

Republic of the Philippines
Province of Iloilo
Municipality of Tigbauan
Office of the Sangguniang Bayan
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EXCERPT FROM THE MINUTES OF THE 45th REGULAR SESSION OF THE HONORABLE SANGGUNIANG BAYAN, TIGBAUAN, ILOILO HELD AT THE S.B. SESSION HALL, TIGBAUAN MUNICIPAL BUILDING ON NOVEMBER 6, 2020 AT 9:50 IN THE MORNING

PRESENT:

HON. VIRGILIO T. TERUEL	- Vice Mayor Presiding Officer
HON. DENNIS T. VALENCIA	- S.B. Member
HON. NERI T. CAMIÑA	- S.B. Member
HON. MARLON R. TERUÑEZ	- S.B. Member
HON. SUZETTE MARIE HILADO-BANNO	- S.B. Member
HON. JULIUS T. LEDESMA	- S.B. Member
HON. MA. GERRYLIN SANTUYO-CAMPOSAGRADO	- S.B. Member
HON. REYNALDO E. TUMABOTABO	- S.B. Member
HON. NORBERTO T. TURALBA	- S.B. Member
HON. JERRY T. TUARES	- Liga President
HON. DYOSA MARIE T. TERUÑEZ	- SKMF President

ABSENT: **N O N E**

Municipal Ordinance No. 2020-011

2020 ENVIRONMENT CODE OF THE MUNICIPALITY OF TIGBAUAN

Introduced by : **HON. NERI T. CAMIÑA**
Sponsored by : Committee on Environmental Protection, Housing, Land Utilization, Zonification, Assessment and Expropriation
Chairman : *Hon. Neri T. Camiña*
Vice Chairman : *Hon. Julius T. Ledesma*
Members : *Hon. Suzette Marie Hilado-Banno, Hon. Reynaldo E. Tumabotabo, Hon. Norberto T. Turalba*
Seconded by : Hon. Dennis T. Valencia, Hon. Marlon R. Teruñez, Hon. Suzette Marie Hilado-Banno, Hon. Reynaldo E. Tumabotabo, Hon. Julius T. Ledesma, Hon. Ma. Gerrylin Santuyo-Camposagrado, Hon. Norberto T. Turalba, Hon. Jerry T. Tuares and Hon. Dyossa Marie Teruñez

BE IT ORDAINED BY THE SANGGUNIANG BAYAN OF THE MUNICIPALITY OF TIGBAUAN IN SESSION ASSEMBLED:

CHAPTER 1 GENERAL PROVISIONS

TITLE AND SCOPE

SECTION 1. SHORT TITLE – This Ordinance shall be known and referred to as the ENVIRONMENT CODE of the Municipality of Tigbauan, Iloilo.

SECTION 2. SCOPE AND APPLICATION – The provisions of this Code which are substantially the same as existing ordinances relating to the same subject matter shall be construed as restatements and not as

new enactments, unless otherwise explicitly modified therein. This code is an updated compilation of laws of local application and ordinances and their amendments classified in every chapter hereof.

SECTION 3. EXISTING RIGHTS – Vested rights existing on the date of the effectivity of this Code arising out of contracts or any other source of obligation shall be governed by original terms and provisions of said contracts or the law or ordinance in force at the time such rights became vested and in no case shall this Code infringe them.

DECLARATION OF POLICY AND BASIC PRINCIPLES

SECTION 4. BASIC POLICY

It is hereby declared by the Local Government Unit (LGU) of Tigbauan to promote the welfare of the people by advancing sustainable measures that are geared towards the conservation, sustainable management and regulation of the utilization of the environment and natural resources for the enjoyment of every citizen without sacrificing the welfare of the future generations.

SECTION 5. BASIC PRINCIPLES

This Code is anchored on the following principles:

a. THE PRINCIPLE OF SUSTAINABLE DEVELOPMENT

Consistent with this principle, the Municipality envisions conservation, protection, equitable and wise utilization of the ecosystem and other natural resources to meet the needs of the present generation without compromising that of the future generation.

b. THE PRINCIPLE OF STAKEHOLDERS' PARTICIPATION

The strategy towards sustainable development should be democratic, participatory and in partnership with the private sector, non-governmental organizations (NGOs), people's organizations (POs) and other stakeholders.

c. THE PRINCIPLE OF INTEGRATION

This Code integrates national, provincial, municipal and barangay policies, plans and programs into local development initiatives.

d. DEVELOPMENT LEGISLATIONS PRINCIPLE

It is the ardent desire of the LGU to enact and enforce laws that will promote the holistic development of every Tigbaueño. Rules and policies shall be formulated taking into consideration their impact in the lives of the different sectors of the community particularly in advancing the protection of the environment to secure a balanced ecosystem for the enjoyment of the present and future generations.

e. PRECAUTIONARY PRINCIPLE

This Code provides a framework of norms, standards and requirements to apply precautionary approach to the assessment of risk of environmental harm. Where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing cost-effective measures to prevent environmental degradation.

f. THE POLLUTERS' PAY PRINCIPLE

The earth's resources, being finite, and development is inevitable, the Polluters Pay Principle is adopted to compensate the external cost of pollution affecting the community and environment. This principle also calls for a compensation for damage done to the environment with the polluters bearing an appropriate share of the costs that arise from their activities, products, substances, and services.

g. USER'S FEE PRINCIPLE

To ensure sustainability of resource-base and wise management for the maintenance of ecological balance, this principle calls for the levying of appropriate fees and charges to all users of natural wealth of the Municipality subject to existing applicable laws, rules and regulations provided that all fees collected shall be deposited in a trust fund to be shared by the barangays affected in equitable proportion to be utilized for projects for the protection of the environment.

h. CO-MANAGEMENT, CO-PRODUCTION SHARING AND JOINT VENTURE AGREEMENT

The protection and management of our natural resources shall be a shared responsibility of the government and the civil society with an end goal beneficial to both parties. The Municipal

Government can enter into a co-management, co-production sharing and joint venture agreements with the National Government Agencies [NGAs], Provincial Government, other LGUs, NGOs, POs and private sector in the protection and management of our natural resources subject to the provisions of the existing laws and regulations.

i. PRINCIPLE OF ADAPTIVE MANAGEMENT

This principle shall recognize and implement a process of environmental upkeeping of the Municipality to ensure absorptive capacitation against natural changes and anthropogenic causes.

CHAPTER 2

DEFINITION OF TERMS

SECTION 6. As used in and for purposes of this Code, the following terms, unless the context indicates otherwise, shall mean:

1. **Adaptive Capacity** – refers to the dimension and limits of the natural environmental and resource assets of the Province to absorb utilization and development guided by Land-Use and Environmental Management and Implementation Plans.
2. **Agricultural Land** – refers to a land devoted principally to the planting of fruit trees, raising crops, livestock and poultry, inland fishing and similar agricultural activities.
3. **Agricultural Wastes** - refer to wastes generated from planting or harvesting of crops, trimming or pruning of plants and wastes or run-off materials from farms or fields.
4. **Agroforestry** – is a land use management system which combines the production of agricultural crops, forest trees and/or livestock simultaneously or sequentially on the same unit of land for the purpose of creating employment opportunities for upland farm labor, producing raw materials for agriculture or forest-based industries, providing food and other products for some consumption and improving ecological conditions in the watersheds.
5. **Air Pollution** – is any alteration on the physical, chemical and biological properties of the atmosphere, or any discharge thereto of any liquid, gaseous, or solid substances that will, or is likely to create or to render the air resources 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 purpose.
6. **Ambient Air Quality** – is the atmosphere's average purity in broad area as distinguished from discharge measurement taken from the source of pollution or the present characteristics or nature of the surrounding atmosphere.
7. **Ancestral Domain** – refers to the land occupied, possessed and utilized by members of indigenous cultural communities since time utilized by themselves or through their ancestors or predecessors-in-interest since time immemorial in accordance with their customary laws, traditions and practices.
8. **Animal Wastes** –means a material composed of excreta, with or without bedding materials and/or animal drugs, collected from poultry, ruminants or other animals except humans.
9. **Appropriate Fishing Technology** - adaptable technology, both fishing and ancillary industries, which are ecologically sound, locally source-based and labor intensive.
10. **Aquatic Pollution** - the introduction by human or machine; directly or indirectly of substances or energy to the aquatic environment which result or is likely to result in such deleterious effects as to harm living and non-living aquatic resources, pose potential and/or real hazard to human health, hindrance to aquatic activities such as fishing and navigation, including dumping/disposal of waste and other marine litters, discharge of petroleum or residual products of petroleum or carbonaceous materials/substances, and other radioactive, noxious or harmful liquid, gaseous or solid substances from any water, land or air transport or other human made structure.
11. **Artificial Reefs** - any structure of natural or man-made materials placed in a body of water to serve as shelter and habitat, source of food, breeding area for fishery species and shoreline protection.
12. **Authorized Site** – refers to those areas that have been identified and designated for tourism purposes, thus, are classified as authorized site/s of visitation, development or promotion by the locality concerned.
13. **Backyard Swine Raising** – refers to raising of swine in household backyard. It involves 2 heads and allowed only in identified urban areas and densely populated areas in the municipality.

14. **Beneficial Use** – means the use of the environment or any element or segment thereof conducive to the public or private welfare, safety and health; and shall include but not limited to, the use of water for domestic municipal, irrigation, power generation, fisheries, livestock raising, industrial, recreational and other purposes.
15. **Biodegradable** - made of materials that decay relatively quick. It refers to any material that can be reduced into finer particles (degraded or decomposed) by microbiological organism or enzymes (synonymous with compostable).
16. **Biodiversity** – is the variability among living organisms from all sources including terrestrial, marine and other aquatic ecosystem and ecological complexes of which they are part. This includes genetic, species and ecosystems diversity.
17. **Biofilter** – organism which ingest impurities from the water making the ponds meet the required optimum physical and microbiological parameters for the cultured species such as mussels, seaweeds and oysters.
18. **Biogas** - is a mixture of methane, carbon dioxide and traces of inert gases produced by the fermentation of animal manure or organic waste in an airtight digester chamber.
19. **Brackish Water Aquaculture** – refers to a fishery operation involving the culture of fish in a mixture of seawater and freshwater with salinity less than 30 parts per thousand.
20. **Brackish Water Swamps** – refers to land areas where most of the time the brackish water level is at/above the land surface.
21. **Carbon Monoxide** - is a colorless, odorless gas, about three percent (3%) lighter than air, poisonous to human and animals and other forms of life. When inhaled, it combines with hemoglobin in the blood preventing absorption of oxygen and resulting in asphyxiation.
22. **Chemical Pollutants** – are substances that enter the environment through industrial, agricultural, and other human-generated processes and pose a hazard to human, plant and animal health and life.
23. **Closed Recirculating System** – a system where the pond water, instead of being discharged to the outside environment, is reused after undergoing filtration in a setting pond or water treatment process.
24. **Closed Season** – is the period during which the taking of specified fisheries species by a specified fishing gear is prohibited in a specified area or areas in Philippine waters (RA 8550).
25. **Coastal Zone Management** – is a dynamic process in which a coordinated strategy is developed and implemented for the allocation of environmental, socio-cultural, and institutional resources to achieve the conservation and sustainable multiple use of the coastal zone.
26. **Community-Based Ecotourism** – is an activity or undertaking within a particular area or locality identifying or creating a particular product or project intended for local or community-based ecotourism, and which may be recommended for development, promotion or marketing, the intended project beneficiary of which shall be the local people themselves.
27. **Composting** – the product of the decomposition of animal and plant matter. It is made by building a pile consisting of alternate layers of soil, manure and vegetable materials such as weeds, grass, leaves and garbage. It is a soil conditioner and fertilizer. It is a biological degradation under controlled conditions; the process of making biodegradable such as food wastes, animal wastes, human wastes, into compost by mixing them with soil water, biological additives-activators (optional) and air.
28. **Deleterious Method of Fishing**- is fishing with the use of fishing gear/method which is harmful to the growth of corals and its environment and/or detrimental to the habitat of marine life.
29. **Domestic waste** - is the refuse from the households, as distinguished from industrial waste, agricultural waste, hospital waste, etc., which may be classified as biodegradable (compostable) or non-biodegradable (non-compostable).
30. **Ecological Sanitation** – or ECOSAN is an approach with the objective of closing the nutrient loop between sanitation, environment, natural resources and agriculture. It includes all of the following ecological principles: (a) conscious conservation of resources; (b) recycling and re-use; (c) minimization of energy and water use; (d) pollution prevention; and (e) rendering the recyclables (human and animal excreta and grey water) safe for re-use.
31. **Ecotourism** – is a purposeful travel to natural areas to understand the culture and natural history of the environment and natural resources, taking care not to alter the integrity of the ecosystem, producing economic opportunities that make the conservation of natural resources beneficial to local people. (The Eco-tourism Society, 1991).

32. **Effluent** – is the general term denoting any wastewater, partially or unpartially treated or in its natural state flowing out of the manufacturing plant, industrial plant, treatment plant, households, business establishments, ponds and hatcheries. It may also mean discharges from known source which is passed into a body of water or land, or wastewater flowing out of a manufacturing plant, industrial plant including domestic, commercial and recreational facilities.
33. **Effluent Standards** - means any legal restriction or limitation on quantities, rates, and/or concentrations or any combination thereof, of physical, chemical or biological parameters of effluent which a person or point source is allowed to discharge into a body of water or land.
34. **Effluent Quota** – refers to maximum allowable pollution load that an establishment can discharge without affecting the present state or condition of the water body.
35. **Environment** – refers to the quality, quantity, diversity and sustainability of renewable and non-renewable natural resources including the ambient environment such as the atmosphere, climate, sounds 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 historical factors. Under the aspect of ecotourism, is the unique physical feature or attribute of a locality that serves as its primary attraction. It also refers to distinct socio-cultural patterns exhibited by indigenous communities, resulting from centuries of intimate intercourse with the natural environment.
36. **Environmental Compliance Certificate (ECC)** – is a document issued by the DENR Secretary or the Director/Regional Director of the EMB certifying that based on the representation of the proponent as reviewed and validated by EIA Review Committee, the proposed project or undertaking will not cause significant negative environmental impacts and that the proponent has complied with the requirements of the EIS System or PD 1586.
37. **Environmental Education** – refers to the education of visitors about the value of the ecotourism site and the interrelatedness of the ecosystems of which the site forms part. It shall cover both theoretical and practicum modules comprising activities, projects, programs, including but not limited to ; waste minimization, segregation, recycling and composting: fresh water and marine conservation: waste management and conservations; relevant livelihood opportunities and economic benefits and other such programs and undertakings to aid the implementation of the different environmental protection law (R.A. 9512)
38. **Environmental Impact Assessment (EIA)** – is the process consisting of identifying and predicting the impacts of proposed projects and programs on the biogeophysical environment and natural resources and on man's health and well-being and interpreting and communicating information about its impact in a manner which can be utilized by planners and decision makers. It is the process of predicting the likely environmental consequences of implementing projects or undertakings and designing appropriate preventive, mitigating and enhancement measures.
39. **Environmental Management** – refers to the entire system which includes, but is not limited to conservation, regulation and minimization of pollution, clean production, waste management, environmental law and policy, environmental education and information, study and mitigation of the environmental impacts of human activity and environmental research.
40. **Factory returnable** - are non-biodegradables, non-compostable such as tin cans and metals; bottled and glasses, including broken pieces; and plastics, Styrofoam, rubber, dry paper, dry cardboard, dry cloth, fibers, leather, feather, hard shells, hard bones, etc., which are segregated in separate containers or place in one sack (cans, bottles, containers already rinsed) and are sold or given away to collectors.
41. **Fertilizer materials** - are compostable or biodegradables such as garden waste, (leaves, twigs, weeds), animal waste (manure carcasses), human waste (feces, urine, blood) are excreta, solid pipes, pads diapers without the plastic portion etc., are made into compost for organized gardening.
42. **Fish Cage/Pen** – refers to an enclosure constructed within a body of water for culturing fish, and fishery/aquatic resources made up of poles closely arranged in an enclosure with wooden materials, screen or nylon netting to prevent escape of fish. It is an artificial enclosure constructed within a body of water for culturing fish and fishery/aquatic resources made up of poles closely arranged in a closure with wooden materials, screen or nylon netting to prevent escape of fish.
43. **Freshwater Aquaculture** – fishery operation involving the raising and culturing of fish in a water body originating from lakes, reservoirs, streams, and rivers having salinity from 0 to 0.5 per thousand.

