaning the yard.

ARTICLE C
GOVERNING LAWS

Section 4C.01 - Governing Laws — The initiatives of the Municipal Government on Solid Waste Management (SWM) shall be consistent with existing national laws, namely:

1. Republic Act 9003, also known as, the "Ecological Solid Waste Management Act of 2000".
2. Presidential Decree 825, otherwise known as, the Garbage Disposal Law of 1975, prohibiting littering in public places and making it the responsibility of residents, institutions and commercial and industrial establishments to clean their surroundings, including streets and canals, adjacent to their properties. It further provides for penalties, for the improper 10 disposal of garbage and other form of uncleanness.
3. Presidential Decree 856, otherwise known as, the Code of Sanitation of the 2011, by food establishments in cities and municipalities.

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4. Presidential Decree 1152, entitled "Consolidating the Philippine Environment Code", requiring the preparation and implementation of a waste management program in all cities and municipalities. Specifically, it provides that waste disposal shall be by sanitary landfill, incineration, corn posting and other methods, as may be approved by a competent government authority.
5. Republic Act 6969, also known as, the Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990.
6. Republic Act 7160, also known as, the Local Government Code of 1991, which provides for the devolution of certain environmental powers and responsibilities to the local government units, including the preparation and enforcement of their respective waste management programs.
7. Republic Act 6957, as amended by RA 7718 (Build-Operate-Transfer Law), which provides that infrastructure and development projects normally financed and operated by the public sector, such as that, for waste management, may be wholly or partially, implemented by the private sector.
8. DENR Administrative Order No. 98-49, also known as, the Technical Guidance for Municipal Solid Waste Disposal.

ARTICLE D
OPERATIVE PRINCIPLES

Section 4D.01 - Operative Principles — The Municipal Government recognizes that the steadily increasing level of economic activities and population growth in the urban and rural areas would lead to an increase in the volume of wastes and adverse impact on the health of our population and ecosystems. Pursuant to Section 3 (i), Republic Act 7160, it is hereby a declared policy to undertake an Integrated Solid Waste Management (SWM) program in the Municipality of San Vicente, including its component barangays.

ARTICLE E
MUNICIPALITY OF SAN VICENTE SOLID WASTE MANAGEMENT PLAN

Section 4E.01 – Solid Waste Management Plan – Consistent with Section 16 of Republic Act 9003, otherwise known as, the Ecological Solid Waste Management Act of 2000, a Solid Waste Management Plan is hereby adopted by the Municipal Government and which shall form and made part of this Code. The Ten-Year Solid Waste Management Plan, formulated by the Municipal Solid Waste Management Board (SWMB), with the support and assistance of its various departments and offices, including concerned National Government Agencies, NGOs, POs and the private sector, contains all the required components, as provided in Section 17 of the aforementioned law, which shall ensure the efficient management of solid waste generated within its territorial jurisdiction.

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Section 4E.02 – Solid Waste Management Bodies –
A. **Solid Waste Management Office**
a.1 Creation of the Solid Waste Management Office (SWMO) –

There is hereby created the Solid Waste Management Office, for the purpose of undertaking all solid waste management initiatives and responsibilities, pursuant to R.A. 9003, otherwise known as, the Ecological Solid Waste Management Act of 2000.

a.2 Purpose - This Office is created for the purpose of undertaking all solid waste management related initiatives, as mandated by Republic Act 9003

It shall be responsible for the delivery of the municipal's services on solid waste management, as well as, the operation of facilities, related to sanitation and solid waste management to include;

1. Segregated solid waste collection, recovery of recyclables and final disposal
2. Information, Education & Communication (IEC) campaign
3. Implementation of solid waste management plan, laws and ordinances regarding physical cleanliness of the municipal; and
4. Participation in other special programs and activities of the municipal government

a.3 Functions: The Solid Waste Management Office shall specifically perform and exercise the following functions:

A. Facilitate training and education in integrated ecological solid waste management, in coordination or collaboration with other government agencies and/or non-government organizations, through the following:

1. Formulation of training program for the Local Government of Municipality of San Vicente, the government and private schools, within the territorial jurisdiction of the Municipality of San Vicente and other private sectors, on the proper management of the solid wastes;
2. Development of training program on the technical operation of solid waste management facilities;
3. Formulation of training program for deputized enforcers and implementors;
4. Development of accreditation and certification system for the conduct and holding of training programs on solid waste management: and

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5. In collaboration with the Department of Education, particularly in the municipal, provincial and regional level, develop an education program that shall promote an effective solid waste management system. For this purpose, seminars and trainings shall be conducted for the various sectors of a society, like the academe, NGOs, PO's, religious and civic organizations and the media, that shall promote an effective solid waste management system.

A. Establish and manage a comprehensive solid waste management information data base and dissemination system focusing, among others, on the following areas:

1. In collaboration with technically responsible government and private agencies relative to solid waste generation and management access techniques, as well as, the management, technical and operational approaches to resource recovery;
2. In collaboration with processors/recyclers, access the list of materials, being recycled or bought by them and their respective prices; and
3. In coordination with the National Government Agencies and other technically responsible government and private agencies, access information on cleaner production/cleaner technologies that promote efficient solid waste management.

B. Promote the development of a recycling market, through the establishment of a recycling network, that will enhance the opportunity of recycling;

C. Act as the hub for networking of other local government units and barangays (especially within the province), non-government organizations and industry on voluntary compliance of the pertinent provisions of Republic Act No. 9003, as well as, this ordinance;

D. Provide, facilitate technical assistance in pilot modeling of solid waste management facilities, including technologies and techniques, for effective solid waste management;

E. Develop, test and disseminate model waste minimization and reduction auditing procedures for evaluation options; and

F. Prepare, distribute or disseminate information, education and communication materials on solid waste management preferably with the use of the tri-media, i.e. print, radio and television;

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G. Recommend policies to eliminate barriers to waste reduction programs;
H. Maintain, service and operate the Ecological Center and all facilities within it and those attached to its operation, such as, the garbage collection, the Materials Recovery Facility (MRF), the Residuals Processing Facility, the Sanitary Landfill, the Receiving Area and Sorting Area and other facilities and equipment within the facility. This is also to include the temporary storage and processing of household hazardous wastes, such as, but not limited to, fluorescent bulbs, toy and appliance batteries, and paints till its final purchase or disposal by a qualified specialist.

a.4 Organization And Composition: There is hereby directed the implementation of the partial reorganization in the plantilla of personnel of the Municipal Government of San Vicente, in pursuance to Section 76 of RA 7160 and RA 6758, by creating the Solid Waste Management Office (SWMO), which shall be a division to be under the direct supervision and control of the Office of the Municipal Mayor:

* **Appropriation:** The municipal shall appropriate funds needed to cover personnel, administration and operations of the Solid Waste Management Office.

* **Functions And Responsibilities Of The Sanitation & Environmental Protection Program Under The General Services Department** : The Local Government Unit of Municipality of San Vicente hereby assigns to the Solid Waste Management Office (SWMO) the power and authority to perform the functions and responsibilities of the General Services Department, relative to garbage collection and operation of final disposal facility, including the transfer of records, equipments and personnel, corresponding to the devolved powers

* **Legislative Tracking Clause:** The Solid Waste Management Office herein created, in coordination with the Legislative Tracking Committee, with the indorsement of the Municipal Mayor, shall make a periodic report to the Sanggunian Bayan on its initiatives and activities, as herein prescribed.

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b. Solid Waste Management Board

b.1 **Creation of the Municipal Solid Waste Management Board (SWMB).** – Pursuant to R.A. 9003, otherwise known as, the Ecological and Solid Waste Management Act of 2000 and in consonance with DILG Memorandum Circular No. 2001-19, there is hereby created the **MUNICIPAL SOLID WASTE MANAGEMENT BOARD**.

b.2 **Composition Of The Municipal Solid Waste Management Board** - The Board shall be composed of the following:

Chairman	:	Municipal Mayor
Members	:	SB Chairman, Committee on Env. Protection and Natural Resources
	:	ABC President, Liga ng mga Barangay
	:	SK Federation President
	:	Municipal Health Officer
	:	MENRO
	:	2 Representatives from NGOs
	:	DILG, Municipal Local Gov't. Operations Officer

b.3 Duties and Responsibilities - The Board shall have the following duties and responsibilities:

1. Develop the Municipal Solid Waste Management Plan, to ensure long-term solid waste management, as well as, integrate the various solid waste management plans and strategies of component barangays;
2. Adopt measures to promote and ensure the viability and effective implementation of solid waste management programs in all component barangays;
3. Monitor the implementation of the Municipal Solid Waste Management Plan, through the component barangays and in cooperation with concerned non-government organizations;
4. Adopt specific revenue-generating measures to promote the viability of the Solid Waste Management Plan;
5. Convene regular meetings for purposes of planning and coordinating the implementation of the solid waste management plans of component barangays;

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6. Oversee the implementation of the Municipal Solid Waste Management Plan;
7. Review every two (2) years, or as the need arises, the Municipal Solid Waste Management Plan, for purposes of ensuring its sustainability, viability, effectiveness and relevance, in relation to local and international development, in the field of solid waste management;
8. Develop specific mechanics and guidelines to implement the Municipal Solid Waste Management Plan;
9. Recommend to appropriate local government authorities specific measures or proposals for franchise or build operate-transfer agreements with duly recognized institutions, to provide, either exclusive or non-exclusive authority, for the collection, transfer, storage, processing, recycling or disposal of municipal solid waste;
10. Provide the necessary logistical and operational support to component barangays;
11. Recommend measures and safeguards against pollution and the preservation of the natural ecosystem;
12. Coordinate the efforts of component barangays in the implementation of the Municipal Solid Waste Management Plan; and
13. Call on any concerned agency or sector, as it may deem necessary, for support or other appropriate action.

c. **Ecological Solid Waste Management Enforcers –**

c.1 Deputation of Ecological Solid Waste Management Enforcers (ESWME)– There is hereby deputized the Ecological Solid Waste Management Enforcers, who were trained, by the Institute of Environmental Governance (IEG) of the University of St. La Salle, Bacolod Municipal.

c.2 Functions And Duties – The ESWME shall perform the functions and duties, relative to monitoring and enforcement of R.A. 9003, specifically provided under Section 48.

Section 4E.03 - Solid Waste Management System (SWM). - As guide for interventions, the Municipal Government hereby adopts the SWM system, for a safe and sanitary disposal of solid wastes.

Accordingly, the system shall be composed of the following functional elements:

Section 4E.04 - Waste Generation - includes activities that lead to the identification and understanding of the sources, amounts, nature, type and characteristics of wastes generated. This component covers the reduction, reuse, and recycling (3R's) of wastes at sources.

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Residents shall learn the two (2) kinds of waste: biodegradable or compostable and non-biodegradable or non-compostable.

Section 4E.05 Handling and On-site Storage — Handling of waste after generation includes sorting, segregating, composting, bailing and compaction and placement of waste materials into their corresponding storage containers and the movement of these stored wastes to the collection points. As a matter of public policy, wastes shall be segregated and stored at the site or place, where they are generated before they are collected.

A. Waste handling and storage in Residential Areas shall be done as follows:

1) All residents are enjoined to place all garbage inside the garbage receptacles provided for and placed in the strategic areas by the municipal government.
2) Every household is required to place their garbage inside an appropriate container before throwing it inside the garbage receptacles, for sanitary purposes and to make it easier for the garbage collector to pick-up and place it in the collection vehicle.

B. Waste handling and storage in commercial areas including markets shall be done as follows:

1) Storage containers or receptacles for segregated commercial wastes shall be individualized with cover and placed within their premises.
2) Generated wastes shall be brought and stored by the stall lessee inside the garbage receptacles provided for and placed along the collection route of the garbage collection vehicle.
3) Commercial establishments, including property, trade, occupational, professional services and offices and buildings shall provide an adequate sufficient covered trash receptacles within their property or premises.

C. Waste storage in institutional or industrial areas shall likewise be done as follows:

1. The head of any institutional or industrial firm shall ensure the proper and hygienic storage of generated and segregated wastes in receptacles or containers, which shall be situated along collection routes;
2. The head of any institutional, or industrial firm or establishment shall ensure the cleanliness and orderliness of its facilities, yards and its fronting sidewalks and routes;

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3. Hazardous wastes shall be placed inside a "high density plastic bag" and shall be properly sealed and labeled;
4. Hazardous wastes shall be restored safely in good, durable and duly covered receptacles, which should be located in a secured and distant site, prior to final collection and disposal;
5. Hazardous wastes (chemical, biomedical and radioactive substances) shall be stored, collected and transported and disposed of, in accordance with the Environmental Management Bureau (EMB-DENR), Department of Health (DOH) and the Philippine Nuclear Research Institute (PNRI).

D. Waste Handling and Storage in Agricultural Areas: Homogenous agricultural wastes, i.e., rice straws, corncobs, leaves, animal manure, etc. shall be properly stockpiled or stored by the concerned farmer.

E. Waste storage in Public Utility Vehicle (PUVs)

1. All owners/operators/drivers of PUB, PUJ, Taxi, School Vehicles, Tricycle and other vehicles shall provide a garbage receptacle inside their vehicle.
2. Every vehicle shall have a notice/warning to the passengers to place their wastes inside the garbage receptacle.

Section 4E.06 - Collection, Transfer and Transport of Solid Wastes — This involves gathering of wastes and hauling them to transfer station, or to final disposal sites.

A. For Residential Areas:

1. The concerned resident shall ensure that the solid wastes are properly segregated and brought to the barangangay material recovery facility (MRF). Only non biodegrable was will be brought to the barangay MRF;
2. The concerned barangay captain shall report to Solid Waste Management Office (SWMO) or concerned official for if the barangay MRF is full and ready for collection;
3. Garbage, not segregated and placed in approved containers, shall not be collected;
4. The specific date and hour of garbage collection in particular locations shall be scheduled and announced.

B. For Commercial Areas:

1. The owner, operator or lessee of any enterprise shall be responsible for proper segregation of waste. Only non biodegradeble waste will be picked up during the collection period, which shall be made known in advance by the proper authorities, which shall likewise assist, wherever necessary, in the sanitary means of loading wastes for collection purposes; and

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2. The person concerned shall remind the Solid Waste Management Unit of San Vicente the collection of uncollected solid wastes and other related matters.

C. For Institutional or Industrial Areas:

1. The head of any institutional or industrial establishment shall assist the Municipal Government in the orderly and sanitary way of collecting and transporting solid wastes; and
2. The collection and transportation of any hazardous wastes, if necessary, shall be duly coordinated with the government agencies concerned, with such type or types of wastes.

Section 4E.07 - Waste Processing and Resource Recovery - This includes size reduction, magnetic separation, density separation using air classifier and other processes and operations, designed to recover and produce usable materials, like compost or energy, such as, biogas and electrimunicipal.

A. In Residential Areas:

1. Segregated recyclables shall be properly stored before collection. These recyclables shall be collected separately and brought to the Materials Recovery Facility (MRF) Center, eco-centers or junk dealers;
2. Local waste coordinators shall be designated in every barangay, who shall oversee the collection of recyclables and shall be responsible in coordinating with accredited dealers or manufacturers of recycled products.

B. In Commercial Areas shall be done as follows:

1. Segregation of wastes from commercial areas (shopping malls, restaurants, commercial complexes, recreational centers, etc.) shall be mandatory, before the issuance or renewal of business permits;
2. Markets shall adopt a segregation scheme that will facilitate the segregation of recyclables, food or vegetable waste, non-recyclables, etc.; and
3. Food wastes from commercial centers, e.g., food centers, restaurants, canteens, etc. shall be collected, as fodder or animal feeds, and shall not be disposed to sewers.

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C. For Industrial and Institutional Establishments:

1. Segregation of biodegradable or compostable and non-biodegradable or non-compostable wastes shall be performed, to avoid foul odors and proliferation of flies;
2. Schools, both private and public, shall adopt appropriate resource recovery and recycling strategies; and
3. Agricultural wastes, e.g., rice straws, corn cobs, etc. shall not be burned, but shall be stockpiled in a proper location and composted. Animal manure can also be composted or used for biogas production.

Section 4E.08 - Disposal of Solid Wastes - This is the final step of the SWM system. The most common and widely accepted final disposal is the use of sanitary landfill and treatment facilities for hospitals, funerals and animal slaughterhouses.

A. Disposal of waste in residential and commercial areas shall be done as follows:

1. Residuals of solid waste after resource recovery, recycling and composting shall be disposed of, by sanitary land-filling or other ecological sound methods;
2. Open burning of mixed solid waste shall be prohibited.

B. Disposal of industrial and institutional wastes shall be as follows:

1. Hospital wastes, especially infectious wastes, shall be disposed in separate compartments in the sanitary landfills;
2. Hazardous waste shall be disposed only, after getting the proper assistance or guidance from concerned government agencies;
3. Other hazardous wastes shall be disposed of, in accordance with the laws, rules, regulations and guidelines of the concerned national agencies, like Environmental Management Bureau (EMB-DENR), Department of Health (DOH) and the Philippine Nuclear Research Institute (PNRI).
4. Hospital, funeral parlors, animal slaughterhouse and gas station shall be required to establish adequate waste treatment and disposal facilities in their operations. In particular, the hospital shall be required to put up incinerating pits, funeral parlors to set-up crematories, animal slaughterhouse to put up similar incinerator, as well as, disinfection system, for the maintenance of hygienic conditions within its premises and gas stations to put oil and

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water wastes separating facilities. Provided, that the Municipal Mayor may from time to time waive any requirements of this section, which in his judgment cannot, for the time being, be fulfilled.

Section 4E.09 – Requirements for Collection of Solid Wastes – The following requirements shall be observed in the collection of solid wastes:

a. All persons, directly dealing with the handling of solid wastes, shall be equipped with personal protective equipment/devices, such as, but not limited to, gloves, masks and safety boots and anti-tetanus vaccine, to protect them from the hazards of handling solid waste.
b. The Municipal Government of San Vicente shall provide the necessary training to the personnel directly involved in the solid waste management, to ensure that the same are handled properly, in accordance with existing laws, including R.A. 9003.
c. Collection of solid waste shall be done in a manner that prevents damage to the container and scattering of solid waste within the collection vicinity.

Section 4E.10 – Requirements for the Transport of Solid Wastes – The following requirements shall be observed for the transport of solid wastes:

a. The equipment used in the collection and transportation of solid waste shall be constructed, operated and maintained, in such a manner as, to minimize health and safety hazards to solid waste management personnel and the public. The equipment shall also be maintained in good condition and kept clean to prevent a nuisance and the propagation, or attraction of vectors.
b. The use of separate collection schedules and/or separate trucks or haulers shall be required for specific types of wastes. Otherwise, the trucks or haulers shall have the appropriate compartments, with suitable covers, to facilitate efficient storage of sorted wastes, while in transit.
c. Bulky waste of any kind (e.g. old furniture, appliances, packages, etc.) will have a separate scheduled collection in a contiguous arrangement.

Section 4E.11 – Establishment of Material Recovery Facility (MRF)– Pursuant to Section 32 of R.A. 9003, there is hereby established a Material Recovery Facility, which shall serve as, an essential facility for waste diversion, to reduce waste generated from various sources. The Centralized MRF, established by the Municipal Government, located at the Eco-Center in Sitio Sagsagat, Barangay San Sebastian, this municipality, processes both

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bio and non-biodegradable wastes collected from urban centers. Likewise, every barangay in the municipality shall establish their respective MRF, where their residual plastics collected, shall be disposed directly to a Sanitary Landfill.

Section 4E.12 - Prohibited and Punishable Acts — The following acts are the prohibited:

1. Spitting, defecating and urinating in public places.
2. Disposing of human and animal feces and urine into the municipal waste stream, in rivers, creeks, streams, etc.
3. Setting out for collection of un-segregated and uncontained waste.
4. Non-provision of segregated and labeled waste bins in commercial, Institutional and Industrial establishments, including motorized and non-motorized passenger vehicles and marine vessels (boats, bancas, ferries, etc.), traversing through the territorial jurisdiction of the Municipality of San Vicente.
5. Allowing privately owned waste bins or contained/bundled waste on the curb or street before collection time.
6. Littering, throwing, dumping of wastes in public or open spaces and parks, thoroughfares or roads, sidewalks, drains canals, stereos, creeks, rivers, seas, seashores, beaches and establishments, or causing or permitting the same.
7. Open dumping, burying of mixed waste materials in non-flood-prone areas.
8. Open burning of mixed waste, plastics and rubber tires.

Section 4E.13 – Enforcement Mechanisms - For effective monitoring and implementation, the following mechanisms shall be properly enforced:

a) The PNP, Barangay Officials and Tanods shall enforce and implement the provisions of this article.
b) Business establishments, religious and educational institutions, civic organizations and associations are enjoined to monitor and report violations of this article to the police authorities, Solid Waste Management Office and/or the respective barangay officials and tanods, as the case may be.
c) A violation ticket shall be properly accomplished and issued.

Section 4E.14 - Administrative and Penal Provisions –

a) Any person who violates Items 1, 2, 3, 4 and 5, shall be penalized, as follows:

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First Offense – a fine of FIVE HUNDRED PESOS (Php 500.00) or to undergo One (1) day environmental orientation seminar with community service

Second Offense – a fine of ONE THOUSAND PESOS (Php 1,000.00) or render three (3) days community service relative to solid waste management activities

Third and Succeeding Offense - a fine of ONE THOUSAND FIVE HUNDRED PESOS (Php 1,500.00)

b) Any person who violates Items 6, 7 and 8, shall be penalized, in accordance with the provisions stipulated in R. A. 9003. The proceeds of the fine or penalty, imposed in this Article, shall go to the respective barangays, as an incentive and motivation for them to enforce this Article.

ARTICLE F
LIQUID WASTE DISPOSAL

Section 4F.01 – Methods of Liquid Waste Disposal – Waste water from the community or domestic sources, manufacturing plants and industries, shall be treated, either biologically or chemically, prior to disposal, in accordance with the rules and regulations promulgated by proper government authority. Liquid waste disposal shall be by sewage system and waste water treatment.

Section 4F.02 – Wastewater Treatment – The Municipal Mayor shall adopt precautionary and anticipatory, rather than a reactive approach, to prevent the degradation of the marine environment due to municipal and industrial sewage. Relative to this, the Sangguniang Bayan shall enact ordinances that:

a. Require all industries within the municipal to establish and share a common waste treatment plant, in order to reduce the costs of establishment and operation of such facility;
b. Further require resource-users, industrial establishments in particular, to adopt precautionary measures, environment impact assessments, clean production techniques, recycling and waste audits and minimization in all stages of their operations, and
c. Institute a program to improve sewage disposal and outfall establishment techniques, establish treatment facilities and improve the waste disposal responsibilities in coastal settlements.

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Section 4F.03 – Prohibited and Punishable Acts. –

a. No person shall operate and maintain any collection system, sewage disposal system, treatment facility or waste water treatment facilities, unless the same is provided with adequate and effective treatment and covered by a current and valid permit, issued by the Municipal 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 person shall discharge, wholly or partially, untreated or inadequately treated industrial effluents directly into bodies of water, through the use of bypass canals and/or pumps and other unauthorized means.
d. No industrial or manufacturing plant shall be operated without control facilities of waste water treatment in good order or in proper operation.
e. No industrial or manufacturing plant or source of pollution shall be operated beyond the limits of operation or capability of waste water treatment facility, in order to maintain the effluent quality within the standards of pertinent conditions, required by law and/or as stipulated in the permit to operate.

Section 4F.04 - Penal Provisions - Any person who violates any provision of this Article of the Code shall be penalized, in accordance with pertinent governing national laws.

Furthermore, any person who violates any provision of this Article of the Code, to which no specific penalty is imposed, or commission of any prohibited acts which does not carry specific penalty, shall be penalized by a fine of not less than One Thousand Pesos (P1,000.00), nor more than Two Thousand Five Hundred Pesos (P2,500.00), or an imprisonment of not less than two (2) months nor more than five (5) months, or both fine and imprisonment, at the discretion of the Court.

CHAPTER V
AIR AND NOISE POLLUTION MANAGEMENT

ARTICLE A
SCOPE OF POWERS

Section 5A.01 - Scope of Powers - Section 16 or the General Welfare clause of RA 7160 provides that Local Government Units (LGUs) shall, among others, enhance the right of the people to a balanced ecology. Likewise, DENR Department Order No. 30, dated June 30, 1992, provides specific powers of LGU, which include among others the abatement of noise and other forms of nuisance as defined by law.