44. **Garbage** – unwanted or useless materials such as food waste, waste paper, clothing's, tins, broken pots and glasses, wooden or cardboard boxes leather or plastic or any kind of plastic, garments, rusty irons, discarded kitchen utensils and many other household refuse.

45. **Global Warming** – refers to the increase in the average temperature of Earth's atmosphere, oceans and land masses brought on by rising levels of heat-trapping gases, known as greenhouse gases such as carbon dioxide, methane, nitrous oxide, ozone synthetic chemicals, etc., in the atmosphere.

46. **Hazardous Wastes** – are solid, liquid or gaseous wastes that can cause death, illness, or injury to people or destruction of the environment and natural resources if improperly treated, stored, transported, or discarded. Substances are considered hazardous waste if they are ignitable (capable of burning), corrosive (able to corrode steel or harm organism because of extreme acidity of basic properties), reactive (able to explode or produce toxic cyanide or sulfide gas) or toxic (containing substances that are poisonous).

47. **Hulbot-Hulbot (Danish Seine, Bira-Bira, Zipper)** - refers to a fishing gear consisting of a conical shaped net with a pair of wings, the ends of which are connected to two ropes with buri or plastic strips or similar materials serving as a herding or scaring device, with hauling ropes passing through a metallic ring attached to a ton weight known as "linggots" in the vernacular when hauled into the fishing boat.

48. **Illegal Fishery** - the taking of fishery species from their wild state or habitat with the use of explosives, noxious/poisonous substances, electricity and muro-ami.

49. **Integrated Coastal Zone Management (ICZM)** – advocates a pragmatic approach to defining coastal areas in which the area under consideration might change over time as problems are addressed and which require resolutions over a wider geographic area. It includes primarily coastal land and adjacent coastal waters. In one case, the coastal area might extend from a watershed from across a large coastal plan and incorporate a large area of continental shelf. In another situation, the coastal area might be all, including a narrow strip of land adjacent similarly narrow area of sea.

50. **Integrated Water Quality Management Framework** – means the policy guideline integrating all the existing frameworks prepared by all government agencies on water quality involving pollution from all sources. Specifically, the framework shall contain the following: (a) water quality goals and targets; (b) period of compliance; (c) water pollution control strategies and techniques; (d) water quality information and education program; (e) human resources development program (Phil. Clean Water Act of 2004 -R.A.No.9275).

51. **Land Management** – is the primary and alternative use of a specific land resource which shall be determined and evaluated prior to any decision for the assignment of its use. Areas feasible for sustainable land resource use may be considered wherein settlements, tourism, agriculture, agro-forestry, infrastructures, extraction activities and other income-generating or livelihood activities may be allowed.

52. **Land Pollution** – the degradation of the earth's land surface through misuse of the soil by poor agricultural practices, mineral exploitation, industrial waste dumping, and indiscriminate disposal of urban waste.

53. **Mangrove** – is a term applied to the type of forest occurring in the tidal flat along the seacoast, extending along the stream where the water is brackish. It abates destructive effects of strong winds and waves on coastal communities. It also prevents scouring and serves as slit catchments.

54. **Mangrove Area** – is the area found along the seacoast and estuaries, whether sparsely or thickly vegetated, with true and/or associated mangrove species, or open swampy areas and stream where the water is brackish.

55. **Medium Scale Piggery** – refers to 2 sows and 11-20 heads.

56. **Municipal Reserve Quarry** – the areas in our territorial jurisdiction declared by the Sangguniang Bayan of Tigbauan, Iloilo as a quarry reserve area.

57. **Municipal Waters** - includes not only streams, lakes, inland bodies of water and tidal waters within the municipality which are not included within the protected areas as defined under RA No. 7588 (NIPAS Law), public forest timber lands, forest reserves or fishery reserves, but also marine waters included within the following coordinates. (Please refer to item 58, Section 4 of RA 8550)

Point	Latitude	Longitude	Remarks
Beginning at 1 point	10° 40' 55"	122° 25' 25"	Coastal terminal
Thence 2	10° 36' 22"	122° 26' 02"	

Thence 3	10° 34' 45"	122° 24' 39"	
Thence 4	10° 34' 33"	122° 24' 27"	
Thence 5	10° 34' 23"	122° 24' 17"	
Thence 6	10° 33' 17"	122° 22' 20"	
Thence 7	10° 35' 18"	122° 21' 53"	
Thence 8	10° 36' 42"	122° 21' 37"	
Thence 9	10° 39' 30"	122° 20' 36"	
Thence 10	10° 40' 20"	122° 20' 45"	Coastal terminal point with Guimbal, mid of mouth of Nanga River

Thence following
The coastline to 1

58. **Nearest Groundwater** – the nearest water beneath the earth's surface, often between saturated soil and rock, that supplies wells and springs.
59. **Non-Biodegradable Plastics**- are forms of plastics derived primarily from crude oil, natural gas or coal. These types of plastics cannot be broken down by microbes to decay. And if burned will produce toxic smoke and pollute the environment which will result to ecological changes.
60. **Non-point Source** – means any source of pollution not identifiable as point source to include, but not limited to, run-off from irrigation or rainwater which picks up pollutants from farms and urban areas.
61. **Oxo Biodegradable** - (OBD) plastic is polyolefin plastic to which has been added very small (catalytic) amounts of metal salts. These catalyze the natural degradation process to speed it up so that the OBD plastic will degrade when subject to environmental conditions to produce water, carbon dioxide and biomass.
62. **Payao/Arong**- a fish aggregating device consisting of a floating raft anchored by a weight line with suspended materials such as palm fronds to attract pelagic and schooling species common in deep waters.
63. **Pesticide Pollution** – are organic and inorganic chemicals used by controlling undesirable like forms such as bacteria, pests and foraging insects, however their effectiveness caused considerable pollution. They are relatively inert and non-degradable by chemical or biologic activity and are also bioaccumulative, that is they are concentrated with each ensuing level of biologic food chain.
64. **Potable Water/Safe Drinking Water** – refers to water that is free of microorganisms or disease-producing bacteria (pathogens) and do not possess undesirable taste, odor, color, levels of radioactivity, turbidity or chemicals. It should meet the standards of the Philippine National Standards for Drinking Water.
65. **Private Land** – refers to any land belonging to any private person or entity which includes alienable and disposable land being claimed by a holder, claimant, or occupant who has already acquired a vested right thereto under the law, although the corresponding certificate or evidence of the title or patent has not been actually issued.
66. **Protected Area** – is an area identified portion of land and water set aside by reason of its unique physical and biological significance managed to enhance biological diversity and protected against destructive human exploitation.
67. **Public or Private Water Supply System** – is a government or privately-owned system providing potable water for domestic and commercial consumption. The water system could either be of Level I (point source), Level II (communal) or Level III (waterworks) type. The system includes a.) any collection, treatment, storage and distribution facilities under the control of the operator of such system and used primarily in connection thereto: and b.) any collection, pre-treatment or storage facilities not under the control of the operator of the system which are used primarily in connection with such system.
68. **Quarantine** – refers to compulsory/enforced isolation or detention to prevent spread of contagion or infection that maybe harmful to environment and natural resources. Likewise, it is a voluntary or compulsory isolation, typically to contain the spread of something considered dangerous, often but not always disease. It is also an enforced isolation of organisms which are hazardous to the environment and natural resources.
69. **Quarry Permit** – a document granted to a qualified person for the extraction and utilization of quarry resources on public or private lands.

70. **Quarry Resources** – refers to the common rocks and mineral substances as the Director of Mines and Geo-Sciences Bureau may declare as such but not limited to andesine, basalt, conglomerate, coral sand, diatomaceous earth, diorite, decorative stones, gabbros, granite, limestone, marble, mari red burning clays for potteries and bricks, hyalite, rock phosphate, sand stone, sepertine, shale, and tuff; Provided, that such quarry resources which do not contain metals or metallic constituents and/or valuable minerals such as kaolin, feldspar, bull quartz or silica, sand and pebbles, bentonite, talc, asbestos, barite, gypsum, bauxite, magnesite, dolomite, mica precious and semi-precious stones and other non-metallic minerals that may later be discovered and which the Director declares to be of economically workable quantities, shall not be classified in the category of quarry resources.

71. **Recyclable paper bag** - a paper bag that is durable and capable of being used for several times; or the bag made of paper that displays the words “reusable” and “recyclable” in it.

72. **Recycling** – is an effective means of conserving resources, reducing waste disposal, and often, of cutting costs in disposing waste and used materials for some useful purposes. It means the reuse, retrieval, recommission of element or matter for any and all purposes necessary to healthful and productive living; the process by which waste materials are transformed into new products in such a manner that the original products may lose their identity.

73. **Recycling of domestic waste** - refers to the full utilization of domestic wastes into factory returnable (around 50%-60%), feeds (about 20%), fertilizer (about 30%), fuels, fine crafts, fermentable, etc. with little left for filing materials. (Proportions vary with the kind of community; the more affluent, the more factory returnable). This includes both man-devised and nature-designed recycling.

74. **Settling Pond** – refers to a pond specially designed for the setting of heavily loaded particles and other organic matter in the water before disposal to the surrounding environment. It also refers to a place or pond especially designed as transient sump or impoundment system for the entrapment and settling of sediment, wastewater and other heavily-loaded water that require treatment before disposal into the surrounding environment.

75. **Sewage** – means water-borne human or animal wastes, excluding oil or oil wastes, removed from residences, buildings, institutions, industrial and commercial establishments together with such groundwater, surface water and storm water as may be present including such waste from vessels, offshore structures, other receptacles intended to receive or retain wastes, or other places or the combination thereof.

76. **Solid Waste** – refers to waste from human and animal activities that are normally solid and which are discarded as useless or unwanted. It also includes anything thrown away, such as garbage, rubbish, trash, litter junk, and refuse from any source (homes, business, farms, industries, or institutions); discarded materials with insufficient liquid content to flow. Examples are those non-liquid wastes resulting from domestic, commercial, agricultural and industrial activities which can be divided into several components, under two broad categories:

- Biodegradable** - compostable-putrescible

There are four (4) groups of wastes under this category such as: (a) Food (cooking) waste or kitchen waste: peelings, leftovers, vegetable trims, fish, fowl, meat, etc; (b) agricultural (garden waste): leaves, flowers, twigs, branches, stems, roots, trimmings, weeds, seeds, inedible fruits, etc.; (c) animal waste: manure, urine, carcasses, etc.; and (d) human waste: excreta, soiled pads, sanitary napkins, etc.; and
- Non-biodegradable** - compostable-putrescible

There are ten (10) groups of waste under this category: (a) metals: tin cans, aluminum, iron, lead, copper, silver etc., (b) glasses: bottles, cullets (Broken glass), sheets (shards), minors, bulbs etc., (c) plastics: polyethelene (bags) polypropelene (straws, jute sacks, containers), polyurethane (foam, mattresses) polystyrene (styrofoam), polyvinyl (tubes, pipes, linoleum), polyacetate (fibers, cloth, rayon), etc., (d) rubber (natural and synthetic), tires, goods etc.; (e) papers, dry papers, cardboards, etc.; (f) dry processed fibers; cloth, twine etc.; (h) hard shells; (i) bones; and (j) rocks.

77. **Standard Septic Tank** – a watertight, multi-chambered receptacle, constructed within the set standards that receives sewage from houses or other buildings and is designed to separate and store the solids and partially digest the organic matter in the sewage.

78. **“Sungkit”**- a motorized fishing gear which is skimmed through the water column to take fishery species particularly alamang “hipon” by straining them from the water.

79. **Superlight**- also called magic light, is a type of light using halogen or metal halides bulb which may be located above the sea surface or submerged in the water. It consists of a ballast, regulator, electric cable and socket. The source of energy comes from a generator, battery or dynamo coupled with the main engine.

80. **Sustainable Development** – is a process of development in which the use of resources, direction of investments, orientation of technological development, and institutional change are all directed harmoniously altogether to meet the present and future human needs and aspirations. (Philippine National Biodiversity Study, 1997). It also means meeting the needs of the present generation without compromising the ability of future generations to meet their own needs. (Brundtland Report, 1987 WECD).

81. **Tenurial Instrument** – is an agreement or contract between DENR and an individual, people's organization or corporate entity which guarantee peaceful possession and use of specific forest land area and the resources found therein within a given time period. Such an agreement or contract cannot be altered or abrogated without due process.

82. **Thermal Pollution** – the discharge of waste heat via energy dissipation into cooling water and subsequently into nearby waterways. The major sources are fossil fuel and nuclear electric power generating facilities and to lesser degree, cooling operations associated with industrial, chemical and petro-chemical producers. e.g. fish kills.

83. **Trichoderma Harzianum** - fungus activator used to hasten rapid decomposition, anti-pathogens that fight fungal and bacterial infection or microorganism that converts available nutrient readily available to plants.

84. **Waste Discharge** – Something that flows out or forth, especially an outflow from a sewer or sewage system. It also refers to the sewage or other liquid waste that is discharged, as into a body of water.

85. **Water Quality Management Area Action Plan** – includes, but not be limited to, the following: (i) goals and targets including sewerage or septicage program; (ii) schedule of compliance to meet the applicable requirements of the R.A.9275; (iii) water pollution control strategies or techniques; (iv) water quality information and education program; (v) resource requirement and possible sources; (vi) enforcement procedures of the plan; and (vii) rewards and incentives under Chapter 4 of R.A.9275.

86. **Zero Waste Resource Management System** - is an ecological method of handling waste that do not degrade the environment nor pollute air, water, and soil, and facilitates their sanitary retrieval, reuse or recycling.

CHAPTER 3

INSTITUTIONAL DEVELOPMENT AND MECHANISM

SECTION 7. For purposes of implementing the provisions of this Code, and pursuant to Section 463 par. b. and Section 484 of RA 7160, otherwise known as the Local Government Code of 1991, the coastal, mineral, forestry, water resources, environmental management to include solid and liquid waste, toxic and hazardous waste management, environmental impact assessment, and eco-tourism functions of the various municipal offices and departments including its appropriations, records, equipment, properties and such personnel are hereby merged into a single office to be known as the Municipal Environment and Natural Resources Office, referred to in this Code as MENRO. To carry out the necessary functions of the MENRO, an organizational structure is hereby created as follows:

SECTION 8. MUNICIPAL ENVIRONMENT AND NATURAL RESOURCES OFFICE (MENRO)

The MENRO shall be headed by a Department Head which shall be appointed by the Municipal Mayor. No person shall be appointed Municipal Environment and Natural Resources Officer (MENRO) unless he is a citizen of the Philippines, a resident of Tigbauan, Iloilo, of good moral character, a holder of college degree in Environmental Management, forestry, agriculture, community development or any related courses from a recognized university or college, a career professional Civil Service eligible or its equivalent, at least have 5 years experience in the environment and natural resources management, conservation, and utilization.

SECTION 9. Duties and Responsibilities of the MENRO

- Formulate measures for the consideration of the sangguniang and provide technical assistance and support to the mayor in carrying out measures to ensure the delivery of basic services and

provision of adequate facilities relative to environment and natural services as provided for under Section 17 of the Local Government Code (LGC).

- b. Develop plans and strategies and upon approval thereof by the mayor implement the same, particularly those which have to do with environment and natural resources programs and projects which the mayor is empowered to implement and which the sangguniang is empowered to provide for under the LCG.
- c. In addition to the foregoing duties and functions, the environment and natural resources officer-designate shall:
 - i. Establish, maintain, protect and preserve communal forests, watersheds, tree parks, mangroves, greenbelts, commercial forests and similar forest projects like industrial tree farms and agro-forestry projects;
 - ii. Provide extension services to beneficiaries of forest development projects and technical, financial and infrastructure assistance;
 - iii. Manage and maintain seed banks and produce seedlings for forestry and tree parks;
 - iv. Provide extension services to beneficiaries of forest development projects and render assistance for natural resources related conservation and utilization activities consistent with ecological balance;
 - v. Oversee the proper utilization of natural resources particularly quarry of earth, sand, stone, and other land based resources;
 - vi. Coordinate with government agencies and non-governmental organizations in the implementation of measures to prevent and control land air, and water pollution with the assistance of the Department of Environment and Natural Resources [DENR].
- d. Be in the front line of the delivery of services concerning the environment and natural resources, particularly in the renewal and rehabilitation of the environment during and in the aftermath of man-made natural disaster, calamities and fortuitous events;
- e. Recommend to the sangguniang and advise the mayor on all matters relative to the protection, conservation, maximum utilization, application of the appropriate technology and other matters related to the environment and natural resources; and
- f. Exercise such other powers and perform such other duties and functions as may be prescribed by executive orders or ordinances.