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ARTICLE B
GOVERNING LAWS

Section 5B.01 - Governing Laws - This portion of the Code shall be governed by, but not limited to, the following national laws:

a. RA 8749 - An Act Providing for a Comprehensive Air Pollution Control Policy and for Other Purposes or otherwise known as the Philippine Clean Air Act of 1999.
b. Presidential Decree No. 1181 entitled "Providing for the Prevention, Control and Abatement of Air Pollution from Motor Vehicles and for Other Purposes;
c. Presidential Decree No. 1152 (Philippine Environmental Code, as well as the Pollution Decree of 1976, PD 984) has provided for the setting up of ambient air quality standards and directs the management policy of the Philippine atmosphere on a holistic perception;
d. Republic Act No. 7160 (Local Government Code of 1991)

ARTICLE C
OPERATIVE PRINCIPLES

Section 5C.01 - Operative Principles — The Municipal Government shall work in partnership with the National Government to prevent, to the greatest extent permissible, the continued degradation air quality, through increased amounts of air and noise pollutants that threaten the health and well-being of the people of San Vicente.

ARTICLE D
AMBIENT AIR QUALITY

Section 5D.01 - Air Quality Control Action Plan -The Municipal Government with assistance from the Department of the Environment and Natural Resources (DENR), shall prepare and develop a Municipal Air Quality Control Action Plan, which shall be consistent with the Integrated Air Quality Improvement Framework, as a proactive way to attain and maintain the ambient air quality standards, established by the DENR and other concerned agencies.

The Air Quality Control Action Plan shall include, among others, the following:

1. Emission reduction goals using permissible standards.
2. Strategies which need to be undertaken within a specified period of time for the attainment, control and maintenance of ambient air quality standards set by the DENR.

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3. Monitoring and evaluation system.
4. Environmental education and information; and
5. All other measures necessary for the effective control and abatement of air pollution.

Section 5D.02 - Inspection of Enforcement Procedure - The DENR shall be called upon to inspect the enforcement procedure, adopted by the Municipal Government, in carrying out the Municipal Air Quality Control Action Plan. All parts of the Plan shall be closely supervised by the DENR until such time the Municipal Government can assume the function to enforce the standards set by the DENR. Likewise, a multi-sectoral monitoring team, convened by the DENR for the Municipal, shall conduct periodic inspection of air pollution sources, to assess compliance with the emission limitations, contained in their permits.

Section 5D.03 - Establishing Ambient Air Quality Compliance — The Municipal Mayor shall ensure compliance to air quality standards, for suspended particulates, sulfur dioxide, photochemical oxidants or ozone and carbon monoxide and the indices, to compare, whether such atmospheric standards are within acceptable levels established by DENR.

The Municipal Mayor shall:

1. Coordinate with DENR the conduct of inspection of all industrial facilities, including all equipment emitting potential air pollutants, to ensure that such establishments are complying with established standards.
2. Require all holders of business permits, using fossil fuel in any of their business operation, to submit Environmental Clearance Certificate (ECC), issued to them by DENR, as a pre-requisite to the renewal of their business permit.
3. Inform all other establishments of the Municipal's policy of adhering to the air quality standards.
4. Initiate the passing of an ordinance subjecting to environmental inspection control, and banning, as may be appropriate, the erection, use, installation or operation of any article, machinery, plant, or any contrivance, which would release air pollutants into the atmosphere, which together with the concentration greater than the quality standards set by the DENR. To enforce such regulation, the Municipal Government shall periodically seek the assistance of the DENR, in conducting emission tests for all such devices equipment or plants.

Section 5D.04 - Reducing C02 Emissions - The Municipal Government shall consider the following broad actions, to curtail unnecessary emissions of CO2:

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1. Establishment, replenishment and overall maintenance of urban or municipal greeneries, such as tree parks and greenbelt areas, which act as “carbon sinks”;
2. Implementation of restriction on C02 emissions from stationary fossil fuel powered facilities, as prescribed by the DENR;
3. Propagation of energy-saving measures, such as daylight saving time, fostering of cooperative ventures in use of power generating machines and promotion of mass transport system, to encourage vehicle owners to use private cars sparingly.
4. Strict enforcement of the anti-smoke belching program.
5. Development of more efficient power generation system, including the use of hydraulic or geothermal energy. The Municipal Government shall strive to seek assistance from the public and private sector entities in this endeavor.

Section 5D.05 - Reducing Emissions of Substances that Deplete the Ozone Layer — The Municipal Government shall endeavor to contribute in preventing the depletion of ozone layer and seek to:

1. Admonish the local populace not to use aerosols with chlorofluorocarbon (CFC);
2. Convince buyers of air conditioners to purchase newer models that do not use CFCs and when air conditioning units are being serviced, the owners should require that the CFCs be captured, instead of being released, directly into the atmosphere.
3. Require entrepreneurs not to use such substances in metal cleaning activities, such as cleaning of wristwatches, cameras and electronic equipment.
4. Convince consumers not to patronize foam furnishings and mattresses that contain CFCs and instead buy firmer, denser foams that do not use such substances; and
5. Phase out the use of yellow fire extinguishers containing halon and replace with extinguishers which use dry powder or C02.

Section 5D.06 Vehicle Emissions Control. – The Municipal Mayor, in coordination with the Land Transportation Office (LTO) and the DENR, shall establish a permitting system to ensure that the emissions of vehicles, operating within the municipal, are in accordance with standards, provided under Presidential Decree No. 1181, entitled “Providing for the Prevention, Control and Abatement of Air Pollution from Motor Vehicles and For Other Purposes”.

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Section 5D.07 Industrial Pollution Control. – The Municipal Mayor, in close collaboration with the DENR, shall ensure that the industrial firms, operating within the municipal, comply with the air quality standards, periodically test the emission of industrial firms and establish adequate capability, to respond positively to related citizen complaints on air and noise pollution.

Section 5D.08 - Noise Reduction — The Municipal Mayor shall, after consultation with the DENR and the community members, shall cause the establishment of standard limits for noise pollution and set measures for noise reduction at the source, as may be appropriate. Through an ordinance, enacted by the Sangguniang Bayan, noise and vibration standards shall be set for both mobile and stationary devices, such as vehicles, construction and digging equipment's, stationary engines, factories, pub-houses, restaurants, karaoke's and amusement parks. As a general measure of noise abatement in vehicle congested areas, the Municipal Mayor shall see to it that greenery buffers are established between such areas and residential sites.

Section 5D.09 - Measures Against Offensive Odor - Although foul smell may not cause as much nuisance and damage, as polluted air, odor, nonetheless, is undoubtedly the most complex of all air pollution problems. Related to this, the Municipal Government shall adopt the following measures.

1. Odor control at the source is the best preventive measure and the Municipal Government shall see to it that probable sources of foul odor are practicing good sanitation and hygiene; and
2. If foul smell is indeed emitted, the Municipal Government shall require the sources of pollution, to adopt measures that will mitigate odor pollution, including dilution by ventilation, or dispersal combustion or oxidation, neutralization or odor masking.

Section 5D.10 - Prohibited and Punishable Acts — Prohibited and punishable acts, under this Article, shall include, but not limited, to the following:

a. No person shall drive vehicles transporting or loaded with bagasse, sawdust, rice bran, sand, gravel, hollow blocks, soil and similar materials, without the proper secure cover of their load, to prevent the load from being blown out.

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b. No person or activity by any group of persons shall cause or permit the discharge of visible fugitive dust, beyond the boundary line of the property, from which the emissions originate. In case of building erection or demolition, quarrying operations or clearing of land, precautions shall be carried out, in order that fugitive dusts remain within the premises of the activity being conducted.
c. No person shall store or hold in any stationary tank, reservoir, or other container of more than 150,000 liters capacity any volatile organic compounds, unless such tank, reservoir, or other container, is pressure efficient, under normal conditions, to prevent vapor or gas loss or leakage to the atmosphere, or it is designed and equipped with adequate vapor loss control devices.
d. No person shall ignite, cause to be ignited, or maintain any open fires, except in the following activities:

    1. Open fires for cooking of food for human consumption;
    2. Fires for recreational or ceremonial purposes;
    3. Fires for the prevention and control of diseases or pests;
    4. Fires for the disposal of dangerous materials or wastes, when there is no practical alternative method for disposal, provided that a clearance is secured from the Municipal Mayor's Office;
    5. Fires for training personnel in the methods of fighting fires;
    6. Fires purposely set for recognized agricultural, forest and wildlife management practices; and
    7. Open fires expressly approved by the DENR and the Municipal Government.

e. No industrial or manufacturing plant shall operate at capacities that exceed the limits of operation or capability of a control device, to maintain the air emission within the standard limitations, as provided under existing national laws, rules and regulations.
f. No person shall build, erect, install or use any article, machine, equipment or other contrivance, the use of which will conceal emission, which would otherwise constitute violation of any of the provision of this Code.
g. No person shall operate a vehicle to allow it to discharge air pollutants, at levels greater than the acceptable concentration standard, prescribed by the DENR.
h. No person shall cause, permit the discharge of air pollutants that cause or contribute to an objectionable odor.

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i. No person shall smoke inside a public building or an enclosed public place, including vehicles and other means of transportation, in any enclosed area outside of one's private residence, private place of work, or any duly designated smoking area.
j. No person shall burn rubber, rubber tires, plastic, styrene and other similar obnoxious materials, in any public or private places, within the territorial jurisdiction of the Municipality of San Vicente.
k. No person shall use aerosols with chlorofluorocarbon (CFC).
l. No person or entity shall use yellow fire extinguisher containing halon.
m. No stereos, radio phone graphs, juke boxes or similar sound boxes, shall be operated within the radius of 50 meters from public or private schools, hospitals, churches and government buildings, unless the sound of such instruments is permanently subdued, as to emit a modulated sound, within or outside the confines of the place where they are operated. Before these musical instruments may be allowed to operate in establishments open to the public, a certification should be secured from the Municipal Engineering, attesting to the compliance with the regulation above imposed. This provision shall likewise apply to residential areas and subdivisions. However, radio phonographs and similar sound boxes, operated in dancing places during Municipal and barrio fiesta, public meetings and other public performances, shall be excluded from this particular provision.
n. Volume of any sound system, stereos, radio receivers, juke boxes, combos and the like shall be regulated after 10:00 p.m.
o. No person, individual, firm, association, partnership, or corporation shall, within the territorial jurisdiction of the Municipality of San Vicente, use any public address system, loud speakers, recorder, bells or any other similar method, in advertising or any other matters, within the radius of 50 meters from any school, college, university or church and hospital, while classes, masses, or religious services are going on. Provided, further, that it shall be absolutely prohibited to advertise by the means, mentioned in this section, between the hours of 12:00 noon and 2:00 p.m. and between the hours of 7:00 p.m. and 7:00 a.m. every day, respectively. This provision shall not apply to public meetings, public rallies, dances, during municipal and barangay fiestas and other legitimate public gatherings.

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p. No owner or driver of motorized vehicle shall blast sirens or horns between the hours of 12:00 o'clock in the evening and 4:00 o'clock in the morning, within the territorial jurisdiction of the Municipality of San Vicente. Provided, that said vehicles shall be allowed to blast their sirens or horns not more than (2) times of (1) second each, for the purpose of overtaking another vehicle.

q. No person shall be allowed to drive or operate any motor vehicle within the Municipality of San Vicente, without using a muffler or silencer or similar mechanical devices, installed in the motor vehicles, to reduce or minimize the sound coming from the engine.

r. No owner, possessor or driver of any motor vehicle shall use or attach in his vehicle, any siren, bell, horn, whistle or other similar gadget that produce, exceptionally, loud or startling sounds. The gadgets or devices aforementioned may be attached or used only on motor vehicles, designated for official use by the:

1. Armed Forces of the Philippines
2. Police Department
3. National Bureau of Investigation
4. Fire Department
5. Hospital Ambulance
6. Land Transportation Commission

s. There shall be no blowing or blasting of horns within fifty (50) meters from any church during mass or services, schools during school hours, hospitals between the hours of 10:00 p.m. to 4:00 a.m., within the Municipality of San Vicente, except the driver of motor vehicles are mentioned in the preceding section hereof and when said vehicles are on official use. Unnecessary blowing of horns, which a vehicle is not in motion, is hereby likewise prohibited.

t. No person shall explode firecrackers, containing more than one third (1/3) teaspoon of explosive powder and other prohibited pyrotechnic devices, as prescribed under R.A. 7183, or the Act Regulating the Sale, Manufacture, Distribution and Use of Firecrackers and Other Pyrotechnic Devices.

u. No person shall build, erect, construct, install or implement any new source, operate, modify or rebuild and existing source, or by any means, cause or undertake any activity, which would result in ambient noise level, higher than the ambient standard. Neither shall such person, omit or cause to omit or suffer to be omitted, noise greater in volume intensity or quality than the levels prescribed by the DENR, for tolerable noise, without first securing a clearance from the Municipal Mayor.

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v. No person shall cause or permit the creation of any unnecessary noise, through the use of any device on any street adjacent to any hospitals, schools or courts of justice.

Section 5D.11 - Penal Provisions - Any person who violates any provision of this Article of the Code shall be penalized, in accordance with pertinent governing national laws. Furthermore, any person who violates any provision of this Article of the Code, to which no specific penalty is imposed, or commission of any prohibited acts which does not carry specific penalty, shall be penalized by a fine of not less than One Thousand Pesos (P1,000.00), nor more than Two Thousand Five Hundred Pesos (P2,500.00), or an imprisonment of not less than two (2) months, nor more than five (5) months, or both, fines and imprisonment, at the discretion of the Court.

CHAPTER VI
ENVIRONMENTAL IMPACT ASSESSMENT

ARTICLE A
SCOPE OF POWERS

Section 6A.01 - Scope of Powers — The implementation of environmental impact assessment, by local governments units, refers to the powers, duties and functions of the Municipal Mayor to adopt adequate measures, to safeguard and conserve land, mineral, marine, forest and other resources, as provided under Section 455(b)(3)(vii) of RA 7160, otherwise known as, the Local Government Code of 1991. Likewise, the power to enforce laws, for the protection of the environment, is provided in Section 17 (b)(4) of the same law, to the Municipal Government.

ARTICLE B
GOVERNING LAWS

Section 6B.01 - Governing Laws — The pertinent laws governing environmental impact assessment are: 1) Presidential Decree 1152, entitled "Consolidating the Philippine Environment Code". 2) RA 7160, otherwise known as, the Local Government Code of 1991. 3) Presidential Decree No. 1586, known as, the Environmental Impact Assessment System.

ARTICLE C
OPERATIVE PRINCIPLES

Section 6C.01 - Operative Principles — The Municipal Government recognizes the importance of applying an effective instrument, for ensuring environmental soundness of agro-industrial and eco-tourism projects, thereby maintaining a rational and orderly balance, between economic growth and community development in the municipal, as such, hereby adopts the Environmental Impact Statement (EIS) System, provided under Presidential Decree No. 1586.

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The Municipal Mayor shall require all persons, whether natural or juridical, including local government units and national government agencies, who intend to undertake any program or project which may have significant impacts on the environment, shall undertake an EIA and shall disclose findings in an environmental impact report , for public review.

Specifically, the following basic process for ensuring environmental soundness of all development projects, as identified under PD 1586, are hereby adopted:

1. Scoping — refers to the stage in EIS system where information and assessment requirements are established, to provide the proponent with a scope of work for the EIS.
2. EIS Preparation and Approval - The stage in the EIS System wherein an Environmental Impact Assessment (EIA) is undertaken and data are gathered, using accepted scientific methods, to clarify key Issues and concerns, characterize the environmental setting of the project, predict the impact of the project setting and measure the social acceptability of the project. The resulting EIA document will be reviewed by DENR EIA Review Committee and their comments will serve as basis, in reviewing the application for an Environmental Compliance Certificate (ECC). The ECC may be granted under certain conditions and includes the implementation of an environmental management plan.
3. EIA Monitoring - The stage in the EIS system wherein compliance to the conditions set by the ECC and permits issued by DENR, are monitored. It also involves the monitoring compliance of project Environmental Management Plans, gathering of relevant information to determine cause of damage and respond to public complaints about the projects.

Section 6C.02 EIA Monitoring Team. – There is hereby created a multi-partite EIA Monitoring Team, which shall be organized and headed by the Municipal Mayor, or his duly authorized representative and whose permanent members include one representative each from the Municipal Government, the SP Committee on Environment and Natural Resources, DENR, Project Operator/Developer and Two (2) on-call members from the private sector, as determined by the Municipal Mayor, on a project-specific basis.

Section 6C.03 Functions of the EIA Monitoring Team. – The Team shall monitor compliance of Project Environmental Management Plans, conditions set by the ECC and permits issued by DENR, to the project; gather relevant information to determine cause of damage and respond to public

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complaints about the project; prepare, integrate and disseminate monitoring status report and undertake community information and education dissemination. Further, the Team shall:

1) Participate in scooping activities;
2) Validate scoping sessions;
3) Participate in the preparation of EIS document;
4) Review the EIA and IEE documents;
5) Participate in public consultation and hearing;
6) Participate in law enforcement;
7) Conduct of regular inventory of establishments; and
8) Submit monthly status reports to the Municipal Mayor.

Section 6C.04 Validation of Scoping Sessions. – The Municipal Mayor, through the EIA Monitoring Team, as provided in the preceding section of this Code, shall review the documentation of the scoping sessions and as required by law, validate its authenticity by signing it. Likewise, the Municipal Mayor shall assist EIA Preparers in identifying the stakeholders, who should be involve in the scoping sessions.

Section 6C.05 Participation in the Preparation of EIA Document. – The Municipal Mayor, through the EIA Monitoring Team, shall participate in the preparation of the EIA document, by identifying the potentially affected population, assessing the demand and needs of the affected population, providing the EIA preparers, with pertinent data attending meetings and workshops, organized by the EIA preparers, articulating the potential impacts which may affect public interest and ensuring that the proposed project is consistent with the municipal policy and plans.

Section 6C.06 Review of EIA and IEE. – The Municipal Mayor, through the EIA Monitoring Team, shall review all the EIA and IEE done on the Municipality, upon recommendation of the Team, the Municipal Mayor may procure the services of experts, to validate the findings of the study, or conduct another EIA.

Section 6C.07 Participation in Public Consultation and Hearing. – The Municipal Mayor, through the EIA Monitoring Team, shall attend public consultation and public hearing on the conduct of the EIA, be informed of new issues, which arise and articulate the views and concerns of the Municipal Government.

Section 6C.08 Law Enforcement. – The Municipal Mayor, through the EIA Monitoring Team and the DENR, shall work together to enforce the law, including the closure of the establishments and projects and the prosecution of offenders.

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Section 6C.09 Inventory of Establishments. – The Municipal Mayor, through the EIA Monitoring Team and the DENR, shall conduct an annual inventory of existing establishments and projects within the municipal, to ascertain whether these have complied with the IEE, as required, under this Code and the EIA and ECC requirements, as defined by law.

Section 6C.10 - Training — The members of the EIA Monitoring Team, together with the Municipal Mayor and concerned Municipal Officials, shall undergo training on the different aspects of monitoring work, as prescribed for by law.

Section 6C.11 - Legislative Support to EIA — The Sangguniang Bayan shall incorporate the environmental assessment, through enactment of relevant resolutions and ordinances supporting the following concerns:

1) Both private and public sector activities under the Municipal jurisdiction undergo environmental assessment.
2) The Municipal Government, People's Organizations and interested groups are consulted before the implementation of developmental activities in the Municipal, pursuant to Section 26 of the Local Government Code.
3) The Municipal Government, in asserting its right to be consulted, is able to present a position based on a rational analytic process, such as the EIA.
4) Private sector activities and investments, especially those involving the extraction and exploitation of natural resources on land and sea undergo EIA.
5) Community participation in the EIA process is encouraged, alongside efforts, to develop the environment consciousness.

CHAPTER VII
LAND USE MANAGEMENT

ARTICLE A
SCOPE OF POWERS

Section 7A.01 - Scope of Powers — In addition to the powers, duties and functions of the Municipal Mayor to adopt adequate measures to safeguard and conserve land, mineral, marine, forest and other resources, as provided under RA 7160, Section 455 (b)(3)(vii), the more specific powers are provided in Section 458 (a)(2)(vii to ix), RA 7160, for the Sangguniang Bayan.

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ARTICLE B
GOVERNING LAWS

Section 7B.01 - Governing Laws — The legal basis for undertaking the preparation of CLUPs, at the municipal levels, stems primarily from the specific provisions of the following national laws:

a. RA 7160, otherwise known as, the Local Government Code of 1991.
b. Executive Order No. 72, series of 1993, which reaffirms the specific provisions of RA 7160 on the need for the LGUs, to prepare their CLUPs and prescribes the review and approval process thereof.
c. Proclamation No. 2146, which declares certain areas and types of projects as environmentally critical and therefore within the scope of the environmental impact statement system, established under Presidential Decree 1586.
d. PD 1096, otherwise known as, the New Building Code of the Philippines.
e. P.D. 705 (Forestry Decree of 1975, as amended)

ARTICLE C
OPERATIVE PRINCIPLES

Section 7C.01 - Operative Principles — It is hereby required that the preparation of the Municipal Comprehensive Land Use Plan (CLUP) shall, as far as practicable, covers matters of general concern, such as, Land Protection and Land Production.

ARTICLE D
BASIC POLICIES

Section 7D.01 - Basic Policies — In consideration of the provisions of (a) RA 7160, and (b) Section 104 of the National Land Use Act, the Municipal Government shall continue to formulate, update or revise, as may be necessary, its Municipal Land Use Plan, which should be consistent with the guidelines, stipulated in the National Land Use Act and the Comprehensive Provincial Land Use Plan. Also, it should consider addressing sustainable use issues of both regional, national and global concerns.

ARTICLE E
COMPREHENSIVE LAND USE PLAN

Section 7E.01 - Municipal Comprehensive Land Use Plan (MCLUP) Formulation — The preparation, formulation and updating of Municipal Comprehensive Land Use Plan shall be undertaken with the full participation

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of community residents. The MCLUP shall be given due course by the Sangguniang Bayan only when such plan is endorsed in writing, through a Resolution of each Sangguniang Bayan and the Municipal Development Council. The Municipal Mayor, upon the recommendation of the Municipal Planning and Development Coordinator, shall include a budget request in the Annual Investment Plan, as may be deemed necessary, for the provision of technical assistance to the Municipal Land Use Committee, in order to accomplish this provision of the Code.

The Municipal Mayor shall ensure that the Comprehensive Land Use Plan of the Municipality of San Vicente is compatible with the Provincial Land Use Plan of Ilocos Sur.

Section 7E.02 - Protection and Production Land Use — This Code accords high priority to the protection and production of land use in all aspects of land management aimed at:

a. The protection of critical ecosystem and biodiversity from further encroachment;
b. The regeneration and rehabilitation of degraded land resource;
c. The protection of the people from environmental hazard;
d. The preservation, enhancement of land sustainability of the benefits, derived from maintaining the integrity of the municipal's land resources.

To this end, the Municipal Government shall consider the following:

a. Adopting resolutions/ordinances supporting and declaring all suitable public lands, as protected areas and providing for their regeneration/rehabilitation and continued protection;
b. Conducting an inventory of all public lands within its jurisdiction and identify and pinpoint all titled lands that have somehow encroached into such public domain;
c. Encouraging optimum productivity within the limits of ecological balance, through the conduct of appropriate extension services and educational programs;
d. Establishing of a Geographical Information System (GIS) determining soil types and their relative geographic distribution, their identification of the courses of soil degradation and the subsequent computerization of these essential data; data bank on watershed development and agricultural production and utilization
e. Providing for the over-all maintenance of soil fertility and prevention of soil erosion; and promote water ingress and ground water recharge

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f. Discouraging conversion of agricultural lands into other land uses, unless such is extremely desirable and the negative effects of the conversion are mitigated by the preventive appropriate measures. In any case where conversion will be necessary, the appropriate Environmental Impact Assessment (EIA) shall be required before development is pursued;
g. Instituting a monitoring system on land development and population distribution, to ensure that land speculation and development conform to existing laws on land uses and EIA, issued by DENR;
h. Formulating policies instituting sustainable management practices in land development and speculations, as well as, devise an accreditation system for developers and speculators, to ensure that their plans are consistent with and will benefit the municipal development and environmental management plans.

Section 7E.03 - Prohibited and Punishable Acts —

a. No equipment or process shall be used in such home or occupation which creates noise, vibration, glare, fumes, orders, or electrical interference, detectable to the normal sense of the lot, if the occupation is conducted in a single family residence or outside the dwelling unit, or if conducted in a place other than a single family residence. In case of electrical interference, no equipment or process shall be used, which creates visual or audible interference in any radio or television received of the premises, or cause fluctuation in live voltage of the premises.
b. No building or land shall be used or occupied and no building or structure or part thereof, shall hereafter be erected, constructed or reconstructed, moved or structurally altered, except in conformity with the provision of the National Building Code (PD No. 1096) and all the implementing rules and regulations issued thereof.
c. No building or structure shall hereafter be erected or altered:
    1. To exceed the prescribed height in the particular area;
    2. To occupy a greater percentage of lot area;
    3. To accommodate or house a greater number of families;
    4. To have a narrower or smaller yard requirement, contrary to the provisions of this ordinance;
d. No buildings, used or designated to be used as residence, shall be allowed in any rear lot, unless such lot has a right of way easement over a part of at least, four (4) meters leading to a street. Two (2) or more buildings however, may be allowed on a corner path of the right of way, if the easement is at least six (6) meters wide.