SECTION 10. Strengthening of the Tigbauan Environment and Natural Resources Council

The Tigbauan Environment and Natural Resources Council (TENRC) shall be strengthened to formulate policy guidelines and recommend policy reforms to the Sangguniang Bayan for protection, development, conservation, and utilization of natural resources of the municipality.

SECTION 11. The Municipal Government, thru the MENRO, shall establish networks for fund sourcing in the implementation of Environment and Natural Resources programs and projects. Initial Appropriations. The amount of ONE HUNDRED FIFTY THOUSAND PESOS (PhP150,000.00) shall be initially appropriated upon approval of this Code for its initial implementation and enforcement and to specifically include the activation of the Tigbauan Environment and Natural Resources Council.

CHAPTER 4

WOODLANDS, GREENBELTS AND BEACH FOREST DEVELOPMENT AND MANAGEMENT

SECTION 12. Barren and unproductive public and private lands shall be converted into woodlands. This action to expand tree plantation within the watershed areas shall be undertaken to ensure its sustainable use of these lands with the ends of climate change adaptation.

SECTION 13. WOODLANDS, BEACH FORESTS, GREENBELTS PLAN

The Land Use Plan shall be embodied with thrusts and governing principles.

- a. **Thrusts:** The woodlands, beach forest, greenbelts project specific thrusts that promote the successful integration of local leadership and communities into the overall management of Tigbauan's natural resources.

These thrusts are:

- i. **Holistic Approach** – The integration of all forestry, agricultural, livestock, fishery, and other natural resource-based activities into a single system is needed to avoid the vicious cycle of deficient forest/woodland policies and inefficient forest administration and forest management.
- ii. **Sustainability** – The productivity required for the present shall be secured without jeopardizing tomorrow's resources. Appropriate resource-saving techniques shall be selected and disseminated as part of the approach.
- iii. **Land Security** – Land security implies a guarantee for those who invest/sacrifice today, that they will get the benefits of that investment tomorrow. This calls for a clear understanding of the communities' social structures and various forms of authority and power to ensure that all interests are considered and that those who make commitments or speak on behalf of the community are its legitimate representatives.
- iv. **Multiple and Complementary Functions of Woodland Resources** – Woodland resources have multiple uses and functions. The use of scarce land resources for various environmental protection and woodland production purposes should be balanced and optimized.
- v. **Common and Shared Responsibility** – The sustainable use of woodlands is a common concern of all segments of the population who are called upon to give their equal share in maintaining its quality while providing for their biological, social, religious and economic needs. The LGU and DENR in collaboration with local communities and other stakeholders are mandated to share the responsibility of managing and conserving the forest/woodland.
- vi. **Empowered Communities** – The emerging policy of developing local communities as co-managers of forest resources requires that they shall be truly empowered by improving their capacity to manage and use the resources wisely and sustainably so that succeeding generations can also benefit from the fully organizing communities into a cohesive force which will rationalize their collective decision making in the use and allocation of forest resources.

b. **Governing Principles:** The basic guiding principles crucial to making forest land use sustainable include the following:

- i. **BeachForest / Woodland Carrying Capacity** – The use of beach forest/woodland resources should be within their biological capacity and ecological limits. The rate of extraction of beach forest resources should not exceed the rate of resource generation. A minimum amount of forest cover should be retained all the time for ecological purposes, i.e. to maintain ecological balance. Use and development of beach forest should not exceed its carrying capacity or its ability to absorb development or land use changes.
- ii. **Participatory Cross-sectional Approach** – Forest/Woodland project planning should be based on a participatory approach where the vision and joint decision of local communities and the LGU are guided by the DENR's technical framework for forest land resource allocation. The process of planning and allocation of beachforest/woodland resources should be a continuing negotiation process between and among the various stakeholders – the DENR, the LGUs, the private sector, and the local communities. Such process further involves the resolution of conflicts – social, economic, political, and cultural – resulting in the use and for assignment of use of forest lands. This process should have the end goal of attaining the “best forest/woodland use” option where economic considerations are in balance, both in time and space, with long-term environmental concerns.
- iii. **Socio-Cultural Relevance and Requirements** – The beach forest/Woodland Project Plan should be sensitive to the needs, aspirations, and culture of the upland and indigenous communities and should have defined impacts on the overall growth requirements of the entire communities within the watersheds.
- iv. **Integrated Approach** – The beachforest/Woodland Project Plan requires an integrated approach as it recognizes the forest/woodland as a complex ecosystem where man shall co-habitate with all forms of plants and animal life. Furthermore, their formal/informal institutions and social systems shall relate with nature.
- v. **Primacy of Soil and Water Conservation** – Soil and water conservation shall be accorded the highest consideration in allocating lands for various uses.

- vi. **Community-based Beach Forest / Woodland Management** – The community-based beachforest/woodland management or the direct involvement of communities in the management and utilization of beachforest resources is the national strategy for promoting the socioeconomic upliftment of local communities and for ensuring the sustainability of beachforest resources. The community is given the responsibility to manage and protect forest resources while at the same time they are able to obtain benefits from goods and services that are derived therein.
- vii. **Biodiversity Conservation** – The beach forest/Woodland Project Plan should give prime consideration in conserving and protecting biodiversity. Zoning of beach forest/woodland should put a premium to areas rich in ecosystem, species and genetic diversity. Biodiversity is crucial in maintaining the stability of the forest ecosystem.

SECTION 14. MANGROVE AREAS

An inventory and validation of all naturally grown and established plantations of mangrove areas throughout the municipality shall be made in coordination with DENR, BFAR and Barangay to ascertain its present status and to have an update of the municipal mangrove areas for future conservation and development. The Municipality shall conduct a comprehensive inventory and ecological profile of coastal wetlands with the end goal of establishing the “mangrove growth corridors”. These corridors shall showcase an Integrated Mangrove Management and Eco-governance, where ecotourism, recreation, reforestation and regulated cutting of mangroves interplay.

SECTION 15. ERODED AREAS

Regardless of its category, whether public forest/woodlands or alienable and disposable land, the eroded portion shall be subject for rehabilitation through tree planting of indigenous species for soil and water conservation purposes. The Municipality, in close coordination with the DENR-MGB, shall conduct comprehensive “Geomorphological and Land Evaluation of Ecologically Sensitive Areas” with the end goal of delineating, classifying and rating various “Terrain Units of Eroded Areas” for rehabilitation and remediation.

SECTION 16. RIVERBANK PROTECTION

Riverbanks, easements, road right of ways, deltas, swamps, former riverbeds, beaches and waterways shall be planted with appropriate trees, plants and grass in order to maintain its purpose as bank protection and to protect erosion brought by floods, typhoons, tsunamis, and the like. The riverbank protection measures shall give priority to the application and use of bio-engineering and indigenous technology.

SECTION 17. EASEMENT OF PUBLIC USE

The banks of rivers and streams and the shores of the seas and lakes throughout their entire length and within a zone of three (3) meters in urban areas, twenty (20) meters in agricultural areas and forty (40) meters in forest areas, along their margins, are subject to the easement of public use in the interest of recreation, navigation, flotage, fishing and salvage. No person shall be allowed to stay in this zone longer than what is necessary for recreation, navigation, flotage, fishing, or salvage or to build structures of any kind.

a. Restriction Within the Foreshore Area

Construction of any structure within the foreshore area is strictly prohibited. These areas are subject to the easement of public use in the interest of recreation, navigation, flotage, fishing and salvage. No person shall be allowed to stay in on this zone longer than what is necessary for recreation, navigation, flotage, fishing or salvage or to build structure of any kind. Any person or establishment who/which violates this provision/s shall be punished with a fine of Two Thousand Five Hundred Pesos (P2,500.00) or Imprisonment of not Less Than 5 Days or Both at the discretion of the court.

SECTION 18. ROADSIDE TREES AND ORNAMENTAL PLANT SPECIES

In order to have a buffer for noise pollution, sequester other air pollutants and emissions, and to contribute aesthetic value, coolness to the locality, roadside tree and ornamental planting and urban greening, public plazas, subdivisions, schools premises/campuses and other public grounds or places shall be promoted.

SECTION 19. WATERSHED PLAN AND SUSTAINABLE MANAGEMENT

Tigbauan, a member of the Sibalom Baguingin Watershed Management Board may integrate concerns of the Barangays in the plan formulation and implementation considering 52 barangays of Tigbauan. Watershed areas can be disaggregated into small or micro-watershed units. Management, protection, rehabilitation and maintenance of small or micro-watershed which are sources of water supply within the LGUs jurisdiction shall be its primary responsibility particularly those identified for local water supply either for domestic and irrigation use. Planting of suitable species shall be made to maintain and increase good quality water yield. The Municipality, in coordination with DENR, shall ensure the identification of a potentially non-declared community watershed area by every barangay for protection and rehabilitation. The same shall be declared as Community Watershed Area by the DENR as endorsed by the community and supported by a resolution of the Sangguniang Barangay for approval and confirmation of the Sangguniang Bayan. The recipient barangay, in coordination with DENR, shall prepare Community Watershed Management Plan (CWMP) in order to carry out its smooth implementation and operation. The Community Watershed Management Plan (CWMP) should be guided by the following general sustainability criteria:

- a. **Ecological Sustainability** – Utilization and development of a watershed's natural resources should be undertaken in a manner that is compatible with natural habitat with the maintenance and/or enhancement of essential ecological processes, biological diversity and natural resources base.
- b. **Social and Cultural Sustainability** – Utilization and development of the watershed's natural resources should be undertaken in a manner that will increase people's control over their lives, is compatible with the culture and values of the people affected by it, maintains and strengthens community, identifies and ensures that the costs and benefits are shared equitably between and within communities and individual households.
- c. **Economic Sustainability** – Utilization and development of the watershed's natural resources should be undertaken in a manner that is economically efficient and which ensures that resources are used and managed in a way that will retain their potential to support future generations. It also means optimizing both the tangible and intangible economic benefits for the greatest possible number of people while ensuring, as far as the needs of sustainability of the watershed's natural resources permits, that no one suffers economic hardships.
- d. **Institutional Sustainability** – Those community-based organizations, NGOs, barangays and national institutions responsible for the conduct and/or supporting the planning, implementation and monitoring of watershed resource management activities should have the capability (financial and skilled human resources) to sustain the delivery of the services required from them.
- e. **Political Sustainability** – The utilization and development of watersheds should be made in a manner that is consistent with sound basic and strategic policies for economic development and environmental protection and that will promote political balance between and among the various watershed resource users and beneficiaries.

SECTION 20. LIVELIHOOD DEVELOPMENT

The community/people's organization (POs) CBWM shall have Greening and watershed management program to be implemented in their respective areas to augment their meager income while waiting for the major products, likewise, to divert destructive pressures over greening, watershed areas. Development of Livelihood Projects using local, indigenous raw materials, non-bio recyclable materials as considered by the One Barangay One Product, an offshoot of the One Town One Product Program of the government for the 52 barangays of the Municipality of Tigbauan effecting Policy Environment and Regulatory Framework set for Small Medium Entrepreneurs.

CONSERVATION AND PROTECTION

SECTION 21. WOODLAND AND GREENERIES

The utilization, exploitation, occupation, possession and disposition of wood products in any forest/woodland, or any activity therein, involving one or more of its resources which will produce optimum benefits to the development and progress of the general public, without impairment, or with the least destruction to its resources, shall be allowed.

- a. **Cutting, Gathering and/or Utilization of Timber and Other Forest Resources**

A cutting permit for harvesting of planted trees within private lands is no longer necessary but shall be covered with transport documents to be issued by the DENR when these shall be transported from the cutting area to another barangay or to its destination. For premium species such as: narra, molave, dao, kamagong, ipil, aklé, apanit, banuyo, batikuling, betis, bolong-eta, kalantas, lanete, lumbayao, sangilo, supa, teak, tindalo and manggis, a special cutting permit shall be secured from the DENR Secretary before harvesting/cutting. The DENR shall not issue any Certificate of Verification Clearance/Self-Monitoring Form (planted trees) and Cutting Permit (for hardwood premium species) to the applicant unless a Certification from the Punong Barangay concerned certifying that the trees to be transported/cut are planted and came from a private lot and a certification from the concerned barangay government affirming the same. The applicant and/or permit holder shall replace every tree cut/harvested by planting of five (5) healthy seedlings at the cutting area applied.

In case the permit holder has no available planting materials, the DENR or Municipal Government shall provide the needed seedlings. All applications for private land timber permit/special private land (PLTP/SPLTP) shall be endorsed by the Barangay concerned after consultation with the MENRO. All barangays are also encouraged to put up their respective Barangay nursery in order to help augment the demand for seedlings

b. Woodland / Greenbelt Protection

- i. The Municipality shall prepare a Woodland Protection Framework Plan to be adopted by the Barangay Governments, in collaboration with the DENR. This is to complement the present Municipal Government Task Forces and DENR Law Enforcement Manpower in monitoring, detection, apprehension and prosecution of violator(s) of this Code, relevant national laws and DENR existing rules and regulations.
- ii. All illegal woodland products and accessories used in the commission of the crime shall be seized and shall be turned over to the nearest DENR Office for its administrative proceedings.
- iii. All power saws/chainsaws and similar tree cutting equipment shall be registered with the DENR, renewable every two (2) years, pursuant to RA 9175, known as "Chainsaw Act". The owner will secure Permit to Operate, like business and mayor's permit and upon registration with the DENR.
- iv. To protect the woodland from fire incidents due to slash and burn farming (kaingin), burning of grasses, and other similar acts, the Municipality in coordination with the DENR, shall create the Fire Suppression Brigade and provide firefighting equipment to the barangays within or adjacent to the timberland areas.
- v. The practice of slash and burn farming within the Municipality shall be prohibited.
- vi. The Municipal Government shall provide incentives to Barangays which aid the DENR in the apprehension of timber poachers and recovery of illegally cut/gathered woodland products within their jurisdiction. Concerned barangays shall enact ordinances which provides for stiffer penalties on slash and burn farming.

c. Timber Inventory within Alienable and Disposable Lands

To determine the number of existing Private Tree Plantations within the municipality, a continuing inventory of Tree Plantations within private, alienable and disposable and tax declared lands shall be jointly undertaken.

SECTION 22. RECREATION WOODLAND MANAGEMENT

a. Identification and Designation of Areas Potential for Recreational Purposes

The Municipality shall identify, evaluate and assess potential area for recreation purposes in collaboration with the DENR, DOT and other concerned agencies in accordance to its feasibility, topography, physical and aesthetic and other similar characteristics to enhance tourism industry and other potential investments based on DENR laws, rules, and regulations.

b. Development through Co-management

Once an area has been recognized to have a potential for recreation, the co-management approach may be applied. A Memorandum of Agreement or its similar instruments shall then be provided and the roles and responsibilities by each party shall be properly defined; provided, that the area conforms to the approved Municipal CLUP.

SECTION 23. CUTTING OF COCONUT PALM

- a. It shall likewise be unlawful for any person, owner, tenant or administrator to cut down coconut palm for personal/commercial purposes without first securing permit to cut from the DENR and pay the corresponding Mayor's Permit and pays the amount of fifty pesos (P50.00) for every palm to be cut down.
- b. It shall be the duty/obligation of the person, owner, tenant or administrator to replace two (2) coconut seedlings for every palm cut down in the same area or lot or in any barangay within the municipality, provided the same shall be certified by the Punong Barangay where the replacement was made.
- c. The replacement may be made no earlier than two (2) months before or two (2) months after the cutting was made.
- d. The Punong Barangay who made the certification shall furnish the Office of the Mayor a copy of said certification not later than five (5) days after the certification was made.
- e. The Punong Barangays are authorized to implement this ordinance.