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e. No garbage, dangerous to public health, safety and general welfare, shall be discharged into any public sewerage system, natural waterway or drainage channel. In addition to the following requirements, all sewerage shall comply with pertinent requirements of the National Pollution Control Commission;
f. No non-conforming use shall be enlarged or increased, or extended to occupy a greater area of land that is already occupied for such use, at a time of the adoption of this Ordinance, or moved in whole or in part to- any portion of the lot or parcel of land, where such non-conforming use exists, at the lime of the adoption of this Ordinance;
g. No such non-conforming use, which has ceased for more than one (1) year, or has been changed to a use, permitted in the district in which it is located, be again devoted as a non-conforming use;
h. No such conforming use shall be changed to another non-conforming use;
i. No such non-conforming structure may be enlarged or altered in a way, which increases its non-conformity, but any structure or portion thereof, may be altered to decrease its non-conformity.
j. That any non-conforming building or structure or one, or more of a group of non-conforming buildings or structures related to one industry, or to any other use or uses and under one or multiple ownership, which have been or may be damaged by force majeure, such as fire, flood, explosion, earthquake, war, riot, or other forces, may be completely reconstructed and used as before, provided that such complete reconstruction is done, within 12 months from the date of such damage.

Section 7E.04 – Penal Provisions - Any person, who violates any provision of this Article of the Code, shall be penalized, in accordance with pertinent governing national laws.

Furthermore, any person, who violates any provision of this Article of the Code, to which no specific penalty is imposed or commission of any prohibited acts, which does not carry specific penalty, shall be penalized by a fine of not less than One Thousand Pesos (P1,000.00), nor more than Two Thousand Five Hundred Pesos (P2,500.00), or an imprisonment of not less than two (2) months, nor more than five (5) months, or both fine and imprisonment, at the discretion of the Court.

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CHAPTER VIII
COASTAL RESOURCES ARTICLE A SCOPE OF POWERS

Section 8A.01 – Scope of Powers – In addition to the powers, duties and functions of the Municipal Mayor to adopt measures to safeguard and conserve land, mineral, marine, forest and other resources of the municipal, as provided under Section 455 (b)(3)(vii) of the Local Government Code of 1991, the Municipal Government, with applicable provisions of R.A. 8550 and its implementing Rules and Regulations, shall also provide the following coastal resources management services and facilities:

a. Enforcement of fishery laws in municipal waters, both national and locally promulgated, including the conservation of mangroves, extension and on-site research services and facilities related to fishery activities, which included dispersal of fingerlings and other seedling materials for aquaculture, pursuant to Section 17 (b)(2)(i) of RA 7160;
b. Provision of fish ports, seawalls, dikes, drainage and sewerage and flood control services, pursuant to Section 17 (b)(2)(viii) of RA 7160; and
c. Provision of coastal/marine tourism facilities and other marine/coastal tourist attraction, including the acquisition of equipment, regulation and supervision of business concessions and security services for such facilities, pursuant to Section 17 (b)(2)(xi) of RA 7160 and DENR Administrative Order No. 30, Series of 1992;
d. Implementation of community-based forestry projects, such as, integrated social forestry, establishment of new regular reforestation projects, except those located in protected areas (e.g. marine parks, mangrove forest reserves) and critical watersheds, completed family and community based contract reforestation projects, subject to policies and procedures prescribed by the DENR, Forest Land Management Agreements, in accordance with DAO No. 71, Series of 1990 and other guidelines, that the DENR may adopt and Community Forestry Projects, subject to concurrence of financing institutions, if foreign assisted, pursuant to Section 3.1 (a) of DAO 30, Series of 1992;
e. Establishment and maintenance of tree parks, greenbelts and other tourist attractions, in areas identified and delineated by the DENR, except those in protected areas and the collection of fees for their services and the use of facilities established therein, pursuant to Section 3.2(a) of DAO 30, Series of 1992;

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f. Except import and export, regulation of flora outside protected areas, including industries and businesses engaged in their propagation and development, such as, orchidaria and nurseries;
g. Implementation of the Rehabilitation in Conservation Hotspots (RICH) and the Conservation of Rare and Endangered Species (CARE) activities, in areas identified and delineated by the DENR, pursuant to Section 3.2 (c) of DAO 30, Series of 1992;
h. Implementation of waste disposal and other environmental management systems and services related to general hygiene and sanitation, such as, sewage and household wastes disposal;
i. Assistance to fishermen's cooperatives and other collective organizations, as well as, the transfer of technology, pursuant to Section 17 (b)(3)(i) of RA 7160;
j. Enforcement of community-based (mangrove) forest management laws and other laws on the protection of the environment, pursuant to Section 17 (b)(c)(iii) of RA 7160.

ARTICLE B
GOVERNING LAWS

Section 8B.01 – Governing Laws – The provisions of this Article shall be governed by, but not limited to, the following national laws:

a. RA 7160 (Local Government Code)
b. RA 7586, also known as, the National Integrated Protected Areas System (NIPAS) Law
c. Presidential Executive Order No. 240, Series of 1995 (Creation of FARMC's)
d. RA 8550, otherwise known as, the Philippine Fisheries Code of 1998, with its implementing rules and regulations
e. Presidential Decree No. 705, (Forestry Decree of 1975), as amended
f. Presidential Decree 601 (tasking the Philippine Coast Guard in Marine Environmental Protection)
g. Republic Act 6975 (Local Government Act of 1990, creating the PNP-MARICOM, under the DILG)
h. Republic Act 5173 (Philippine Coast Guard Act of 1957)
i. EO 247, Series of 1995, entitled, "Prescribing Guidelines and Establishing a Regulatory Framework For The Prospecting Of Biological and Genetic Resources, Their By-Products And Derivatives, For Scientific And Commercial Purposes And For Other Purposes".

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ARTICLE C
OPERATIVE PRINCIPLES

Section 8C.01- Operative Principles – The Municipal Government hereby affirms the provisions of Article XIII, Section 2 of the Philippine Constitution, which provides that the State, through the component coastal municipalities, shall protect the rights of subsistence fishermen, especially of local communities, to the preferential use of communal marine and fishing resources, both inland and offshore. The Municipal Government shall likewise protect its marine wealth, including its "Marine Reserve Area", for the use and enjoyment of its fishing population, in particular and San Vicentenians, in general.

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

ARTICLE D
MARINE PROTECTED AREA

Section 8D.01 – Declaration of Policy - It is hereby declared, as one of the policies of the Municipal, to develop, improve and increase the quality, as well as, the quantity of the marine resources in the coastal waters of Municipality of San Vicente.

Section 8D.02 Creation of Marine Protected Area (MPA). – There is hereby created a Marine Protected Area for Municipality of San Vicente.

Section 8D.03 Location and Area of Coverage –The MPA, located at Sitio Mindoro in Barangay San Sebastian, San Vicente, Ilocos Sur as appearing in the survey map, which is hereto adopted and made an integral part of this Code.

Section 8D.04- Definition Of Terms

a. Marine Protected Area (MPA) – the coastal water area of the municipal under Sitio Mindoro, Barangay San Sebastian, established in Section 8D.03, in the above paragraph and covered by the regulation, under this Article.

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b. Marine Sanctuary – one of the component areas inside MPA where its regulation maybe different with FRA.
c. Fishery Reservation Area (FRA) – a component of MPA
d. Illegal fishing – fishing method prohibited by the fishery code and other existing government rules and regulations, including this ordinance.
e. Aquatic Pollution – anything that will harm any living and non-living aquatic resources of the MPA, whether harmful to human being or not, regardless of whether, they are liquid, solid or gas.
f. Fisher folk – people engage in taking or culturing and processing fishery and/or aquatic resources.

Section 8D.05 - Creation of the MPA Management Council –There is hereby created the MPA Management Council, to be headed by the Municipal Mayor, or his duly appointed representative. The membership or composition of the said council shall be those, as maybe designated in an Executive Order, provided that the members shall not be less than 5 or more than 10, at the discretion of the Municipal Mayor, provided that, Barangay Pudoc and Barangay San Sebastian shall be represented by its duly designated barangay official.

Section 8D.06 – Functions and Duties –The functions and duties of the Council shall be to formulate rules and regulations or procedures that shall:

a. Be necessary for the conduct of their business, as MPA Management Council (internal rules and procedures);
b. Be necessary or relevant to the management of the MPA, the fish reservation area and the marine sanctuary;
c. develop plan, strategies that shall be effectively beneficial in the conservation and development of our marine resources;
d. conduct an educational or information drive to the barangay fisher folks, for the effective implementation of this ordinance;
e. Perform such other acts that shall be necessary for the implementation of this ordinance, provided that they shall be in accordance with existing government rules and regulations.

Section 8D.07 - Deputation of Enforcers - Any person enforcing this Article of the Code, including the rules and regulations of the Management Council, shall be duly deputized or authorized by the Municipal Mayor, through an Executive Order. As such, he is hereby declared as agent of person in authority while on duty, regardless of the nature of his employment.

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Section 8D.08 - Support from other National Government Agencies and Organizations - The Municipal Mayor may seek assistance or support from other national government agencies, that maybe necessary in promoting and developing the marine protected area, such as, but not limited to, the following: PNP Maritime Group, BFAR, DENR, Philippine Coastguard, PNP, Office of the Provincial Agriculturist, MFARMC, NGO, Barangay Officials and other Civic Organizations.

Section 8D.09- Rules And Regulations or Resolutions – Rules and regulations or resolutions, duly approved by the Management Council, concurred by the Sangguniang Bayan, shall have the force and effect of an ordinance and shall form an integral part hereof.

Section 8D.10 - Circulars And Other Issuance - Circulars and other issuance, issued by other national government agencies, prohibiting or regulating the use of coastal waters, where the MPA is located, is hereby adopted under this Code. Any violation under such laws, regulations or issuance, shall be penalized in accordance therewith.

Section 8D.11 - MPA Boundaries. –The boundaries of both MPA and Marine Sanctuary shall be established by putting up of proper identification or marker, for the proper guidance of the fisher folks and/or the navigating public, in accordance with generally accepted maritime standards.

Section 8D.12 - Prohibited Acts – It shall be unlawful for any person, whether natural or juridical, to conduct the following acts in the MPA:

1. Illegal Fishing – as defined in Section 8D.04 hereof, or under existing government rules and regulations;
2. Bringing anything that causes pollution or detrimental to the development of the marine resources in the MPA, as defined in this ordinance;
3. Use of any motorized or non-motorized fishing vessel or equipment, expressly prohibited by the rules and regulations, issued by the MPA Management Committee, and;
4. Others that shall be prohibited or regulated by the MPA Management Council.

Section 8D.12 - Fund Raising -The MPA Management Council may raise funds, receive donations, financial or material assistance, from any person, whether local or international based and/or other government agencies, national or local, relevant to the improvement or development of the MPA. Any funds, raised in accordance with this provision of the Code, may be spent, in accordance with the rules and procedures that may be adopted by the Management Committee.

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Section 8D.13 -Miscellaneous Provisions –The Management Council may impose fees or charges in their regulation of the MPA, including fish reservation area and marine sanctuary.

Section 8D.14 –Appropriation –The initial amount of P100,000.00 is hereby appropriated from the 20% Development Fund, as an initial outlay, for the implementation of this ordinance. Thereafter the funds to be taken from the 20% Development Fund shall be included in the next supplemental budget or annual budget, as the case maybe.

Section 8D.15 –Penal Provisions –Whoever violates any of the provisions of this Article, or whoever is found guilty by a competent court of Justice of any offenses in the preceding section, shall be fined in the amount of not less than One Thousand Five Hundred Pesos (P1,500.00), but not more than Two Thousand Five Hundred Pesos (P2,500.00) and/or imprisonment for not more than one (5) months, or both such fine and imprisonment, at the discretion of the court: Provided, that if the area requires rehabilitation or restoration, as determined by the court, the offender shall also be required to restore or compensate for the restoration of the damage: Provided further, that the court shall order the confiscation and forfeiture of the fishing boat and other paraphernalia used in the offense, in favor of the municipal government and the cancellation of his permit or license or both.