CHAPTER 5

MINERAL, SAND, GRAVEL AND EARTH RESOURCES

PERMIT TO EXTRACT, REMOVE AND DISPOSE MINERAL RESOURCES

SECTION 24. QUARRY PERMIT. No person, corporation, partnership or government entity/instrumentality shall be allowed to extract, remove or dispose of minerals from public waters, public and private lands, unless authorized under a permit issued in accordance with Municipal Ordinances and the Mining Act. The Municipal Government shall conduct an inventory and assessment of all mineral resources and all forms of existing tenements within the municipality with the end goal of establishing a "Mining Corridors". Exploration, extraction, removal and disposal of mineral resources through the PMRB shall be contained/confined/restricted only within the areas of these mining corridors and based on the recommendation of the Mines and Geo-Sciences Bureau.

SECTION 25. Any qualified person may apply for a Quarry Permit with the Provincial Governor through the recommendation of the Office of the Municipal Mayor for the extraction, removal and disposition of quarry resources covering an area of not more than five (5) hectares for a term of not exceeding five (5) years from the date of issuance thereof, renewable for like period, but not to exceed a total term of twenty five (25) years, subject to the succeeding provisions hereof.

SECTION 26. SAND AND GRAVEL AND ORDINARY EARTH PERMIT

The Provincial Government in coordination with the Municipal Government shall identify, delineate and designate areas for commercial and industrial extraction, removal and disposition of sand and gravel and ordinary earth materials in close coordination with the Mines and Geo-Sciences Bureau.

a. Commercial Sand and Gravel and Ordinary Earth Permit

Any qualified person may apply for a Commercial Sand and Gravel Permit with the Provincial Governor through the PMRB in coordination with the Municipal Mayor for the extraction, removal and disposition of sand and gravel and other loose or unconsolidated materials which are used in their natural state without undergoing processing, covering an area of not more than five (5) hectares for a term of one (1) year from the date of issuance thereof, renewable for like period and in such quantities as may be specified in the Permit, provided that the application shall only cover one (1) barangay/municipality at any one time for each applicant under such terms and conditions as provided herein.

b. Industrial Sand and Gravel Permit

Any qualified person may apply for an Industrial Sand and Gravel Permit with the Provincial Governor through the PMRB in coordination with the Municipal Mayor for the extraction, removal and disposition of sand and gravel and other loose or unconsolidated materials that requires the use of mechanical processing covering an area of not more than of five (5) hectares at any one time for a term of five (5) years from date of issuance thereof, renewable for like period but not to exceed a term of twenty five (25) years.

c. Government Gratuitous Permit

Any government entity/instrumentality in need to quarry sand and gravel or loose/unconsolidated materials in the construction of building(s) and/or infrastructure for public use or other purposes may apply for a Government Gratuitous Permit with the Provincial Governor through the PMRB with the recommendation of the Municipal Mayor for a period co-terminus with the construction stage of the project but not to exceed one (1) year in public/private lands covering an area of not more than two (2) hectares. The applicant shall submit a project proposal stating where the materials to be taken shall be used and the estimated volume needed.

d. Private Gratuitous Permit

Any landowner may apply for a Private Gratuitous Permit with the Provincial Governor through the PMRB with the recommendation of the Municipal Mayor for the extraction, removal and utilization of quarry, sand and gravel or loose/unconsolidated materials from his/her land for a non-renewable period of sixty (60) calendar days, provided that there is adequate proof of ownership and that the materials shall be for private use only.

SECTION 27. PEBBLE PICKING PERMIT

Upon application with the Provincial Governor through PMRB after seeking a favorable recommendation from the Office of the Municipal Mayor, a Special Permit for Pebble Picking through manual gathering/removal of pebbles along the riverbeds may be granted to any person but preferably a cooperative duly registered with the Cooperative Development Authority (CDA) whose members are residing in the area where pebble resources are available. The permit shall be for a term not exceeding one (1) year from the date of issuance thereof, renewable for like period, provided that the permit holder has complied with all the terms and conditions of the original permit as provided herein and has not been found guilty of violation of any provision of this Code, the Mining Act and related local ordinances, existing national laws, rules and issuances.

SECTION 28. CLEARANCES FOR MINING APPLICATIONS CERTIFICATIONS AND PERMITS

The MENRO shall review all certifications and clearances issued by barangays in relation to the mining applications for approval by the DENR. Pursuant to this authority, the MENRO may recommend the revocation of such clearances or certifications if these are found contrary to pertinent provisions of this Code and other environmental laws, or disadvantageous to the interest of the municipality. The MENRO or its representative shall be present during mandatory consultations organized by mineral permit applicants and assist upland communities, indigenous peoples and women's groups to safeguard their rights. In the process, MENRO shall certify that mandatory consultation and discussion have been complied with by the mineral permit applicant. In the event a particular mining activity within the municipality lacks mandatory local clearances and certifications, the MENRO shall recommend the immediate revocation of Mining permits issued by the DENR and undertake any judicial action to enjoin further operations by the mining permittee.

SECTION 29. Aside from those already defined in existing mining laws, rules and regulations, the following are likewise considered prohibited mining practices:

- a. Any mining or quarrying activity which employs minors as mine workers;
- b. Any mining activity near a community water source;
- c. Any mining activity which employs hazardous chemicals and processes;
- d. Any mining activity within topographic one-kilometer-distance from a historic shrine, wildlife sanctuary, tourism area, and similar places of interest;
- e. Any mining activity which necessitates the use of explosives when the contract area is near a populated area.

SECTION 30. QUALIFIED APPLICANTS. A permit may be granted to any qualified person, as herein defined, who has complied with the requirements prescribed by the applicable municipal ordinances of Tigbauan. Provided further that in the case of government office, it shall be duly recognized and existing and in need of materials for infrastructure projects as certified by the agency concerned.

SECTION 31. VERIFICATION OF AREA. A permit may be granted to any qualified person, as herein defined, who has complied with the requirements prescribed by the applicable municipal ordinances of Tigbauan. Provided further that in the case of government office, it shall be duly recognized and existing and in need of materials for infrastructure projects as certified by the agency concerned. The MENRO and barangays concerned shall conduct field verification of the applied areas and submit to the (MMRB) PMRB

the corresponding report and recommendation for appropriate action of the Mayor/Governor. The MENRO shall be present in all consultations conducted by mining applicants. The MENRO shall be the exclusive office to certify that mining permit applicants have complied with the consultation requirements.

SECTION 32. DELIVERY RECEIPT. The truck driver engaged in hauling from the extraction area of sand and gravel and other materials governed by the permit shall present the original delivery receipt upon inspection by concerned authorities. The duplicate copy shall be attached to the monthly report required hereof and made available at all times for inspection by the proper authorities. Failure of the truck driver to present the delivery receipt upon demand shall subject him to the penalty imposed by existing municipal/provincial ordinances and national laws and shall be a cause for the impounding of the materials and vehicles which shall be released only upon payment of the penalty imposed for violation thereof.

LEVYING INSPECTION AND MONITORING FEES ON TRUCKS HAULING SAND AND GRAVEL, ORDINARY EARTH AND OTHER QUARRY RESOURCES FROM SIBALOM RIVER AS WELL AS PRIVATE AND PUBLIC LANDS

SECTION 33. REGULATORY CLAUSE

- a. **FEES AND CHARGES** – there shall be levied fees, charges and other impositions for inspection and monitoring activities for every hauler of sand and gravel and ordinary earth resources taken from the Sibalom River, and private lands in the territorial jurisdiction of the Municipality of Tigbauan, Iloilo.
 - i. There shall be imposed a minimum fee in the amount of Twenty Pesos (P20.00) for all six wheeler trucks and below and Thirty Pesos (P30.00) for all trucks heavier than six wheelers as charge for inspection and monitoring fee to haulers of sand and gravel and ordinary earth materials from the Sibalom River, Tigbauan, Iloilo.
 - ii. The amount shall be paid to the duly authorized collection officer designated by the Municipal Treasurer or any of its authorized representatives upon inspection of the delivery vehicle and upon issuance of Municipal Official receipts.
 - iii. The proceeds of all collected fees and charges shall be shared equally by the concerned Barangay and the municipality and shall be distributed as follows:

Municipality	-	Fifty Percent (50%)
Barangay	-	Fifty Percent (50%)
- b. **MAYORS/BUSINESS PERMIT** – There shall be imposed a Mayor's Permit for all haulers of sand and gravel and/or ordinary earth in the jurisdiction of the Municipality of Tigbauan, Iloilo and the amount of permit to haul sand and gravel and ordinary earth shall be determined by the Municipal Treasurer. Haulers, truck operators and drivers shall display their mayor's permit to haul sand and gravel and ordinary earth at the front wind shield of their vehicles visible to the common eye.
- c. **PROHIBITED ACTS AND OMISSION** – No permittees shall haul any quarry materials or resources without first securing Municipal Business Permit for sand and gravel, ordinary earth or any other related activity thereof. All permittees shall be required to secure ECC from DENR-EMB, Region VI prior to the issuance of the Municipal Business Permit. The permittees shall religiously comply with ECC conditions.
- d. **CREATION OF TASK FORCE QUARRY** – There shall be created a TASK FORCE QUARRY under the Office of the Municipal Mayor who shall be responsible for the implementation and execution of this ordinance. That TASK FORCE QUARRY shall monitor the permittees compliance to environmental requirements and mitigating for rehabilitation of Sibalom River.

CHAPTER 6

HABITAT AND BIODIVERSITY CONSERVATION

SECTION 34. The Barangays shall adopt flagship species of flora and fauna within their areas of jurisdiction as their identified emblems of conservation efforts. Ordinances shall be enacted on the selection

and adoption of such species in close coordination with the DENR or DABFAR and in adopting conservation measures of their flagship species preferred. Characterization of the existing flora and fauna is a must.

SECTION 35. The Barangays shall establish and manage rural barangay tree parks, greenbelt areas and greening open spaces on portion of human settlement areas/housing subdivision projects, schools, cemeteries, riverbanks and any public or private places suited for the purpose. A mechanism will be formulated and implemented to serve the objective.

SECTION 36. The Municipality shall declare terrestrial, wetlands and/or aquatic areas as wildlife sanctuary wherever possible in its area of jurisdiction. This serves as habitat for migratory and endemic birds and other wildlife species in the locality. The duly declared sanctuaries shall be maintained and conserved by the barangay and be supported by the municipality in collaboration with DENR and BFAR and other government agencies and NGOs, POs and stakeholders.

SECTION 37. The Municipal Government shall institutionalize and formulate policies and strategies on "Adopt-A-Wetland Program". This shall promote partnerships among private and public entities in close coordination with the DENR-PAWB. The program shall be supportive of the missions being advocated by Wetlands International and RAMSAR Convention "to sustain and restore wetlands, their resources and biodiversity for the future generations through research, information exchange and conservation activities". (Sibalom-Baguingin Watershed)

CHAPTER 7

WATER RESOURCES

SECTION 38. The Municipal Government shall adopt a vision for water which is the "attainment of sustainability of water resources to ensure sufficient water quantity of acceptable quality to meet the needs of the people of Tigbauan and neighbors in terms of health, food security, economy and environment and natural resources". This vision means providing the management directions for the water sector of Tigbauan, as follows:

- a. Access to safe, adequate and affordable water supply, hygiene and sanitation;
- b. Provision of sufficient water that will ensure food security for the Municipality of Tigbauan;
- c. Provision of sufficient water to spur and sustain the economies of the municipality;
- d. Protection of the water environment and natural resources to preserve flow regimes, biodiversity, and cultural heritage as well as the mitigation of water related hazard.

The Municipal Government shall formulate framework for action for a better water future. This framework shall be formulated to meet the foremost challenges facing the municipality:

- a. Managing the water resources efficiently and effectively;
- b. Moving towards integrated river basin management;
- c. Translating awareness to political will and capacities;
- d. Moving towards adequate and affordable water services.

The Municipality shall adopt a policy of integrated and sustainable management of all water resources, whether inland, sub-terranean, coastal, marine or atmospheric, groundwater. Integrated Water Resources Management (IWRM) shall be the foundation supporting the management of shared river basins, taking as a starting point the principles of Dublin and Global Water Partnerships. These principles are:

- a. Water is a finite, vulnerable and essential resource which should be managed in an integrated manner.
- b. Water resources development and management should be based on a participatory approach involving all relevant stakeholders.
- c. Women play a central role in the provision, management, and safeguarding of water.
- d. Water has an economic value and should be recognized as economic good, taking into account affordability and equity criteria.

SECTION 39. The MENRO shall conduct an inventory all of water resources and its classification under their jurisdiction in coordination with the DENR, using present promulgations on water classification,

specifically PD 1067 or the Water Code of the Philippines RA 9275 and DENR Administrative Order No. 97-23 updating DAO 34 Series of 1990 otherwise known as the Revised Water Usage Classification, which shall be the basis for the issuance of water utilization permits and licenses.

SECTION 40. The Municipal Government, thru its MENRO, in cooperation with the different barangays, NGAs, NGOs, POs and stakeholders, shall ensure that the inland waterbodies such as the surface and underground water, rain water, and coastal waters are conserved for the sustainable and beneficial use in accordance with the Water Code of the Philippines and RA 8550.

SECTION 41. The Municipal Government shall encourage barangays for the “community adoption” of lakes, shoreline areas, and riverbanks contiguous to their residential areas for purposes of conservation, preservation, and co - management of water resources. (Waste water facility of slaughter house)

SECTION 42. Traders, wholesalers, and retailers of pesticide and fertilizer products shall secure a permit from the MENRO for the sale and distribution of highly soluble synthetic fertilizers and pesticides especially those with nitrogen or phosphorous content. Likewise, traders, wholesalers, and retailers of highly soluble synthetic fertilizers and pesticides are required to label their products with warnings of their potential risks on water supply. Furthermore, distributors and sellers of farm chemicals and fertilizers are required to conduct farmer training seminars regarding the proper use of said products especially the prevention of water pollution.

SECTION 43. The municipality, in coordination with DENR-EMB, academe, and research institutions, shall formulate a water quality management scheme and determine the type and point sources of pollutants and the allowable volume of effluents that can be permitted to discharge to waterways subject to existing discharge standards provided in the Clean Water Act of the Philippines or RA 9275 and DENR DAO 34.

SECTION 44. The municipality shall require all industries and commercial establishments to establish and share a common waste treatment plant and adopt precautionary measures to address adverse environmental impact using clean production techniques, and recycling of treated waste water.

SECTION 45. This Code Establishes the Sibalom-Baguingin Watershed Management Council, Defining its Powers and Functions, Appropriating Funds Therefore and For Other Purposes. The MENRO in coordination with the Punong Barangays with Technical support from PENRO and DENR will establish its Local Watershed Management Council with defined powers and function and appropriating funds thereof.

SECTION 46. There shall be created a Municipal Water Resources Development Council to act as a policy formulating and advisory body governing sustainable water resources management and utilization. It shall be composed of people willing and has the technical information/knowledge on this area.

SECTION 47. The Municipality shall be encouraged to provide delivery of water supply and sewerage services but not limited to investments or loans from Water Service Providers (WSPs). They shall be financially and operationally responsible for the WSPs within their respective jurisdiction in accordance with the provisions of Executive Order No. 219 dated February 2, 2004 entitled “Instituting Reforms in the Financing Policies for the Water Supply and Sewerage Sector and Water Service Providers and Providing for the Rationalization of LWUA’s Organization Structure and Operation in Support Hereof”.

SECTION 48. Commercial establishments, restaurants, beach resorts, clinics, extractions and purified water stations, repair shops, crushing/bathing plants, sand and gravel, among others, as well as areas considered as tourism sites are required to install waste water treatment facilities/devices. In the event that there is an existing centralized water treatment and sewerage facility in the area, said establishments shall be required to connect or interconnect their sewer lines to the system.

SECTION 49. All seagoing vessels which dock at all seaports in the municipality shall secure a discharge compliance certificate from the MENRO after its waste water disposal system is found to be compliant with rules and regulations issued by the Philippine Coast Guard and the Maritime Industry Authority (MARINA).

SECTION 50. In addition to those defined under national laws, rules and regulations, the following shall be considered prohibited practices:

- a. Dumping of Domestic Sewage (especially Human Waste) into rice fields, irrigation canals, and road ditches;
- b. The storage of toxic chemicals near bodies of water.
- c. The washing of clothes with detergents in rivers and other bodies of water.
- d. Direct discharge of domestic and untreated industrial waste water into bodies of water.
- e. Washing and cleaning of vehicles and machineries along river beds and at other bodies of water.
- f. Motorboats without sealed gasoline and oil tanks.
- g. Throwing of garbage, spitting, urinating and defecating in beaches and other bodies of water. These violations shall be aggravated by commission thereof in eco-tourist areas.
- h. All other acts which will be defined in the Implementing Rules and Regulations of this Code.

WATER QUALITY MANAGEMENT SYSTEM

SECTION 51. ESTABLISHMENT OF WATER QUALITY MANAGEMENT AREA (WQMA)

- a. The Municipal Government, in close coordination with the DENR and NWRB and in collaboration with other local government units who are part of the watershed area, shall identify and designate certain areas as water quality management areas using appropriate physiographic units such as watershed, river basin or water resource region. Said management area shall have similar hydrological, hydro geological, meteorological or geographic conditions which affect the physicochemical, biological and bacteriological reactions and diffusions of pollutants in the water bodies or otherwise share common interest or face similar development programs, prospects or problems. The designation and management of WQMA shall adhere to the provisions of the DENR Administrative Order No. 2005-10 (IRR of the Phil. Clean Water Act-RA. 9275), Chapter-2, Article 1, Section-5, Rule -5.
- b. The Municipal Government shall designate the barangays of Parara, Buyuan, Supa, Bagumbayan, Namocon, Baguingin, and Nagba as pilot "Water Quality Management Areas". In addition it may consider areas along Sibalom River from Cordova Norte to Barangay Bagumbayan. These areas shall be governed by a governing board composed of representatives of barangays and Mayor of the Municipality of Tigbauan, and representatives of relevant national government agencies, duly registered NGOs, water quality sector, business sector and academe. The DENR Representative shall chair the governing board with the Mayor as Vice Chair. The governing board shall formulate strategies to coordinate policies necessary for the effective implementation of the Clean Water Act of 2004 (R.A.9275).
- c. The Municipal Government through the governing board shall create a multi-sectoral group to establish and effectuate water quality surveillance and monitoring network including sampling schedules and other similar activities. The group shall submit its report and recommendation to the Municipal Government through the governing board. The TMENRO shall act as the Technical Secretariat and shall provide technical support to the governing board. The secretariat shall be provided with External Support Group composed of at least four (4) members who shall have the following minimum qualifications:
 - i. One (1) member shall be a member of the Philippine Bar;
 - ii. One (1) member shall be a Chemical Engineer, Chemist, Sanitary Engineer, Environmental Engineer or Ecologist or have significant training and experience in chemistry;
 - iii. One (1) member shall be a Civil Engineer or Hydrologist or have significant training and experience in closely related fields and mainly experienced on groundwater, respectively; and
 - iv. One (1) member shall be a Geologist or Biologist or have significant training and experience in closely related fields.

SECTION 52. The Municipal Government, in close coordination with the governing board and DENR, shall implement a wastewater charge system in all water quality management areas (WQMA) through the collection of wastewater charges/fees. Wastewater charges shall be established taking into consideration the following:

- a. Strong economic inducement for polluters to modify their production or management process or to invest in pollution control technology in order to reduce the amount of water pollutants generated;

- b. Cost of administering water quality management or improvement programs;
- c. The damages caused by water pollution on the surrounding environment, including the cost of rehabilitation;
- d. Type of pollutant;
- e. Classification of the receiving water body; and
- f. Other special attributes of the water body. The scheme of the local wastewater charge system shall be guided by the provisions of the DAO-2005-10, Chapter-2, Article-1, Section-13, Rule-5 of the IRR for R.A.9275. 20.5.
- g. Discharge Permits. All discharge permits and issuances of the DENR and other barangays within the WQMA shall be subject to area-clearance and post-approval authentication by the MENRO through the governing board.

WATER CONSERVATION

SECTION 53. It shall be the policy of Tigbauan, Iloilo to intervene actively in improving the management of water resources, through the implementation of various programs aimed towards the conservation of all water resources.

SECTION 54. A Committee on Water Conservation or “WaterCom” shall be created in the Municipality of Tigbauan to ensure the proper implementation of this ordinance and to coordinate with all agencies necessary in implementing the same. Said Committee shall meet at least once every quarter or as frequent as necessary.

CHAPTER 8

COASTAL ZONE AREAS AND RESOURCES MANAGEMENT

GOVERNING PRINCIPLES AND MANAGEMENT DIRECTIONS

The Municipality shall adopt the Integrated Coastal Zone Management (ICZM) by using the ecosystem approach in the development and management of their coastal environment and natural resources pursuant to Executive Order No. 533, “Adopting Integrated Coastal Management as a National Strategy to Ensure the Sustainable Development of the Country’s Coastal and Marine Environment and Natural Resources and Establishing Supporting Mechanisms for its Implementation.”

The Municipal Government shall consider the coastal zone planning as a tool to improve the use of coastal resources. It incorporates the context within which it operates; the capability required to assess, evaluate and monitor the outcomes; and the process through which it could be attained. Planning the coastal zone shall be based on certain principles which promote its effectiveness, responsiveness and acceptability to its key stakeholders and which guide the preparation of the coastal land use plan. These principles shall include:

SECTION 55. Linkage – The management aspect of “linkage” pertains to the effective conservation of marine and coastal resources. This requires integration with land use planning and management, which is based on the principle of protection of common resources and cooperation and coordinative action for their conservation and judicious use.

SECTION 56. Sustainability through Participatory Approach – It is essential to integrate conservation with use, where the coastal communities actively participate in the management of resources and help harmonize conflicting land uses. The planning and allocation of coastal resources involve a continuing negotiation process between and among various public and private stakeholders. Such processes involve the resolution of conflicts and consensus-building.

SECTION 57. Productivity and Biological Limits – The use of coastal resources is determined by their biological capacity and ecological limits. Carrying capacity is the ability of a resource to absorb stress or perturbation without unacceptable environmental degradation.

SECTION 58. Biodiversity Protection – Coastal areas with high degree of ecosystem and species diversity need to be identified and mapped in coastal land use planning. These areas with rich diversity of

ecosystems and species should be protected and conserved for their ecological and economic importance.

SECTION 59. Socio-Cultural Relevance and Requirements – Coastal plans should be sensitive to the needs, aspirations and culture of the zone's inhabitants and the indigenous cultural communities therein. The plan should therefore be able to document the critical aspects of a coastal community's culture with reference to the use and management of coastal resources.

SECTION 60. Conservation of Resources – The decline in fish catch indicates that resources are dwindling as a result of increasing pressures on the coastal zone arising from legitimate or illegitimate competing interests. Much attention shall therefore be focused on the efficiency of the extraction of resources and the untapped resources which exist within the community.

SECTION 61. Capability Building – The education, training and professional development of municipal planners and managers and researchers on issues and problems on coastal zone management and development require long-term investment which the Municipal Government shall make in order to improve coastal zone management.

SECTION 62. Institutional Framework – There is a need to ensure that planning at the local, provincial and regional level is responsive to the needs and aspirations of the local communities. The planning body (e.g. TRDC, MPDO and MENRO) at the local level should be able to integrate these concerns and activities in the coastal zone.

SECTION 63. Integration – A major purpose of the integrated coastal zone management (ICZM) approach is to coordinate the initiatives of the various coastal economic sectors toward long-term optimal socio-economic outcomes, including the resolution of use conflicts and beneficial trade-offs. The integrated multiple sector approach is designed to guide the activities of two or more economic sectors in planning and management and optimize resource conservation, public use and economic development.

SECTION 64. Ecological Viability – This refers to the sustainability of the productive functions of the coastal zone within the limits of its carrying capacity. Adequate consideration shall be given to measures which would ensure that first, harvests from fishing are maintained at sustainable levels, and second, that pollution loads are kept at levels which will not unduly compromise the ability of the coastal zone to support other economic activities such as coastal tourism.

SECTION 65. Economic Feasibility – This shall be operationalized through measures that will enable development to proceed without compromising the coastal ecological functions. Particular emphasis shall be given to actions that will result in the minimization of social costs. Coastal communities should be able to harness the potentials of coastal resources as part of their economic base without hampering ecological functions.

SECTION 66. Social Acceptability – The support of the entire community is important for the coastal land use plan. All sectors should be able to understand and visualize as a group and as a community, the importance of coastal resources conservation and environmental quality protection.

SECTION 67. Political Viability – Political leaders should be involved in the planning process to get their support and ownership of the plan. They should spearhead the implementation of the coastal land use plan.

SECTION 68. The Municipality shall provide for the establishment and development of data base of all coastal zone resources which include all informations and maps on the qualitative and quantitative characteristics of the fishery resources, breeding grounds, seasons and processes that need to be protected, including critical habitats needing preservation as centers for stock recruitment and replenishment and the identification of resources that may be tapped for further economic production.

SECTION 69. The Municipality shall organize or create a body responsible for the drafting of Municipal/Barangay Integrated Coastal Zone Management Plan and coordinate efforts for a comprehensive action plan preparation and implementation. The ICZM planning shall involve the rational allocation of dry land and wetland components of the coastal area for various uses. This requires comprehensive resource inventory and stocktaking (ecological profiling) of the present status of coastal zone resources. Coastal

Zone Planning boundary shall be ascertained through the conduct of a land use survey and mapping of coastal subsystems.

SECTION 70. Planning and development of Integrated Coastal Zone Management Program is the key management tool for sustainable economic program. The ICZM Plan shall define and delineate the zoned areas and resources covered by the management regime. It shall clearly spell out and define the resources and critical issues and strategies and the mechanics that are necessary to address such issues and sustainability of the resources pursuant to the provisions of RA 8550, RA 7160, RA 7586, RA 9147 and other applicable laws and issuances. The municipality's ICZM Plan should reflect its own unique set of conservation issues. The ICZM Plan should include the content, form and scope of a community's coastal zone management plan which covers a review and permit system including the requirements of the EIA System for development projects and similar activities. The ICZM Plan should include the following:

- a. Enumeration and description of options for the improvement of the community's welfare in coastal areas. These options should maintain the integrity of the coastal ecosystem and the productivity of the natural resource base;
- b. A list and explanation of the objectives and policies of an ICZM program;
- c. Identification of permissible types of uses of coastal resources and terms and conditions on their uses;
- d. Identification of areas that offer the best potential for compatible uses and provision of technical basis for land-use planning and zoning;
- e. Provision of detailed representation of the inventory of the resources in the zone, and an identification of the coastal areas for conservation;
- f. Provision of authority for identifying and protecting natural hazards;
- g. Authorization of the institutional arrangement for managing the program; (h) Procedure for public participation;
- h. System of procedure for permit approval;
- i. Procedure for monitoring of activities and enforcement of compliance to permits issued
- j. Issues and areas of concerns such as: natural resources degradation, pollution, land use conflicts, and destruction of life and property as a result of natural hazards.

SECTION 71. Development shall avoid manipulation of biological cycles that are important to the natural productivity of the coastal zone to influence other ecosystems' productivity and sustainability. It shall regulate the alteration of the degree and direction of river flows having far reaching effects on the coastal zone ecosystem, the diversity and productivity of the seashores, fisheries and the natural configuration of the coastlines that protects the immediate lands.

SECTION 72. Barangays shall form a federation or alliance to ensure coherent management strategies and policies in areas wherein resources may be shared between two or more municipalities considering ecological processes that transcend one municipality and affecting the others. The federation or alliance shall define its functions and responsibilities as the policy making and advisory body of the Punong Barangays.

SECTION 73. The Municipality shall prepare, adopt and implement precautionary and preventive measures against marine pollution and health hazards as prescribed in the IRR of this Code. The Municipality shall consider the Polluters Pay Principle to generate funds for research and development capabilities and institutional cooperation of stakeholders for the formulation of guidelines on technologies for marine water pollution control innovations. An ordinance shall be enacted by concerned barangay that shall oblige erring resource users, both within the local territory and those that are transboundary, to bear the cost of rehabilitation/restoration activities in addition to payments of administrative charges arising from such unscrupulous activities. Other preventive measures will be financed by the revenues generated from fees and penalties collected by Barangay from polluters. It should benefit as much as possible those who are directly affected by pollution hazards.

MANGROVE MANAGEMENT SYSTEM

Mangroves provide tremendous primary ecological and economic benefits. To cite a few, mangroves provide nursery grounds for fish, prawns and crabs, and support fisheries production in coastal waters; protect the environment and natural resources and coastal communities from storm surges, waves, tidal currents and typhoons. The aspects of the mangrove management system shall embody four (4)

management options, namely:

SECTION 74. Mangrove Nursery Establishment and Management – This involves physical selection and preparation of the site and the application of nursery technology and operations.

SECTION 75. Mangrove Plantation Establishment and Management – This involves a number of stages ranging from site selection and preparation, out-planting, care and maintenance, and monitoring and evaluation.

SECTION 76. Mangrove Protection And Conservation, Designation Of Barangay Baguingin And Existing Natural Stand Of Mangrove Forest In The Municipality As Reserved/Protected Area

All existing natural stand of mangrove forest within the municipality especially at Barangay Baguingin are declared as reserved/protected area.

SECTION 77. Immediate Restoration of Converted Mangroves

The municipal government through the MAO/MFO shall immediately take steps for the restoration of all abandoned, undeveloped or underutilized fishponds areas to their original mangrove state.

SECTION 78. Fishpond Rehabilitation – This is a management option that provides information on how People's Organization (PO) can modify abandoned fishponds reverted to the category of forestlands or fishponds not covered by the Fishpond Lease Agreement (FLA) or permit and are thus illegal. These areas can be restored and developed to plantation for benefits to the community; an area for collecting shells, crabs, and fish; or providing shelter and food for mangrove fauna such as crabs, shells, shrimps, and fish harvested in coastal waters. Fishpond restoration shall only be conducted after the fishponds shall have been reverted to the category of forestlands and shall have been granted to the CBFMA holder by the DENR.

SECTION 79. Conversion of Mangroves

The cutting of mangrove and/or conversion of mangrove into fishponds is prohibited under existing laws regardless of whether they are on public or private land.

COMPREHENSIVE COASTAL RESOURCE MANAGEMENT

SECTION 80. Jurisdiction of Municipal Government. The municipal government shall have jurisdiction over the municipal waters as defined. Pursuant to the Local Government Code of 1991 and the Fisheries Code, the municipal waters of this Municipality shall be within the geographic coordinates in the technical description and corresponding chart as determined by the National Mapping and Resource Information Authority (NAMRIA), for purposes of management and law enforcement, and without prejudice to the settlement of boundary disputes with contiguous LGUs.

SECTION 81. The municipal government shall be responsible for the management, conservation, development, protection, utilization and disposition of all coastal and fishery resources within the municipal waters.

SECTION 82. Fishery activities are subject to the regulation of the municipal government. No person, cooperative, partnership, firm or corporation shall exploit, occupy, produce, breed, culture, capture or gather fish, fry, or fingerling of any species and other coastal and fishery resources or engage in any commercial fishery activity in the municipal waters without a license, lease, or permit secured from the municipal government.

SECTION 83. Whenever it is determined by the Municipal Government, in consultation with MFARMC and other organizations and institutions, that a specific area in the municipal waters is over-fished based on available data or information, or in danger of being over-fished, and that there is a need to regenerate the coastal and fishery resources in that area, it may regulate or prohibit fishery activities in the said area.