If the offender is an association, corporation, partnership, or a cooperative, the president or manager and the laborer/s that made the act, shall be penalized. Provided furthermore, that the violator may be ordered to render community service relevant to the protection of the marine sanctuaries and fishery reservation areas. Provided finally that, the Management Committee may impose administrative fine and penalties, consistent with this provisions of the Code. The administrative fines and penalties collected by the Management Committee shall be for their account and may be disbursed by the same, in accordance with their duly approved rules and procedures.

ARTICLE E
MUNICIPAL COASTAL RESOURCES MANAGEMENT BOARD

Section 8E.01. Creation of the Municipal Coastal Resources Management Board (MRMB). –Pursuant to Sections 16 and 17 of the Local Government Code of 1991 or the General Welfare Clause and the Basic Services and Facilities Clause respectively, there is hereby created MUNICIPAL COASTAL RESOURCES MANAGEMENT BOARD which shall take care of the various concerns of the municipal's coastal resources.

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Section 8E.02 - Composition of the Municipal Coastal Resources Management Board. –The Board shall be composed of the following:

Chairman : Municipal Mayor
Members : Municipal Administrator
: SB Chairman, Committee on Agriculture
SB Chairman, Committee on Environmental Protections and Natural Resources
Liga ng mga Barangay President
Municipal Agriculturist
Municipal Tourism Officer
Municipal Planning and Development Coordinator
2 Representatives from Coastal Fisheries and Coastal Mgt. Section
Chairman, Mun. Fisheries and Aquatic Resources Management Council (MFARMC)
Schools Div. Supt., Dep Ed
Private Schools Association Representative
Mobile Team Leader, Maritime Police
Religious Sector Representative
Hotel, Restaurant and Resort Association of Municipality of San Vicente Representative (NGO)
Punong Barangay, Barangay Pudoc
Punong Barangay, Barangay San Sebastian

Section 8E.03. Functions of the Municipal Coastal Resources Management Board – The Board shall have the following functions:

1. Develop the Municipal Coastal Resources Management (CRM) Plan that shall ensure the long term management of the Municipal's coastal resources, as well as, integrate the various coastal resources, plans and strategies of the barangays in its area of jurisdiction. In the development of the CRM Plan, it shall conduct consultations with the various sectors of the community;
2. Adopt measures to promote and ensure the viability and effective implementation of CRM programs in its component barangays;
3. Monitor the implementation of the Municipal CRM plan, through its various political subdivisions and in cooperation with the private sector and the NGOs;
4. Adopt specific revenue-generating measures to promote the viability of its CRM plan;

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5. Convene regular meetings for purposes of planning and coordinating the implementation of the CRM plans of its component barangays;
6. Oversee the implementation of the Municipal Coastal Resources Management Plan;
7. Review every two (2) years, or as the need arises, the Municipal CRM Plan, for purposes of ensuring its sustainability, viability, effectiveness and relevance, in relation to local and international developments, in the field of coastal resource management;
8. Develop scientific mechanics and guidelines to implement the CRM Plan;
9. Provide the necessary logistical and operational support to its component barangays;
10. Recommend measures and safeguards against pollution and for the preservation of the natural ecosystem; and
11. Coordinate the efforts of its components barangays in the implementation of the Municipal Coastal Resources Management Plan. (E.O. No. 87, Series of 2005, as amended)

Section 8E.04. Creation of the MRMB Technical Working Group - Consistent with Municipal Ordinance No. 29, Series of 2005, "Establishing the Marine Protected Area of Municipality of San Vicente" and Executive Order No. 87, Series of 2006, "Creating the Municipal Coastal Resources Management Board (MRMB), respectively, there is hereby created the CMRMB Technical Working Group (TWG).

Section 8E.05 - Composition Of The Technical Working Group – The TWG shall be composed of the following members, representing the following agencies/institutions: Municipal FARMC NGO Representative Municipal Agriculturist's Office (2 Representatives) Fishermen's Association Department of Environment and Natural Resources

Section 8E.06 - Functions Of The Technical Working Group – The members of the TWG shall act as the Management Body of the Marine Protected Areas located at Sitio Mindoro, San Sebastian, San Vicente, Ilocos Sur, in addition to the functions and duties provided for in preceding Section 8E.03 hereof and declared as, agents of persons in authority while on duty, regardless of the nature of their employment.

ARTICLE F
DEPUTY FISH WARDENS

Section 8F.01 Appointment of Deputy Fish Wardens. – There is hereby appointed Deputy Fish Wardens of the Municipality of San Vicente, who have undergone the Basic Fishery Law Enforcement Training.

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Sangguniang Bayan Members:

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Section 8F.02 Functions and Duties. – The Deputy Fish Wardens shall perform the following functions and duties:

1. Assist the Municipal government in enforcing all its fishing ordinances and other pertinent existing applicable fishing laws.
2. Assist in the implementation of other Bantay Dagat programs and activities of the Municipal Government.

Section 8F.04 Duration of Deputation. – The deputation of Deputy Fish Wardens shall take effect immediately upon appointment until revoked.

Section 8F.03 Remunerations. – The Deputy Fish Wardens shall receive salaries, on Job Order procedures, to be taken from the Bantay Dagat appropriations.

ARTICLE G
TASK FORCE OIL SPILL

SECTION 8G.01 - Establishment of Task Force Oil Spill Area Coordinating Center – Pursuant to Executive Order No. 15, Series of 2006, issued by the Provincial Governor of Ilocos Sur, adopting a comprehensive, coordinated and unified response for the threat hazard, posed by the oil spill, caused by the sunken oil tanker, between the Islands of Negros and Guimaras, there is hereby established, the MUNICIPAL TASK FORCE OIL SPILL AREA COORDINATING CENTER.

SECTION 8G.02 - Composition of the Municipal Task Force Oil Spill.- The Task Force shall be composed of the following:

Chairman - Municipal Mayor
Vice Chairman - Municipal Vice Mayor
Executive Officer - Civil Defense Deputized Coordinator
Secretariat - MPDC
Bantay Dagat
Members - Communication Equipment Operator IV, Municipal Mayor's Office
- Information Officer, Municipal Administrator's Office
- In-Charge of Office, Municipal Treasurer's Office
- Municipal Budget Officer
- Sangguniang Bayan Members
- Municipal Agriculturist
- Brgy. Captains of Coastal Barangays
- All Rescue Groups

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-
- Philippine National Police
- Department of Education
- MSWDO
- General Services Officer
- Municipal Health Officer
- Officer-in-Charge, Municipal Water works Department
- Municipal Engineer

SECTION 8G.03 - Duties And Responsibilities. – The Task Force shall perform the following duties and responsibilities:

1. **Command, Control and Coordination of the various task force activities within the municipal.**
   It shall identify and monitor oil spill area/s and coordinate field activities, to prevent its spread/content, if in case, it enters the LGUs area of responsibility.
2. **Information and Education Campaign.**
   It shall inform the public of current situation relative to the task, educate the populace regarding threats and hazards, which may affect their health and welfare.
3. **Oil Spill Tactical Operation.**
   It shall monitor and assess the oil spill movement and provide emergency response when the oil spill hits the area. It shall propose contingency plans and programs concerning prevention of the spread of the oil spill and the immediate implementation thereof (establishment of permanent improvised oil spill booms in the municipal's strategic shoreline areas).

ARTICLE H

MUNICIPAL FISHERIES AND AQUATIC RESOURCE MANAGEMENT COUNCIL (MFARMC)

Section 8H.01 – Creation of the Municipal Fisheries and Aquatic Resource Management Council (MFARMC) – There is hereby created, pursuant to R.A. 8550, otherwise known as, the Philippine Fisheries Code of 1998 and the Department of Agriculture Fisheries Administrative Order No. 196, S. 2000, the Municipal Fisheries and Aquatic Resources Management Council.

Section 8H.02 – Composition of the MFARMC – The Council shall be composed of the following:

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SB Chairman, Committee on Agriculture
Municipal Agriculture
Municipal Planning and Development Coordinator
Aquaculture Technologist, Municipal Agriculturist Office

Representatives from:

PNP Maritime Group
Bantay Dagat Task Force – MPC
Fishermen's Association Inc.
Office of the Provincial Agriculturist
BFAR

Section 8H.03 – Officers of the MFARMC – The MFARMC's shall be constituted by the following officers that shall come from among the council's regular members: Chairperson, Vice Chairperson, Secretary, Treasurer, Auditor, Press Relation Officer and Sergeant-at-Arms.

Section 8H.04 – Functions of the MFARMC – The Council shall have the following functions:

a. Assist in the preparation of the Municipal Fisheries Development Plan and submit such plan to the CDC. The MFARMC shall also evaluate implementation of the plan and submit recommendations, for effective implementation.
b. Recommend the enactment of the Municipal Fishery Ordinances to the Sangguniang Bayan, through the Committee on Fisheries.
c. Assist in the enforcement of fishery laws, rules and regulations in Municipal waters.
d. Advise the Sangguniang Bayan on fishery matters, through its Committee on Agriculture.
e. Perform such other functions which may be assigned by the Sangguniang Bayan.
f. The FARMCs shall be consulted by the Municipal Government in:
    1. The management, conservation, development, protection, utilization and disposition of all fish and fishery aquatic resources within their respective Municipal waters;
    2. The enactment of appropriate ordinance;
    3. The determination of license fees of fishery activities in municipal waters. The FARMCs may also recommend the appropriate license fees that will be imposed.
    4. The establishment of catch ceiling limitations in municipal waters for conservation and ecological purposes;
    5. The establishment of close season in municipal waters. The FARMCs may also recommend the establishment of close seasons in fisheries management areas and other areas reserved for the use of Municipal fisher folks;

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6. Authorizing or permitting small and medium commercial fishing vessels to operate within the ten point one (10.1) to fifteen (15) kilometers area from the shoreline in Municipal waters, through a public hearing;
7. The formulation of the necessary mechanisms for inclusion or exclusion procedures in limiting entry into the municipal waters that shall be most beneficial to the resident Municipal fisher folks. The FARMCs may likewise recommend such mechanism;
8. The designation/establishment of zones for the construction of fish pens, fish cages, fish traps and other structures for the culture of fish and other fishery products;
9. The determination of defined migration path of migratory species;
10. The establishment of post-harvest facilities for fishing communities;
11. Recommending to the Department of Agriculture that portion of the municipal waters for declaration, as fishery 29 reserves for special or limited use, for educational research and/or special management purposes.
12. The establishment and designation of areas for fishery refuges and sanctuaries.

g. Submit to the Municipal Government the list of priorities for consideration in determining priorities among those who will be allowed to fish in municipal waters.
h. Assist the Municipal Government in maintaining a registry of municipal fishing vessels by type of gear and other boat particulars.
i. To be coordinated with by BFAR in the development, conservation, protection, utilization and management of fisheries and aquatic resources. The FARMC shall be coordinated with by BFAR in:

   1. the establishment of a monitoring control and surveillance system;
   2. The determination of overfished areas or areas in danger of being overfished or in need of regeneration in municipal waters;
   3. Settlement of conflicts in resource use and allocation.

j. Be coordinated with DENR in determining which abandoned, undeveloped, or unutilized fishponds covered by FLAs can be reverted to their original mangrove state.

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k. The FARMC National, through the NFARMC, shall also be consulted by the BFAR in the promulgation of Fisheries Administrative Orders (FAOs), or regulations for the conservation, preservation, management and sustainable development of fisheries and aquatic resources. These include but not limited to: Issuance of FAO Non-Obstruction to Navigation, Non Obstruction of Defined Migration Paths, in the drafting of the Code of Practice for Aquaculture, in certifying the necessity of importing fishery products, and in the promulgation of rules and regulations on the importation and exportation of fish and fishery/aquatic resources. Consultations with FARMC, regarding the promulgation of FAOs, be facilitated by BFAR.

l. The MFARMC may recommend to the Department of Agriculture that portion of the municipal waters to be declared, as fishery reserves for special or limited use, for educational, research and/or special management purposes.

ARTICLE I
FISHING OPERATIONS

Section 8I.01 - Definition of Terms — As used in this Article, the following words shall mean:

"Artificial Reefs" - refers to the assemblage of solid objects submerged underwater, which provides the biological needs of different organisms in marine environment, which tends to attract fish of various species and size, for the benefit of marginal fishermen using passive fishing gears.

"Birds" — constitutes one of seven classes of vertebrate animals, or animals with backbones, feathers, and high body temperature and wings distinguished birds from most vertebrates. For the purpose of this code, domestic fowls, such as turkey, ducks and other similar domesticated fowls, are excluded.

"Closed Season" — refers to the period during which fishing is prohibited, in a specified area or areas in Philippine waters, or the period during which the catching or gathering of specified species of fish or fishery/aquatic products, or the use of specified fishing gear to catch, or gathering fish or fishery/aquatic products, is prohibited.

"Municipal, Municipal or Small Scale Fishing" – fishing utilizing fishing boats of three (3) gross tons or less or using fishing gears, not requiring the use of boats.

"Municipal Territorial Waters" – includes, not only streams, lakes and tidal waters within the municipal, not being the subject or private ownership and not comprised within the national parks, public forest, timber lands, forest reserves o fishery reserves, but also marine waters include between two

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perpendicularly to the general coastline from points, where the boundary lines of the municipal touch the sea at low tide and a third line parallel with the general coastline and fifteen (15) kilometers from it. Where two (2) municipalities are so situated on the opposite shores, that there is less than thirty (30) kilometers of marine waters between them, the third line shall be equally distant from opposite shores of the respective municipalities.

"Commercial Fishing" - fishing for commercial purposes in water more than seven (7) fathoms deep, with the use of fishing boats more than three (3) gross tons.

"Domestic Use" — use for the house, household or family affairs.

"Fine-meshed net" - all net/webbings, whether made of whatever materials used in fishing, with a meshed-sized less than three (3) centimeters, measured between two (2) opposite knots of a full-meshed, when stretched.

"Fish and Fishery/Aquatic Products" - Fish includes all fishes and other aquatic animals, such as, crustaceans (crabs, prawns, shrimps, and lobsters), mollusks, clams, mussels, scallops, oysters, snails and other shell fish. It also includes all other products of aquatic living resources in any form.

"Fishing Boats" — includes all motorized or non-motorized fishing boats, or any other type of motorized or non-motorized water craft, three (3) gross tons or less, used for fishing purposes.

"Fishpen" — means fish enclosures made of closely woven bamboo screens, nylon screens or nets, or other materials attached to poles staked to the water bottom, for the purpose of growing and culture of fish to various sizes, in both fresh and salt water areas.

"Fish Sanctuary" - refers to a portion of a municipal water designated by the municipal, as a reserved or protected area, for the preservation of fish and other aquatic lives found therein, to serve as the breeding place and shelter.

"Hulbot-hulbot" – refers to all nets , webbing whether made or natural fibers, synthetic or any other materials used in fishing, with a mesh size less that three (3) centimeters measured between two (2) opposite knots of a full meshed when stretched.

"Municipal Waters" - for the purpose of this, the word "Municipal Waters" include, not only streams, lakes and tidal waters included within the Municipal, not being the subject of private ownership and not comprised within the national parks, public forest, timber lands, forests reserves or fishery reserves, but also marine waters included between two lines drawn perpendicularly, to the general coastline from points where the boundary lines of the Municipal touch the sea at low tide and the third line parallel with the general coastline and fifteen (15) kilometers from it. Where two (2) cities are so situated

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on the opposite shores, that 30 there is less than thirty (30) kilometers shall be a line equidistant from the opposite shares of the respective cities.

"Private Land" — refers to any land titled or untitled in the name of a person which is purely classified as agricultural land.

"Public Domain" — refers to all public lands owned by the government of the Philippines.

"Purse Seine" – fishing gear consisting of nets with a bunt or landing piece located at any sides of the net and the whole net provided with a pursing device, which consists of a series of purse rings attached to the footropes by straps or rings that close the bottom of the seine when hauled by means of a power block.

"Trawl" – fishing gear consisting of nets made in the form of a conical bag with the mouth kept open by various devices (otter boards/door, wooden or iron booms, two boats and extra long ropes) and the entire gear towed, trailed or trawled to capture fish and fisher/aquatic products.

Section 8I.02 – License and Permit - It shall be unlawful for any person, cooperative, partnership or corporation, to indulge or engage in commercial fishing, such as taking or catching fish and other aquatic marine products by means of nets, traps and other fishing gears or by means fishing boats or vessels three (3) gross tons or less, within the vicinity and coastal territorial waters of Municipality of San Vicente, unless provided with the necessary license or permit issued for the purpose by the Municipal Mayor. Provided, however that before issuance of such license or permit, it shall pass through the Office of the Municipal Agriculturist for control and monitoring purposes. Provided further, that the the applicants have complied the standard coding, as prescribed by the Municipal Ordinance. Provided furthermore, that fishermen duly licensed by other municipalities, shall pay the corresponding license fees imposed by the Municipal.

Section 8I.03 - Registration of Fishing Boats - All fishing boats shall register with MARINA. Such registration shall be presented to the Municipal Treasurer or his duly authorized representative, by the applicant, before any application for Mayor's Permit to Operate shall be entertained, processed and issued.

Section 8I.04 - Total Banning of Baby Trawls, Small Zipper-zipper and/or Hulbot-hulbot using fishing boats three (3) gross tons or less, operating within the areas not below seven (7) fathoms deep or which is greater, as the case maybe, with the purpose of preserving, protecting, conserving and rehabilitating marine resources.

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Section 8I.05 – Total Banning of Drift Gill Net (FAMO) Operations - It shall be unlawful for any person, cooperative, partnership, association or corporation to operate a Drift Gill Net (FAMO) for catching Fish and Fishery Aquatic products, including "awa" or "mother bangus", within the seven (7) kilometers territorial waters of the municipal, for the whole year round.

Section 8I.06 - Total Banning of the Use of Compressors in Fishing Operations - It shall be unlawful for any person, cooperative, partnership, association or corporation, to indulge in fishing activities, within the coastal territorial waters, using compressor in gathering fish and marine products. However, the issuance of special permit shall be granted for the special purpose, as indicated in the special permit, to be issued by the Municipal Mayor, being the Chairman of the Municipal Bantay Dagat Council, to protect, preserve and rehabilitate our marine resources.

Section 8I.07 - Total Banning With the Use of Fine-Meshed Nets Three (3) Centimeters - It shall be unlawful for any person, association, partnership, cooperative or corporation, to fish in the municipal territorial waters, with the use of fine-meshed net. Provided, however, that this prohibition shall not apply to the catching of the following species of fish: a) Padas (Family Siganidae), Bangus Fry (Chanos-chanos), Sugpo Fry (Famil Peneaidae), Banak Fry (Family Mugilidae), Glass Eels and Elvers (Family Anguilidae) and Hipon (Family Gobildae); b) Marine Aquarium/0rnamental fishes; and c) Other Species which by their very nature are small, but already matured, such as, not but not limited to, Alamang (Acetes sp.), tabios or sinarapan (Mistichtys luzonenes), dilis (Family Engraulidae), dulong (Family Engraulidae and Gobidae), Hipon tagunton (Family Caridae) and snails (Ampularia luzonica and Vivora sp.)

Section 8I.08 - Prohibition on the Operation of Commercial Trawl, Commercial Purse Seine and Commercial Hulbot-hulbot in the coastal territorial waters of Municipality of San Vicente - The operation of Commercial Trawl, Commercial Purse Seine and Commercial Hulbot-hulbot is prohibited in the municipal territorial waters, within the distance of fifteen (15) kilometers from the shoreline of this municipality. This prohibition includes light boats and other boats, being an integral parts of purse seine operations.

Section 8I.09 - Restrictions - License and permits, issued under this ordinance, shall contain provisions to the effect that:

a) No fishing shall be allowed within the distance of two hundred (200) meters from established artificial reefs or fish shelters and the like, established fish corrals and core of coral reefs. However, exclusive grantee or licensee of fish shelters (arong) can fish within their respective fish shelters.

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b) The Licensee agrees unconditionally to comply with all laws, decrees, rules and regulations governing fishing, now or later, be promulgated.
c) The Licensee agrees full responsibility for any and all acts of his agents and employees or the contractors connected with his fishing operations.

Section 8I.10 - Total Banning of Catching "LUPOY" - It shall be unlawful to any person, cooperative, partnership, association or corporation, to kill, catch, or cause to be killed or caught or taken from municipal territorial waters, purchase or sale, offer of expose for sale, or have in his possession or under his control, any sexually matured sardines and herrings and mackerels, or their larvae fry or young, locally known "Lupoy" (lelang), during closed season, for the whole year round inclusively.

Section 8I.11 - Penalty - Any person or entity found to have violated the provisions of this Article, shall be penalized by an administrative fine of One Thousand Five Hundred (P 1,500.00) Pesos, per person, per violation, for the First Offense. In the event that the owner could not pay the fine per person, per violation, the fishing vessel shall be impounded and could only release upon payment of the fine and for the Second Offense and succeeding offenses, an administrative fine of Two Thousand Five Hundred Pesos (P 2,500.00) Pesos, per person, per violation or imprisonment of not exceeding six (6) months or both, at the discretion of the court. 31 (C. O. No. 159, S. 1994, as amended by C.O. No. 180, S. 1996)

CHAPTER IX
BIO-DIVERSITY CONSERVATION

ARTICLE A
SCOPE OF POWERS

Section 9A.01 - Scope of Powers - It is the duty, power and function of the Municipal Government to provide extension and onsite research services and facilities related to water and soil resource utilization and conservation projects. (Section 1 7 (B) 21, R. A. 7160).

ARTICLE B
GOVERNING LAWS

Section 9B.01 - Governing Laws - This portion of the Code shall be governed by the following National Laws: a. RA 7160 (Local Government Code of 1991) b. Presidential Decree 1152 (Philippine Environment Code) c. RA 8435 (Agricultural and Fisheries Modernization Act) d. PD 705, as amended by RA 7161 (Forestry Law of the Philippines)

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ARTICLE C
OPERATIVE PRINCIPLES

Section 9C.01 - Operative Principles — The Municipal Government accords high priority on the protection of critical ecosystems and biodiversity, for the preservation of endangered species of flora and fauna that is endemic and unique in the Municipality of San Vicente. It shall also regulate the cutting of trees, transporting of timber or lumber flitches and gathering or removing of other forest products.

Section 9C.02 - The Role of the Municipality - The Municipal Government shall adopt measures aimed at the preservation of biodiversity, through issuance of appropriate ordinances and implementation of projects. The initial concerns shall include the following:

a. Ban on the taking, cutting, possession and transport of ecologically important flora and fauna, if any;
b. Establishment of seed banks and nurseries for the continuing replenishment, propagation and improvement of ecologically and economically important flora, if any;
c. Rehabilitation of fragile and important habitats of wildlife, if any;
d. Adoption of tree or flower or forest-dwelling wildlife species (such as bird or mammal) in the official municipal seal of the municipal. In this regard, the Sangguniang Bayan, after adequate consultations with the populace, shall come up with an ordinance designating the adoption of such tree, flower or animal, as the official corporate emblem of the municipal.

ARTICLE D
PROTECTION AND CONSERVATION OF TREES AND OTHER FLORA

Section 9D.01 - Endangered Tree Species. The following tree species are hereby declared endangered tree species in the municipal:

a) Narra
b) Acacia
c) Apitong
d) Yakal
e) Molave
f) Gisok
g) Ipil
h) Bungalong

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Section 9D.02 - Prohibited and Punishable Acts.

1. No person shall cut the aforementioned trees, declared as endangered tree species, in the Municipality of San Vicente, except in the following circumstances:
   a. When it threatens to fall in such a way to cause damage to lives and properties.
   b. When trees are damaged by lightning or calamities.
   c. When fully grown as certified and approved by the DENR.
2. No person shall cut trees in any private land, without prior approval, clearance and certification from the DENR, the Municipal Mayor and the Punong Barangay, respectively.
3. No person shall cut trees in all areas of the public domain within the jurisdiction of Municipality of San Vicente.
4. No person shall cut trees along the banks of rivers and streams and within watershed areas.
5. No person shall transport lumber fitches or timber and charcoal/firewood, without appropriate clearance from the DENR and the Municipal Mayor.
6. No Integrated Social Forestry (ISF) beneficiary shall cut trees within their occupied areas, without clearance from the Municipal Mayor, PEMO and DENR.
7. No person shall gather or remove other forest products, without securing clearance from Municipal Mayor.
8. No person shall climb, gather fruits and flowers of, cut branches or parts thereof, or otherwise destroy or attempt to cut or destroy trees of public domain, without permission from the Office of the Municipal Mayor.
9. No person shall post paint, nail or stamp any bills, advertisements, billboards and signboards or any kind on the trunk or other parts of such trees or palms.
10. No person shall cut trees and plants in public parks, plazas and other government properties within the territorial jurisdiction of the Municipality of San Vicente.
11. No person shall engage in slash and burn farming practices within the territorial jurisdiction of Municipality of San Vicente.