SECTION 84. Zonation of the Municipal Waters. The municipal waters within the jurisdiction of this municipality for purposes of granting the fishery privileges are divided and classified/zonified hereunder. Exclusive fishery privileges for the use of the specific class/zones as described hereunder shall be granted upon payment of appropriate rentals as fixed and described hereof.

a. For erection of Fish corrals (Punot) or Stationary Fish Lift Net (Tangkal-tangkal) and Stationary Filter Nets (Saludan) in the sea:

- a1. Zone I SALUDAN.** This covers the fishing site from the marine boundary of the Municipality of Oton and Tigbauan to the mouth of Baguingin Creek.
- a2. Zone II PUNOT/TANGKAL-TANGKAL** - Fishing site - Ledesma-Tinoy Ensoy (formerly Rosendo Ledesma, Tinte Tinoy and Tan Ensoy) extending from point in front of Baguingin Chapel towards the sea.
- a3. Zone III.** This is composed of three fishing sites: Central, Torrelavega and Nanga or Guibuangan.
 - i. Central - 13 meters to 20 meters deep located in front of the coconut grove of Maria Zayco at Brgy. Namoco, Tigbauan, Iloilo.
 - ii. Torrelavega- 14 meters deep located in front of Allera Street.
 - iii. Nanga or Guibuangan - 9 to 20 meters deep located at the mouth of Sibalom River.
- a4. Zone IV** This is composed of three fishing sites:
 - i. Liam-ao - the combination of Baoy and Binday sites 8 meters deep, located in front of Buyu-an Bridge (372 meters from monument I)
 - ii. Odong Quine - located in front of the concrete school building (Gabaldon Building) of Buyu-an Elementary School.
 - iii. Tia Laloy - 12 meters deep, located almost in front of the boundary of Brgy. Buyu-an and Nanga, 100 meters or less on the eastern side.

b. For gathering of sea shells:

- b1. Zone V** The shoreline from the mouth of Olo Barroc Creek at Brgy. Barroc up to the point 30 meters or less southwest of Buyu-an Bridge, this is approximately 20 meters from the shore going seaward and occupies the lowest most strata of the sea.

SECTION 85. Users of Municipal Waters. All fishery related activities in the municipal waters within fifteen (15) kilometers from the general coastline of the municipality at low tide, as defined in this ordinance, shall be utilized by the municipal fisherfolk and their organizations listed as such in the registry of fisherfolk. Provided, that in the absence of such organizations and cooperatives or their failure to exercise their preferential right, other parties may be granted fishing privilege according to the provisions of RA 8550 section 18.

SECTION 86. Exclusive Fishery Privileges. The residents of this municipality shall have the preferential right to the fishing privileges to erect and operate fish corals, pens, cages, traps. Fish aggregating devices, seaweed farming, fish shelters, oysters, mussels or other aquatic culture beds gathering of bangus fry or fry of other species, gathering of shells, mollusks within definite zones of the municipal waters, as may be determined by the MFARMC with which said project may be undertaken and such other fishing privileges within the approved zoning plan of the municipal water of the Municipality of Tigbauan to be granted by the Municipal Mayor.

SECTION 87. That in the absence of or failure to exercise their preferential right, other parties may participate in the public bidding in conformity with the procedure provided in this ordinance. Provided, however, that the Municipal Mayor is authorized to grant fishery privileges to qualified applicants upon the recommendation by the Municipal Agricultural Officer or his authorized fishery Office with the concurrence of the Sangguniang Bayan and upon payment of license/permit fees, therefore at the rate not exceeding those fixed in this ordinance. The fishery privileges may be granted by the Municipal Mayor on a first come first serve basis for a period of one (1) year.

SECTION 88. That they shall not fish within TWO HUNDRED (200) METERS from any fish corral or artificial reefs operated under exclusive privilege granted by the Municipality in accordance with this ordinance, or from the core of any coral reef in the municipal waters of this municipality, particularly the declared preservation zone and marine sanctuary. Provided lastly, that before the Municipal Mayor grant the permit for the operation of any fishing vessel/boat, the said fishing vessel will be subjected to the

measurement and inspection by the authorized officer of the Municipal Agriculture Office to determine exactly its gross tonnage.

SECTION 89. Access to Coastal and Fishery Resources. The number of licenses, leases or permits to be granted by the municipal government should take into consideration the principle of maximum sustainable yield (MSY) of the resource. Resident Municipal Fishers of the municipality and their organizations or cooperatives shall have priority to utilize and exploit municipal and demarcated fishery areas in the municipal waters.

SECTION 90. Gratuitous Permit. A gratuitous permit maybe issued by concerned government agencies, to any individual or institution of learning through the recommendation of the Municipal Mayor to engage in any fishing related activity in any water or area for scientific research or educational purposes, subject to the terms and conditions as maybe imposed.

SECTION 91. Fisherfolk Organization and/or Cooperative. Fisher folk organizations/cooperatives whose members are listed in the registry of fisherfolk may be granted use of fishery areas to engage in fish capture, Mariculture, and/or fish farming. Provided, however, that an organization/cooperative member whose household is already in possession of a fishery privilege other than fish capture cannot enjoy the fishery privilege granted to the organization or cooperative.

SECTION 92. Demarcated Fishery Privileges. The municipal government may grant demarcated fishery areas to fishery organizations or cooperatives for coastal aquaculture operations in designated areas as stipulated in this Ordinance.

- a. Mangrove plantation or reforestation, catching or taking of bangus fry or fry of other species, culture of oysters and green mussels, seaweed farming, fish shelters, and fishing with the use of hook and line;
- b. Fish culture in fish pens, fish cages, sea ranching, passive gears such as artificial reefs and payaos and commercial fishing with or without fishing vessel of less than 3 GT;
- c. Commercial fishing utilizing fishing vessels of more than 3 to 150 GT

SECTION 93. Artificial Reefs and Other Fish Aggregating Devices (FADS). The establishment/installation of artificial reefs and “payao” in the municipal waters shall be regulated. As such any person or entity who shall establish/install such structure shall secure a permit from the Municipal Mayor upon the recommendation of the MFARMC and subject to the following policies.

- a. artificial reefs/payao shall be established/installed primarily to enhance fish stock;
- b. the establishment/installation of artificial reefs/payao shall be two hundred (200) meters from the existing “punot”, “saludan” or where rights have been granted.
- c. the permittee shall have exclusive fishing rights within fifty (50) meter radius from the artificial reef/payao.

SECTION 94. Use of “Sungkit.” The use of sungkit in the municipality is allowed provided the following conditions are met:

- a. the operator has complied with all requirements and paid the corresponding license, permit and other payments;
- b. fishing operation or the use of such gear is intended only for “hipon” (ascetis sp.)
- c. Only motorized banca with 3GT and below using single piston motor is allowed.

SECTION 95. Use of Sahid (150 METERS, manually operated). The use of sahid is allowed in municipal waters provided the following conditions are met:

- a. the operator has complied with all the requirements and paid the corresponding license, permit and other payments;
- b. fishing net to be used is 3cm and above.
- c. The beach seine shall not exceed 100 meters.

SECTION 96. Establishment/Installation of “Saludan.” The establishment of “saludan” in the municipality is allowed provided the following conditions are met:

- a. the operator has complied with all requirements and paid the corresponding license, permit and other payments;

- b. fishing operation or catch should be mostly "hipon" (ascetis sp.)

SECTION 97. Environmental Impact Assessment (EIA) System. All proposed projects and undertaking by agencies and institutions of the government, including government-owned and controlled corporations, as well as private corporations, firms and entities which may significantly affect the quality of the environment shall be guided by the Environmental Impact Statement (EIS) System. The preparation of the EIS shall form an integral part of the entire planning process. No person, natural or juridical, shall undertake any development project without first securing Environmental Compliance Certificate (ECC) from concerned agency of the government as provided by law.

SECTION 98. REGISTRY OF FISHERFOLK, FISHING GEAR AND MUNICIPAL FISHING VESSELS

1. Registry of Municipal Fisherfolk

All persons desiring to be licensed to fish within the Municipal Waters of Tigbauan must be registered in the Registry of Municipal Fisherfolk. Only bona fide residents of Tigbauan are eligible for inclusion in such Registry. The listing of registered persons shall be updated annually and posted in barangay halls or other strategic locations for public inspection and validation.

2. Procedure for Registration of Municipal Fisher folk

The Barangay FARMC shall submit to the FMO/MAO a list of all eligible municipal fisherfolk, duly endorsed by Chairman of the Barangay FARMC, who may be included in the Registry of Municipal Fisherfolk. No fee shall be charged for registration. Any subsequent amendments to such list shall also be duly endorsed by the Chairman of the BFARMC.

3. Registry of Fishing Gear

All fishing gears used by fisherfolk in the municipal waters of Tigbauan must be registered in the Registry of Fishing Gears.

4. Registry of Post-Harvest Facilities

All Post harvest Facilities such as fish drying area/s fish processing plants, ice plants, cold storage, fish ports and other fishery business establishments must be registered in the Municipal Registry of Post-harvest Facilities.

5. Registration of Fish Hatcheries and Fish Ponds

All fish hatcheries, fish breeding facilities and private fish ponds must be registered with the Municipal Government.

6. Registry of Municipal Fishing Boats

All municipal fishing boats motorized & non-motorized operating within the Municipal Waters of Tigbauan must be registered in the Registry of Municipal /Fishing Vessels and pay a lifetime registration fee depending on the gross tonnage. The Registry shall be annually updated and made available for public inspection by the FMO/MAO at its office premises. The Registry of Municipal Fishing Vessels may be used for the purpose of determining priorities between users of the municipal waters.

7. Registration of Municipal Fishing Boats

All motorized fishing boats (3 gross tonnage and below) shall be registered in the Municipality. Further, the owner with boat captain will secure clearance with PNP Maritime Group as per PNP Memorandum Circular No. 2017-078 and register with Philippine Coast Guard for Safety Security and Environmental Numbering (SSEN) as per Executive No. 305.

The registry shall be for the purpose of information generation, monitoring and regulation, establishment of identity of ownership of vessels and marine safety.

SECTION 99. Assignment of Registration Number, Code and Prescribed Color

Each registered motorized banca shall be assigned with Registry Number which shall correspond to a code signifying the Province and Municipality; Example: ILO-D1-04-001 to up (number of registered units) and shall be inscribed in both sides of the body of the fishing boats.

To immediately identify the fishing boats owned by fisherfolks of the municipality, it must be painted by "ORANGE" as assigned color as per Provincial Ordinance No. 2017-151.

The name of the fishing banca shall be painted white color in both sides of the mid portion of the fishing banca.

SECTION 100. Cancellation of Registration. The fishing banca registration shall be deleted/cancelled under the following circumstances:

- a. Loss or decay of the fishing boat
- b. Involvement of the boat in a marine/maritime incident
- c. Transfer of municipal area of operation of the fishing boat; and
- d. Such other lawful causes.

Under the foregoing circumstances the owner/operator of the subject boat shall immediately inform the Municipal Government.

SECTION 101. Registration fee

motorized banca	
2.5 GT to 3 GT	1,000.00
1.5 GT to 2.4 GT	700.00
1.4 GT and below	500.00
non-motorized banca -	
	100.00

SECTION 102. FISHERY LICENSING AND CONCESSIONS

a. License Essential

All individuals, cooperatives, partnerships, firms or corporations who are listed in the Registry of Fisherfolk shall be issued Fishery License upon payment of the prescribed license fee. Provided, however, that all Fishery License holders must secure Permit from the Municipal Government before engaging in fishing using particular gear and/or boat or engage in any fisheries activities within the municipality. Provided further, that the Fishery License and the Permit are non-transferable. Provided, furthermore, that the holders agree unconditionally to comply with all laws, orders, policies, and rules and regulations governing fishing. The Licensee shall also assume responsibility for any and all of his acts with his fishing operation. No person, whether natural or juridical, shall be permitted to fish within the Municipal waters of Tigbauan without a fishing license issued by the Municipality.

b. Renewal of Fishery License and Permit

The Fishery License and Permit shall be renewed annually at the beginning of each year or every January.

c. Marginal fisherfolk Entitled to Free License

License fees shall not be required of marginal fisherfolk duly registered as such in the Registry of Municipal Fisherfolk as herein provided, for the purpose of fishing for their personal or their families' consumption.

d. Minimum Conditions For All Fishing Licenses

The following conditions must be complied with for issuance and validity of all fishing licenses:

- i. The licensee or vessel must be registered in the appropriate Registry of Municipal Fisherfolk or Registry of Municipal Fishing Vessel.
- ii. The license shall be carried at all times on the person of the licensee or on board the licensed vessel.
- iii. The license shall be valid only within the zones or sub-zones specified therein for its operation.
- iv. The licensee or vessel owner undertakes to submit himself or herself to the administrative processes of the MAO/MFO in case of violation of terms and conditions of the license.

- v. In case of the violation of terms and conditions of the license, the licensee or vessel owner undertakes to pay the administrative fines, penalties, charges and indemnity accruing therefore, without prejudice to prosecution in a criminal case for any other violation of the law arising out of the same acts.
- e. **Municipal Fishing License: Person, Gear, Boat or vessel and Post-Harvest Facilities**
 - i. **Person** - Only those duly registered in the Registry of Municipal Fisherfolk may be issued Municipal Fishing Licenses.
 - ii. **Gear** - Before a fisherfolk, cooperative, association, firm or corporation shall conduct subsistence or commercial fishing operation in municipal waters, the fishing gear it will utilize shall be inspected and a license granted therefore. Provided that any fishing gear which has been newly-introduced, or which has not previously used in the Municipal Waters, shall be considered as "new gear" and shall not be presumed to be eligible for licensing until expressly provided for by an ordinance.
 - iii. **Boat or Vessel** - The Mayor shall issue the license upon inspection, verification and endorsed by the MAO/MFO to person, cooperative, partnership, association, firm or organization to operate fishing boat/ vessel/s. The licensed fishing boat shall be numbered and color coded according to section 31 of this ordinance. The license shall be renewed annually. Provided, that no such special permit shall be required of a fishing vessel in scientific, research or educational purposes within the municipal waters.
 - iv. **Post-Harvest facilities** - All post-harvest facilities such as fish drying areas, fish processing plants and other fishery business establishments must be licensed by the municipality to be renewed annually.

SECTION 103. Establishment of Post-Harvest Facilities. The municipal government shall coordinate with the private sector and other concerned agencies and the FARMC in the establishment of post-harvest facilities such as, but not limited to, municipal fish landing sites, fish ports, ice plants and cold storage and other fish processing establishments to serve primarily the needs of the municipal fishers.

SECTION 104. Municipal Fish Port Construction and Development. – Municipal fish port development should be sited and designated in a manner that will minimize changes to existing water and sediments quality parameters such as salinity and temperature, dissolved oxygen, nitrogen and sediment concentration; organic constituents and transparency of water; *Provided, That*, municipal fish ports and harbors should be placed in areas with the highest available flushing rate, and access channels should be designated to minimize adverse water circulation changes and creation of stagnant water column; *Provided, however, That* municipal fish ports and harbors should incorporate facilities which allow for effective water disposal and erosion.

SECTION 105. Exportation and Importation of Fish and Fishery Products. Export of fish and fishery products shall be regulated whenever such exportation affects the food security and production; *Provided that*, exportation of the fish shall be prohibited except those which are hatched or propagated in accredited hatcheries and ponds; *Provided, however, That* to protect and maintain the local biodiversity and ensure the sufficient supply,, spawners, breeders, eggs and fry of *bangus*, prawn and other endemic species, as maybe determined by the Department, shall not be exported or caused to be exported by any person, *Provided, further, That*, no person shall import fish or fish products of whatever size, stage or form, for any purpose without securing the necessary permit.

SECTION 106. Auxiliary Invoice - All fish and fishery products, except those caught in violation of the provisions of this Code or are declared as health hazards by concerned institutions, must have an auxiliary invoice to be issued by the municipal CRM office or Municipal Agriculture Office prior to their transport from the point of origin to their point of destination in the Philippines and/or export purposes upon payment of the prescribed fees to defray administrative costs thereon.

SECTION 107. Support To Municipal Fishers – The government, in coordination with other agencies and institutions concerned, shall provide support to municipal fishers and their organization through appropriate technology and research, credit, production and marketing assistance and other services such as, but not limited to, training for additional supplementary livelihood.

SECTION 108. Recreational Sport Fishing License. Recreational and or sport Fishing licenses may be issued subject to such terms and conditions as may be determined by the MAO/MFO. The term of such

licenses shall in no case be longer than thirty (30) days.

SECTION 109. Aquaculture Operator's License. An aquaculture Operator's License may be issued by the Municipality to a person duly registered in the Registry of Municipal Fisherfolk, or their cooperatives or associations, subject to the following terms and conditions:

- a. The licensee submits the following documents: a valid Fishpond Lease agreement (FLA); Environmental Compliance Certificate (ECC) for the fishpond activity; and endorsements from the BFARMC of the area where the fishpond is located.
- b. The licensee undertakes to compensate for any losses or damages that may be incurred by the Municipality on account of violation of the terms and conditions of the license of the FLA;
- c. The licensee undertakes to remove all structures and improvements, whether authorized or not, that have been built on the fishpond area, upon the expiration of the FLA.