Section 9D.03 – Penal Provisions - Any person, who violates any provision of this Article of the Code, shall be penalized in accordance with pertinent governing national laws. Furthermore, any person who violates any provision of this Article of the Code, to which no specific penalty is imposed or commission of any prohibited acts which does not carry specific penalty, shall be penalized by a fine of not less than One Thousand Pesos (P1,000.00), nor more than Two Thousand Five Hundred Pesos (P2,500.00), or an imprisonment of not less than three (3) months nor more than six (6) months, or both fine and imprisonment, at the discretion of the Court.

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Section 9D.04 – Regulating the Cutting of Coconut Trees – The cutting of coconut trees shall be regulated by the governing guidelines of the PCA, which only allow the cutting under the following conditions:

a. When the coconut trees are unproductive trees;
b. When the Coconut trees are damaged by lightning/calamities.
c. When the coconut trees are in imminent danger to the lives and properties of the people in the area.
d. When the coconut trees are located in areas where residential or commercial buildings are to be constructed.
e. When the trees are intended for thinning to give way to under planting and to allow sufficient number of trees to be planted per hectare.
f. When the trees may cause disturbance to government projects like road widening, canal construction, electric and telephone wire services.

Section 9D.05 – Penal Provisions - Any person, who violates any provision of this Article of the Code, shall be penalized, in accordance with pertinent governing national laws. Furthermore, any person, who violates any provision of this Article of the Code, to which no specific penalty is imposed or commission of any prohibited acts which does not carry specific penalty, shall be penalized by a fine of not less than One Thousand Pesos (P1,000.00), nor more than Two Thousand Five Hundred Pesos (P2,500.00), or an imprisonment of not less than three (3) months, nor more than six (6) months, or both fines and imprisonment, at the discretion of the Court.

ARTICLE E
PROTECTING THE ENDANGERED SPECIES OF WILDLIFE AND OTHER ANIMALS IN THE MUNICIPAL

Section 9E.01 - Endangered Species of Wildlife— The following species of wildlife are hereby declared endangered species in the Municipality of San Vicente:

a. Birds
   All species of birds except brown maya and maya pula
b. Fowls
   Wild chickens (ihalas) Wild ducks (pato)
c. Mammalia
   Monkeys Bats (kabog, kiyabao), Wild pigs (baboy talunon)
   Deer (usa) Rabbits, Philippine Spotted Deer Cervus alfredi
d. Reptilia
   Big lizards (halo, ibid, tambilihan, tuko)
e. Others
   Wild cats (milo, singgalong)

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Section 9E.02 - Prohibited and Punishable Acts —

1. No person shall hunt, trap, take, buy or sell any of the species mentioned in the preceding section for whatever purpose.
2. No person shall hunt or catch birds and bats of all kinds in the municipality

Section 9E.03. Exceptions — Only for zoological, biological, scientific purposes, birds may be caught, provided a Mayor's Permit is secured and upon payment of the corresponding Mayor's permit fee, which amount shall accrue to the General Fund of the Municipal. The Municipal Veterinarian and Municipal Agriculturist may recommend to the Mayor the issuance to any interested party a permit, for purposes stated in this section.

Section 9E.04 – Penal Provisions - Any person who violates any provision of this Article of the Code shall be penalized in accordance with pertinent governing national laws. Furthermore, any person who violates any provision of this Article of the Code to which no specific penalty is imposed or commission of any prohibited acts which does not carry specific penalty, shall be penalized by a fine of not less than Two Thousand Pesos (P2,000.00), nor more than Five Thousand Pesos (P5,000.00), or an imprisonment of not less than three (3) months, nor more than six (6) months, or both fine and imprisonment, at the discretion of the Court.

ARTICLE F
DEPUTY ENVIRONMENT AND NATURAL RESOURCES OFFICERS

Section 9F.01 – Deputy Environment and Natural Resources Officers (DENRO). – Pursuant to the pertinent provisions of existing Environment and Natural Resources law, rules and regulations, DENR Regional Special Order No. 2004-386, S. 2004 and in consonance with Section 16 of the Local Government Code of 1991 (RA 7160), which mandates every LGU to ensure and support among other things, the promotion of health and safety and enhance the right of its constituents to a balanced ecology, the Municipality of San Vicente Government Members of the Green Brigade (GB) are hereby deputized, as Deputy Environment and Natural Resources Officers (DENRO).

Section 9F.02 – Functions of the DENROs – The DENROs shall protect the Natural Parks and enforce all environmental and natural resources laws, rules and regulations within the territorial jurisdiction of the Natural Parks, covering the Municipality of San Vicente side and provided for, under the aforementioned DENR Regional Order.

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Section 9F.03 – Duration of Deputation – The deputation takes effect immediately until revoked.

Section 9F.04 – Penal Provisions - Any person, who violates any provision of this Article of the Code shall be penalized in accordance with pertinent governing national laws. Furthermore, any person who violates any provision of this Article of the Code to which no specific penalty is imposed, or commission of any prohibited acts which does not carry specific penalty, shall be penalized by a fine of not less than Two Thousand Pesos (P2,000.00), nor more than Five Thousand Pesos (P5,000.00), or an imprisonment of not less than three (3) months, nor more than six (6) months, or both fines and imprisonment, at the discretion of the Court.

CHAPTER X
SPECIAL PROVISIONS

ARTICLE A
POLICY REFORMS AND PROJECT INTERVENTIONS

Section 10A.01 - Measures and Course of Actions — The Municipal Government of San Vicente shall make the following policy reforms and project interventions:

Section 10A.02 - Reforestation and Tree Planting — Reforestation and Tree Planting shall be a continuing priority of the Municipal Government of San Vicente. Priority areas for tree planting shall be:

1. Within 20 meters of either side of a river or stream.
2. Areas with high bio-diversity
3. Residential forest
4. Eroded slopes
5. Areas identified with historical value

Section 10A.03 – Tree Planting Day. – July 4 of every year is hereby designated as Tree Planting Day of the Municipality of San Vicente.

Section 10A.04 Tree Planting Guidelines. – The following guidelines shall be observed for the tree planting day:

1.) All local government officials and employees, except those with special assignments, are required to participate in the tree planting activity. The assembly area is at the Municipal Hall, time of departure is 7:00 A.M.
2.) Personnel using the bundy clock shall first punch in their time of arrival in the morning in their respective bundy clocks. Thereafter, attendance sheets shall be furnished by the HRMO to respective department heads. The same shall be collected at the end of the activity.

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3.) Office rendering frontline services shall provide skeletal crew to serve their respective clienteles. Department Heads of these offices shall further furnish the HRMO the names of this crew who shall man their respective offices on that day. These departments are as follows:
   a) Office of the Municipal Mayor
   b) Office of the Local Civil Registrar
   c) Office of the Municipal Engineer
   d) Office of the Municipal Treasurer
   e) Municipal Health Office
   f) Municipal Water works Department
   g) Municipal Social Welfare & Development Office
4.) Department Heads are encouraged to coordinate with the Office of the Municipal Agriculturist as to their planting areas and other details.
5.) Participants shall provide themselves with their own provisions (meals) and planting tools.

Section 10A.05 - Seed Banks and Nurseries — The Municipal Seed Banks and Nurseries shall be maintained for the continuing replenishment, propagation and improvement of ecologically and economically important flora. Additional seed banks and nurseries shall be established in strategic places within the territorial jurisdiction of Municipality of San Vicente, whenever practicable.

Section 10A.06 - Tree Adoption Program - The Municipal Government of San Vicente shall encourage tree planting among its constituents, through adoption of trees by households. A continuing environmental information, education and communication compiler shall be promoted by the municipal government, in collaboration with the DENR, DA, DILG, DepEd and other concerned government agencies.

Section 10A.07 - Municipal Tree Parks — In compliance with LOI No. 1312 of the DENR, the Municipal Government of San Vicente hereby designates a portion area of San Vicente, for the establishment of the Municipal Tree Parks.

Section 10A.08 - Public Information, Education and Communication (PIEC) Campaign -The Municipal Government shall conduct a comprehensive community-based multi-media educational program on resource conservation and management, to raise its residents' awareness and show up their participation. Such campaign shall also encourage the participation of other government agencies and the private sector including NGOs, POs, business sector, environmental groups and other private entities in a multisectoral information campaign.

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Section 10A. 9 Clean and Green Program —The Municipal Mayor shall adopt measures in keeping the municipal generally beautiful, clean and green. The Municipal Mayor shall orchestrate the conduct of the following activities to include:

a. Planting of shrubs and ornamental plants and other vegetation within the vicinity of residences, thoroughfares and public places;
b. Adoption of the "Tugkaran Ko, Limpyohan Ko" policy;
c. Ensure the absence of unsightly posters, billboards, streamers and other forms of advertisement materials on buildings, hanged across a street, plastered on a wall or fence, or nailed on 4 post or tree graffiti dilapidated structures, abandoned junks, unattended idle lands and open spaces; and accumulated dust on road shoulder or lifter i.e., uncollected dried leaves or refuse, such as, plastic bags, baskets, etc. scattered from stationary communal containers, or by animals in public places, streets and alleys;
d. Ensure well-cleaned sidewalks, gutters and drainage openings, unclogged open drains and sewers, canals, esteros; absence of floating objects, like plastics and empty cans, and the presence of a proper and well-treated drainage or sewerage discharge systems; and e. Ensure well-kept public toilets.

Section 10A.10 - Cleaning of Public Market and Slaughterhouse- The Municipal Mayor shall ensure that the cleanliness of public market and slaughterhouse and their premises are property maintained, a clean public market or slaughterhouse denotes:

a. Presence of trash receptacles properly labeled i.e., for cans only, for bottles only, for degradable refuse only, for animal feeds, in all stalls or in publicly designated places within the market and slaughterhouse premises;
b. Cleanliness of the whole facility, including each of its section;
c. Absence of foul odor;
d. Adequate water supply;
e. Drainage system;
f. Availability of cleaning facilities; and,
g. Treatment plant or settling pond (where viable).

TIGNAY

Sangguniang Bayan Members:

HON. PAULA CYNTHIA R. VALENCIA

HON. CONRADO R. ROJO

HON. FIDEL R. ALDOS

HON. JUANITA R. RAGIL

HON. ALBERT R. ROLA

HON. WARLITO R. RIDULME

HON. RENATO T. ROJAS

HON. LOU BERNARD R. LAZO

Ex-Officio Members

HON. MELECIO G. DAQUEP SR.

HON. MARK JINDREI L. CAJIGAL

ORDINANCE NO. 12
SERIES 2024

The Municipal Mayor shall see to it that ordinances passed by the Sangguniang Bayan, requiring stall owners and/or vendors to keep area clean all the time and impose penalties for violating thereof, are properly implemented.

Section 10A.11 - Coastal Clean Up Day — In consonance with Sangguniang Panlalawigan of Ilocos Sur, Provincial Coastal Clean Up Day, for the whole province of Ilocos Sur, the Municipal Government of San Vicente hereby adopts the aforementioned Sangguniang Panlalawigan Ordinance and therefore enjoins all coastal barangays of Municipality of San Vicente, under the able leadership of their respective barangay officials, to mobilize their constituents, for full and active participation in the clean-up drive in the coastal area of the Municipality.

Section 10A.12 - Environment Week Celebration - There shall be promulgated an Environment Week Celebration in the Municipal Government of San Vicente, Ilocos Sur.

CHAPTER XI
FINAL PROVISIONS

Section 11.01 - Repealing Clause — All Ordinances, Resolutions, Circulars, Memoranda and Executive Orders inconsistent with the provisions of this Code are hereby repealed and modified accordingly.

Section 11.02 - Separability Clause — If, for any reason/s, any part of the provision/s of this Code shall be held unconstitutional or invalid, other parts hereof which are not affected thereby, shall continue to be in full force and effect.

Section 11.03 - Effectivity Clause — This Code shall take effect immediately upon approval and after the required publication.

ENACTED: September 2, 2024

Sangguniang Bayan Members:

HON. PAULA CYNTHIA R. VALENCIA

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HON. MARK JINDREI L. CAJIGAL

ORDINANCE NO. 12
SERIES 2024

Certified Correct:

Sgd.
MARIUS CLIFFORD R. BILLEDO
SB Secretary

ATTESTED:

Sgd.
JOSE C. TABANDA III
Vice-Mayor/Presiding Officer

APPROVED:

Sgd.
JONAN D. TABANDA
Municipal Mayor