SECTION 110. Mariculture Operator's License. A Mariculture Operator's License may be issued by the Municipality to a person duly registered in the Registry of Municipal Fisherfolk, or their cooperatives or associations, subject to the following terms and conditions:

- a. The licensee submits the following documents: the Environmental Compliance Certificate (ECC) for the mariculture activity and an endorsement from the BFARMC of the area where the mariculture activity is located.
- b. The licensee undertakes not to obstruct any navigational lanes, migration paths of fish species, or flow and ebb of tides
- c. The licensee undertakes to remove all structures and improvements upon expiration and non-renewal of the license.

SECTION 111. Concessions. Subject to the usual accounting and auditing rules, the Municipal Mayor through the MAO/MFO, may allow identified fishery activities in clearly defined areas of the Municipal Waters through public bidding, The Sangguniang may authorize the Mayor to enter into a negotiated contract. Provided, that negotiations for concessions shall be construed under conditions of utmost transparency and be subject to the review and approval of the Sanggunian, through its Committee on Fisheries.

SECTION 112. Preference for Resident Concessionaires. Duly registered and bonafide residents of the municipality or their cooperatives and associations shall have priority and preference in the grant of concessions whether through public bidding or negotiated contract.

SECTION 113. Guidelines for the evaluation of project and application. The MAO/MFO shall be guided with the following rules in evaluating projects and issuance of license and permits for the appropriate use and sustainable development of fisheries and aquatic resources:

- a. It shall provide protection to the capability of the particular resources to renew itself to optimum harvestable levels;
- b. It shall not endanger the economic and ecological viability of the resources in a designated area;
- c. It shall protect the rights of the fisherfolk to preferential use of the resources;
- d. All projects which will have an impact on fish and fishery/aquatic resources are required to submit an environmental impact statement for evaluation and approval of the Department of Environment and Natural Resources before the Municipal Agriculture Office issues a certification to proceed with the project in addition to the requirement of other concerned agencies.

SECTION 114. Grounds for rejection/Disapproval

- a. failure to meet the guidelines
- b. lack/loss of interest
- c. area applied for is not viable or suitable for the purpose to which it is applied/desired for;
- d. voluntary request of the applicant;
- e. applicant is not qualified in accordance with this ordinance;
- f. fraudulent, false or misleading statement in the application;
- g. failure to comply with the requirement;
- h. Death of the applicant or dissolution of juridical person; and
- i. when public interest so requires

SECTION 115. Grounds for cancellation/termination of license. License to any fishery privilege granted and issued under this ordinance may be canceled on any of the following grounds:

- a. Violation of any existing fishery rules and regulations and other applicable laws
- b. Death of the Licensee, provided that a new license shall be issued to the qualified heirs or assigns upon filing of a new application within ninety (90) days from death of the Licensee;
- c. Dissolution of juridical licensee;
- d. Failure to comply with any of the terms and conditions of the License;
- e. Fraudulent, false, or misleading statements in the application;
- f. Failure to pay the required annual license fees and/or surcharges;
- g. Subleasing by the Licensee;
- h. Abandonment of the area;
- i. Failure to pay any or file a bond when due as prescribed in the grant of lease;
- j. Failure of the Licensee to introduce improvement in the area covered by the license within sixty (60) days from the issuance. None use of the area for the purpose and which Licensee is granted within One Hundred Twenty (120) days from the issuance of the license shall be the ground for the cancellation thereof.

SECTION 116. Conditions for the Transfer of Rights and Interest over Fishery Farm Lots

- a. That the Licensee had held the license for a period of not less than one (1) year;
- b. The Licensee has not violated any of the rules and regulations related to the operation including the terms and conditions of the license;
- c. The Licensee is qualified to develop and operate the farm lot pursuant to the provision of this Ordinance;
- d. That there is no evidence that such transfer or conveyance of right is being made for purposes of speculations;
- e. That the transferee shall assume all the obligations of the transferor; and
- f. The area subject of the transfer is not involved in any administrative or judicial case.

SECTION 117. Licensing and Permitting Procedures. Applicants for Fishery License/permit shall submit the following documents to the MAO/MFO:

- a. Duly Accomplished Application Form
- b. Community Tax Certificate (for individual) or Certificate of Registration or accreditation (for organizations, cooperatives, partnership, firms or corporations)
- c. Barangay Clearance
- e. BFARMC certification
- g. Other documents depending on the permit applied for; and
- h. The MAO/MFO shall determine fishery resources, verify the area/scope of the fishery project, fishing vessel their tonnage and fishing gears for which fishing permit and licenses shall be issued, and endorse the same together with their recommendation to the Municipal Mayor for approval. The Mayor shall satisfy himself that the grant or license/permit applied for will not be prejudicial to public interest and that the area subject of such application is not covered by any existing grant or lease.
- i. License or permits should be given to registered fisherfolks and an inventory be conducted and validated by the FARMC.

SECTION 118. Pre-qualifications, Bids and Awards Committee and its Composition. To handle the pre-qualification, public bidding and awards of fishery concessions, lease and contracts, if any shall be a Committee composed of the Municipal Mayor, as Chairman, two (2) members of the Sangguniang Bayan, the Municipal Treasurer and the Municipal Fishery and/or Municipal Agriculture Officer.

SECTION 119. Time and Place of Auction. The Sangguniang Bayan shall, in a resolution, provide for the holding of the public bidding for the granting of the concessions, lease or contracts, specifying the time, date and venue of such auction, the minimum bids, the amount to be deposited for entitlement to participate, the procedure to be followed by the committee, and the amount of bond as guaranty of good faith and for satisfactory compliance to the terms of the grant or license. Thus, the grant of lease of fishery rights through public auction shall be for a period of one year and in cash basis of 100%.

SECTION 120. Publication of Notice. The Pre-qualification Bids and Awards Committee shall cause the publication of the notice to bid in local media, if any, in the bulletin board of the Municipal Hall and in other two (2) conspicuous places in the Municipality frequented by the public for a period of not less than ten (10) days prior to the holding of such public auction. The agenda and other information relative to the bidding shall be deliberated by the Committee at least one (1) week before such public auction.

SECTION 121. Schedule of Fishery License Fees. License to exploit, occupy, produce, culture, capture or gather fish of any species and other fisheries products in the municipal waters shall be granted upon payment of corresponding fishery license fees at the rate not exceeding those fixed hereunder:

License for Individuals	-	P 100.00
For Fishers' Organization/Association	-	P 500.00
For Partnerships and Corporations	-	P 1,500.00

SECTION 122. Schedule of Permit Fees and Other Charges. Permit fee for specific fishery activity shall be granted only to licensed individuals, organizations, cooperatives, partnerships and corporations upon payment of corresponding fees at the rate not exceeding those fixed hereunder:

	Fish Corral (Punot)	Lift net (Tangkal-Tangkal)
A. For establishment of fish corrals(Punot) or Lift Net (Tangkal-Tangkal)		
1. Rosendo Ledesma/TayEnsoy (Baguingin) – area fronting the Baguingin		
Minimum Annual Bid/Permit	P 18,000.00	P 5,000.00
2. Tinte Tinoy Area 4 fronting the bid tamarind tree of Barangay Namocon		
Minimum Annual Bid/Permit	15,000.00	5,000.00
3. Central – area fronting the coconut grove of Mrs. Maria Z. Zayco		
Minimum Annual Bid/Permit	15,000.00	5,000.00
4. Torrelavega – area located in front of Allera Street of Barangay Poblacion		
Minimum Annual Bid/Permit	15,000.00	5,000.00
5. Guibuangan – are located at the mouth of Sibalom River at Brgy. 9		
Minimum Annual Bid/Permit	25,000.00	5,000.00
6. Lim-ao – (Buyu-an) a combination of Baoy and Biday Sites located in front of Buyu-an Bridge		
Minimum Annual Bid	250,000.00	
7. OdongQuine – (Buyu-an) located in front of the concrete school building of Buyu-an		
Minimum Annual Bid/Permit	25,000.00	
8. Tia Laloy – (Buyu-an) located 100 meters more or less, last of Buyu-an Nanga main boundary		
Minimum Annual Bid/Permit	15,000.00	
9. SALUDAN	30,000.00	
Minimum annual Bid		
B. Permit for establishment and operation of hatcheries		
Annual Fee	2,000.00	
C. Permit Fee for using Fishing Gears		
a.) Nets		
1. Bottom Set Gill Net (Palugdang)	200.00	

2.Drift Gill Net (Kurantay)	300.00	
3.) Sahid		
a. Small scale (not more than 20 meters)	200.00	
b. Medium scale (more than 20 to 30 meters)	300.00	
c. Large scale (30 to 100 meters)	500.00	
4.) Sungkit (motorized)	300.00	
b. Fishermen using Traps		
1.) Bobo per unit	50.00	
2.) Crab Pot (1-50)	300.00	
Excess of 50	20.00	
c. Fisherfolk using hook and line		
1.) With boat not using outboard or inboard motor (sibid-sibidan, into-into, labay,&lambo)	100.00	
d.) Fisherfolks using motorboats or fishing vessels less than 3GT		
1.) Motorized with engine 10 H.P. or less	150.00	
2.) Motorized with engine 10 H.P. or less than 15	200.00	
3.) Motorized with engine 10 H.P. or less than 20	250.00	
4.) Motorized with engine 20 H.P. or less than 25	300.00	
5.) Motorized with engine 25 H.P. or less than 30	400.00	
6.) Motorized with engine 30 H.P. or less than 35	450.00	
7.) Motorized with engine 45 H.P. or less than 40	550.00	
8.) Motorized with engine 45 H.P. or less than 50	650.00	
9.) Motorized with engine 50H.P. and above	800.00	
e. Individual Buying of Bangus, Prawn and Other Fish Fry	300.00	
f. Auxiliary Invoice to transport fisheries and aquatic resources from the Municipality of Tigbauan to any point of destination	50.00/box	
g. Permit Fee to Berthing/Archorage	300.00	
For vessels/boat of 3-10 GT/day		
h. Gathering of lampirong/Capiz shell	100.00	
i. For marginalized fishermen (using paddle w/o engine)	100.00	
	Exempted with Mayor's permit and license fee for who identified as 4Ps beneficiary/ indigent	

SECTION 123. Users Fees. The following fees shall also be collected for the use of the coastal resources of the Municipality of Tigbauan;

- Conversation Fee for Tourists.** A Conversation Fee of P200.00 shall be collected from any person using the marine resources of Tigbauan whether for swimming, snorkeling, or any other leisure activity. The conversation fee shall be valid for six (6) days. Provided, that residents who can present identification as such are exempted from the conversation fee. The conversation fee shall be collected at the ports of entry.
- Scuba Diving Fee.** In addition to the Conversation Fee, SCUBA divers are required to pay P100.00 per day. An introductory dive is considered a dive for the purpose of interpreting the Dive Fee provision. The dive fee shall be collected by the dive operators, using tickets provided by the Municipality.
- Mooring and Terminal Fees.** Any vessel based in the Municipality (registered in the Municipal Vessel Registry) over three (3) gross tons is required to pay a berthing fee of P100 per day when anchoring, mooring, berthing, or docking in any part of the municipal waters of Tigbauan, other than in the designated municipal or PPA ports. Vessels not based in Tigbauan may be allowed to anchor, moor, berth or dock upon payment of P200 per day.

- d) **Location Fee for Commercial Filming or Photography.** Any person or entity that engage in commercial filming and photography shall pay the following amounts as Location Fee. Provided that, news coverage for a regular news program, or for purposes of documentation of research projects shall be exempted from the payment of Location Fee:
 - . For commercial TV program, advertisement or motion picture – minimum of P50,000 per location for a maximum of five (5) days. An additional amount of P5,000 shall be collected for every day beyond the first 5 days.
 - . For other commercial use, the location fee shall be P3,500 per day.
- e) **Accreditation Fee for Academic Research.** Institutions that intend to undertake research within the coastal area and municipal waters of Tigbauan shall be required to secure an annual accreditation for the institution, which will be valid for all researches to be undertaken by students of researches belonging to such institution. An Accreditation Fee of P500.00 shall be imposed on these institutions, provided that all research outputs shall be submitted to the CRMO within one year from completion or publication;
- f) **CRM Fee for Commercial Establishments.** Commercial establishments and resorts shall pay annually P25.00 per square meter of commercial space as environmental fee to contribute to the conservation and protection of the coastal and marine resources, which is the backbone of the local economy.

SECTION 124. SURCHARGE. When annual License/Permit Fee for any fishery privilege is not renewed on the due date, the license permittee shall pay a surcharge of One Hundred Percent (100%). Persons, cooperatives, firms or corporations who are delinquent in the payment of any fee for fishery privileges granted are barred from enjoying the privileges directly during the period of their delinquency.

COMMUNITY FISH LANDING CENTER [CFLC]

SECTION 125. IMPOSITION OF FEES AND CHARGES - The following shall be the fees and charges that will be imposed in availing the services of the Tigbauan CFLC.

- a. **Berthing/ Docking Fee.** The owner of vessel docking at the Tigbauan Community Fish Landing Center shall pay the following berthing fees to the designated collector assigned at the CFLC:
 - 1. Municipal Fishing Vessel ----- Php 10.00/docking
 - 2. Other Watercrafts ----- Php 10.00/docking
 - 3. Vessel owned and operated by the National, Provincial, Municipal and Barangay government are exempt from these impositions.
 - 4. Berthing in excess of 1 day shall be charged at the rate of Php 10.00 per day.
- b. **Market Fee.** All fish brokers or suppliers who display fish for sale inside or within the Tigbauan Community Fish Landing Center premises shall pay a market fee of twenty Php 20.00/ banyera or strainer intended for local consumption.
- c. **Transshipment Fee.** All fish producers or suppliers who transport fish outside the Tigbauan CFLC and traders buying fish direct from the fish producers or suppliers to be transported outside the locality shall pay a transshipment fee of Php 20.00/banyera or strainer and fifty (50) centavos per kilogram of quality fish.
- d. **Water Fee.** Any person fetching water from any faucet or water from any water outlet inside the Tigbauan CFLC. premises shall pay the following schedule of rates:

20-liter container or lessPhp 1.00
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- e. **Accreditation Fee.** No fish vendor, broker, auctioneer or any person business person who have a regular transaction with the Tigbauan Community Fish Landing Center mayenjoy any and all privileges of a Tigbauan Community Fish Landing Center client, and transact business inside the TCFLC without first paying an annual accreditation fee of P300.00 to the Municipal Treasurer and being issued thereto a certificate of accreditation.
- f. **Entrance Fee.** For the purpose of this ordinance The following entrance fees shall be collected during operation hours for TCFLC clients.
 - i. 2 to 3 - wheeled motor vehiclePhp 10.00
 - ii. Elf/Multicab/JeepneyPhp 20.00
- g. **Space Rentals.** The following shall be collected for occupying the open spaces in the Tigbauan CFLC Building to wit:

- i. First Floor Php 5.00 per sq. meter/day or fraction thereof; and
- ii. Second Floor Php 800.00/day exclusive of table and chairs.
- h. **Manner of Payment.** Immediately after docking, operators and/ or boat owner shall pay the required berthing fee, No fishing vessel/watercraft shall be allowed to leave the Tigbauan CFLC without paying the berthing fee and other charges prescribed by the Municipal Government.
- i. **Evidence of Payment.** All fees and charges shall be issued ticket stubs or corresponding forms or receipt by the collector assigned/authorized by an Officer of the **Municipal Treasurer** and shall accrue to the General Fund of the municipality.

SECTION 126. PRIVILEGE OF RESIDENTS TO TAKE FISH IN MUNICIPAL WATERS. –

Any person who is not a grantee of license or privilege to engage in commercial fishing is hereby allowed to fish for domestic use, in every Municipal water, for as long as no communal fishery therein is not yet established; Provided, That, such fishing shall not take place within two hundred (200) meters from a fish corral licensed by this Municipality; and that such fish caught under this privilege shall not be sold.

Furthermore, no rental fee, charge, or any other imposition whatsoever shall be collected from marginal fishermen.

SECTION 127. TIME AND MANNER OF PAYMENT. –

- (a) The annual rental for the lease shall be paid in advance. For the initial year of the lease, the rental shall be paid at the time all the necessary documents granting the lease are executed, and the subsequent installments within the first twenty (20) days after the anniversary date of the grant of such lease. The deposit made by the successful bidder accompanying the sealed bid shall be applied against the rental due from him.

The SangguniangBayan shall set aside not more than one-fifth (1/5) of the area earmarked for the gathering of fry, as may be designated by the Bureau of Fisheries, as government "bangus" fry reservation.

- (b) The license fee for the grant of exclusive fishery rights in the Municipal waters for at least the corresponding current quarter shall be paid in advance.
- (c) The license fees for the privilege to catch fish from Municipal waters with nets, traps, and other fishing gears and the operation of fishing vessels shall be paid upon application for a license and within the first twenty (20) days of January of every year for subsequent renewal thereof.

SECTION 128. ADMINISTRATIVE PROVISIONS.

- (a) A licensee of other localities shall not fish within the Municipal waters of this Municipality without first securing the necessary permit from the Municipal Mayor and paying the corresponding fee to the Municipal Treasurer.
- (b) No fish net without eyelet or the opening of which is at least one-fourth (1/4) inch shall be used in this Municipal waters.
- (c) Failure to pay the rental of license fees for fishery rights for two (2) consecutive years shall cause automatic cancellation of said fishing rights.
 - i. For commercial TV program, advertisement or motion picture – minimum of P50,000 per location for a maximum of five (5) days. An additional amount of P5,000 shall be collected for every day beyond the first 5 days.
 - ii. For other commercial use, the location fee shall be P3,500 per day.

SECTION 129. MANAGEMENT, DEVELOPMENT AND CONSERVATION OF FISHERIES AND AQUATIC RESOURCES

a. Management and Development of Fisheries and Aquatic Resources

The local fisherfolk and other resource users and their organization shall not only be a privileged beneficiary of the municipality but also an active participant and partner of this municipality in the development, conservation and protection of the fisheries and aquatic resources of the municipality.

b. Non obstruction to Defined Migration Paths

Nothing in the foregoing sections shall be construed as permitting the Lessee, Permittee or Licensee to undertake any construction which will obstruct any defined migration path of catadromous species such as river mouths and estuaries within a distance determined by the Municipal Agriculture Office.

c. Enhancement of Public Awareness and Participation

The municipality shall ensure the enhancement of public awareness on the need for the protection and management of coastal and fishery resources and the participation of the communities in the policy making, decision-making, and management processes. Towards this end, the municipal government shall subject policy recommendations, proposed ordinances, plans and programs related to fisheries and coastal resources to consultations with municipal fisherfolk communities and other stakeholders. Such public consultations shall be of record.

d. Educational Campaign

The municipality through barangays shall launch and pursue an educational campaign to:

- d.1 help realize the policies and implement the provisions of this ordinance and Fisheries Code of 1998
- d.2. promote the development, management, conservation and proper use of the environment;
- d.3. promote the principle of sustainable development; and
- d.4. promote the development of truly Filipino-oriented and ancillary industries

e. Recognition of Scientific and Technical Bases of Traditional Local and Critical Knowledge and Technologies

The municipality shall ensure that responsible fishery activities, projects and programs recognize the uses of, and, when possible, seek available sound scientific and technical bases in order to assist coastal and fishery manager, the people and other interested groups in making decisions and actions.

The municipality shall recognize traditional, local fisheries knowledge and technologies, in particular those applied to small-scale fisheries, in order to encourage their application to sustainable coastal and fishery resource conservation, management, and development.

f. Temporary Ban or Closure in case of emergencies

The Municipal mayor may, by executive order, temporarily ban the taking of any species, impose a closed season, or declare an area close to fishing, in the following exceptional case:

- a. a clear and present danger exists that continued fishing or over gleaning will result in serious harm and danger to the public health to be determined by the Municipal Health Board;
- b. a clear and present danger exists that irreversible damage will be caused to the fish habitat to be determined by the Municipal Agriculture Office.

g. Effectivity of the Ban

Any temporary ban or closure shall be effective for not more than sixty (60) days or upon the discretion of the Municipal Mayor with the concurrence of the Sangguniang Bayan.

h. Authority to Ban other Gears or Methods

The Sanggunian may, through an appropriate ordinance, ban the use of any specific fishing gears and/or methods within any specified area of Municipal waters, even though such gears or methods is allowed within any specified area of Municipal waters, when such ban is necessary to protect the vital habitats of fish and other aquatic species such as coral reefs, sea grass beds and capiz (window-pane shells) or to prevent over fishing or over gleaning.

i. Establishment of Fishery Reserve or Marine Protected Area (MPA)

The Sanggunian may, through an appropriate ordinance, establish a Fishery Reserve or Marine Protected Area (MPA) for special or limited use, or for educational, research, and/or special management purpose. The boundaries of such Fishery Reserve or MPA, and the corresponding limitations on activities within the reserve, shall be clearly defined and publicized. Such limitations shall automatically amend all licenses issued prior to the establishment of a Fishery Reserve, or

shall be automatically incorporated in the terms and conditions of licenses subsequently issued. The Municipal Mayor through the MAO/FMO, shall be responsible for determining the appropriate terms and conditions of the licenses in order to achieve the purposes of the Fishery Reserve.

j. Fish Refuge/Sanctuaries

The Sanggunian may, through an appropriate ordinance, establish Fish Refuge/Sanctuaries for the purpose of strengthening the habitat and spawning grounds of fish and other aquatic resources, ensuring sustainability of fish stocks, maintaining or rehabilitating fish stocks, and similar purposes. The boundaries of such fish refuge/sanctuaries shall be clearly defined and publicized. No fishing in any form shall be allowed within such Fish Refuges/Sanctuaries, and no license shall be interpreted as authorizing fishing activities within such areas.

k. Mandate for Fisheries Development Planning

The Sanggunian, with the assistance of the MAO/MFO and Municipal FARMC, shall formulate a Municipal Fisheries Development Plan which shall be the basis for the long-term development and management of the fishery and aquatic resources of the Municipality.

l. Formulation of Fisheries Development Plan

A public consultation will be conducted in order to determine the needs, goals, objectives and programs for development and management of the fishery and aquatic resources of the Municipality. Using the results of the consultation as a guide, the Committee on Fisheries of the Sanggunian, MAO/MFO and the MFARMC shall, prior to the preparations of the budget for the next succeeding fiscal year, formulate a fisheries development plan of the municipality.

m. Integration into Local Development Plan

The Fisheries Development Plan shall be formally submitted to the Local Development Council at its regular meeting. Subject to appropriate adjustments in consideration of the other plans and programs of the Municipality, the same shall be integrated into and form part of the Local Development Plan for the following year.

n. Fish Landing Points and Fish Markets

The Sangguniang Bayan shall determine and designate fish landing point and establish Fish Market in the municipality where all fish catch and other sea products entering the municipality shall land, unloaded, and inspected by the MAO/MFO or his representative, Municipal Fish Inspector or Sanitation Inspector, before the same are offered for sale to the public.

o. Fishing Port Complex

There shall be established a Municipal Fishing Port Complex within the Municipality of Tigbauan to provide the berthing, landing facilities, wholesale and retail fish market, cold storage, shipway and dry docking facilities to cater to the local fishing community.

p. Fish Catch Report

For statistical record purposes, any person or entity who has obtained a grant or license to take or catch fish in the municipal waters of this municipality shall submit a bi-annual report of fish caught to the MAO/MFO. This report shall be prepared in triplicate showing the kind, quantity and value, if sold, of fish caught during the period, and must be submitted within ten (10) days of the month of July and January of each proceeding year.

q. Monitoring of Fish Landings and Shipments of Fish and Fishery Products

The MAO/MFO is hereby authorized to monitor fish landings and fish markets particularly kind of species and corresponding volume in cooperation with the Municipal Revenue Collector. Likewise, all fishery and aquatic products being shipped out of the municipality shall be monitored by the same office in cooperation with the Office of the Municipal Treasurer and the Philippine National Police.

r. Monitoring, Control and Surveillance of Municipal Waters.

A monitoring, control, and surveillance system shall be established by the municipality through MAO/MFO and in coordination with other agencies concerned to ensure that the fisheries and

aquatic resources of the Municipal waters are judiciously and wisely utilized and managed on a sustainable basis and conserved for the benefit and enjoyment, exclusively of Filipino citizens.

s. System of Reporting and Monitoring

There shall be developed a system of reporting and monitoring on all aspects of the activities and operation of fisherfolk and their organization/cooperative. The system shall render the following data but not limited to the number of fishermen, fishing boats, catch effort, fishing violations and other related fisheries and aquatic resource activities. Each data will be collated and returned to the Committee of Fisheries and Aquatic Resources of the Municipality for their planning and exercise.

t. Fish Inspection Services

All fish, crabs, shrimps, squids and other fishery products intended for public consumption shall be inspected by the MAO/MFO and/or Sanitary Inspector before they are offered for sale to the public.

u. Docking, anchoring, parking and storage areas for boats and other watercrafts. The use of boats and other watercraft in municipal waters shall be governed by the following rules, and are subject to inspection for compliance:

- i. Regular/scheduled passenger ferries, cargo ships and other vessels may dock only at authorized passenger terminals and piers;
- ii. Chartered tourist/dive boats allowed to moor/anchor in swimming/dive areas should not exceed 10 in tourist-passenger capacity (excluding boat crew and dive guides); All others must dock in passenger terminal and transfer tourists/divers to smaller boats;
- iii. Chartered tourist/dive boats shall moor/anchor only in designated spots in the swimming/dive areas, to ensure safety of swimmers/divers, and to minimize damage to the marine habitats. Mooring buoys (color-coded) are provided for this purpose;
- iv. Attaching of a boat to another boat moored to a buoy is prohibited. Boats in excess of the number allowed in the area shall be directed to move to other swimming/dive areas;
- v. Boats that are not being used/under repair/under storage may be parked on shore, but the parked boats should not block the passage of people along the shore;
- vi. Long-term docking/anchoring of vessels are allowed only in areas that may be designated by the CRMO, provided that the vessels are prohibited from making repairs that will pollute the waters, and these must have proper garbage and sewage management facilities.

CREATION OF A COASTAL FISHERY MANAGEMENT OFFICE (FMO)

SECTION 130. Creation of a Fishery Management Office. There is hereby created a Fishery Management Office (FMO) Pursuant to RA 7160 and E.O. 533 under the Municipal Agriculture Office. The office shall be headed by a Municipal Fishery Officer and support staff, preferably those with previous experience and background in fisheries management.

SECTION 131. CREATION OF THE MUNICIPAL FISHERIES AND AQUATIC RESOURCES MANAGEMENT COUNCIL (MFARMC). To institutionalize the major role of the fisherfolk and other resource users in the planning and formulation of policies and programs for the management, conservation, protection and sustainable development of fisheries and aquatic resources, FARMCs shall be established at the national level and in all municipalities/cities abutting municipal waters. However, the LGU may create the Barangay Fisheries and Aquatic Resources Management Council (BFARMCs)

SECTION 132. Organization of MFARMCs.

The MFARMCs shall be formed by fisherfolk organizations/cooperatives and NGOs in the locality and be assisted by the Local Government Units (LGUs) and other government entities. Before organizing the FARMCs, the LGUs, NGOs, fisherfolk and other concerned POs shall undergo consultation and orientation on the formation of FARMCs.

- a. The Bureau of Fisheries and Aquatic Resources shall conduct massive information and education campaign on the formation of FARMCs and come up with an implementation strategy and action

plan to ensure that FARMCs are formed according to the true spirit of fisherfolk empowerment.

- b. Trainor's Training shall be given to key DFAR implementing personnel, fisherfolk leaders, NGOs and LGUs.
- c. Fisherfolk organizations/cooperatives and NGOs who shall organize the FARMCs in the locality are those that are duly accredited by their respective LGUs.
- d. The LGU shall maintain a list of all existing fisherfolk organizations in the municipality which shall be a reference for the consultation and formation of FARMCs.
- e. Before the FARMC is organized, the LGU shall ensure that at least 90% of the fisherfolk/fishworkers in the municipality have been consulted and informed.
- f. Government entities who shall assist in the formation of FARMCs are the following: Departments of the Interior and Local Government (DILG), Environment (DENR), Social Work and Development (DSWD), Education, Culture and Sports (DECs) Justice (DOJ), Commission on Human Rights (CHR), League of Municipalities of the Philippines (LMP) and other concerned special agencies.

SECTION 133. Terms of Office. The members of MFARMC, except the representative of different agencies concerned, shall serve for a term of three (3) years unless otherwise re-elected by their organization to represent as such.

SECTION 134. Functions of the MFARMCs. The MFARMCs shall have the following functions:

- a. Assist in the preparation of the municipal fisheries development plan and submit such plan to the Municipal Development Council. The MFARMCs shall also evaluate implementation of the plan and submit recommendations for effective implementation.
- b. Recommend the enactment of municipal fishery ordinances to the Sangguniang Bayan through its committee on Fisheries.
- c. Assist in the enforcement of fishery laws, rules and regulations in municipal waters.
- d. Advice the Sangguniang Bayan on fishery matters through its Committee on Fisheries, if such has been organized.
- e. Perform such other functions which may be assigned by the Sangguniang Bayan.
- f. The FACRMCs shall be consulted by the LGUs in:
 - i. The management, conservation, development, protection, utilization and disposition of all fish and fishery/aquatic resources within their respective municipal waters.
 - ii. The enactment of appropriate ordinances;
 - iii. The determination of license fees of fishery activities in municipal waters. The FARMCs may also recommend the appropriate license fees that will be imposed;
 - iv. The establishment of catch ceiling limitations in municipal waters for conservation and ecological purposes.
 - v. The establishment of closed seasons in municipal waters. The FARMCs may also recommend the establishment of closed seasons in fisheries management areas and other areas reserved for the use of municipal fisherfolk;
 - vi. Authorizing or permitting small and medium commercial fishing vessels to operate within the ten point one (10.1) to fifteen (15) kilometer are from the shoreline in municipal waters, though a public hearing;
 - vii. The formulation of necessary mechanisms for inclusion or exclusion procedures in limiting entry into the municipal waters that shall be most beneficial to the resident municipal fisherfolk. The FARMCs may likewise recommend such mechanisms;
 - viii. 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;
 - ix. Determination of defined migration paths of migratory fish species;
 - x. The establishment of post-harvest facilities for fishing communities;
 - xi. Recommending to the Department that portion of the municipal waters for declaration as fishery reserves for special or limited use., for educational, research and/or special management purposes; and
 - xii. The establishment and designation of areas for fishery refuges and sanctuaries.
- g. Submit to the LGU the list of priorities for consideration in determining priorities among those who will be allowed to fish in municipal waters.
- h. Assist the LGU in maintaining a registry of municipal fishing vessels by type of gear and other boat particulars.

- i. Be coordinated with by the BFAR in the development, conservation, protection, utilization and management of fisheries and aquatic resources.

The FARMCs shall also be coordinated with by the BFAR in:

- i. The establishment of a monitoring, control and surveillance system.
- ii. The determination of overfished areas or areas in danger of being overfished or in need of regeneration in municipal waters.
- iii. The settlement of conflicts in resource use and allocation.
- j. Be coordinated with by the DENR in determining which abandoned, undeveloped, or unutilized fishponds covered by FLAs can be reverted to their original mangrove state.
- k. The FARMCs 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 regarding 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 resources. Consultations with FARMCs regarding the promulgation of FAOs shall be facilitated by BFAR.
- I. The FARMC may recommend to the Department 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.

SECTION 135. Creation of BFARMCs

Whenever necessary, the LGUs may create Barangay Fisheries and Aquatic Resources Management Councils (BFARMCs) and shall serve in an advisory capacity to the LGU.

SECTION 136. Creation of BantayDagat. There shall be created a Municipal BantayDagat under the Office of the Municipal Mayor to be composed of at least three (3) members from each coastal barangay of the municipality. Punong Barangays, barangay officials, BFARMC officials who have undergone training on law enforcement, to be deputized by the Municipal Mayor.

They shall enforce this ordinance and other fishery laws and regulations with added duties and responsibilities:

- a. To enforce all fishery laws, rules and regulations governing the use, conservation and protection of fishery and aquatic resources within the municipality;
- b. To make arrest even without warrant of any person or persons who committed or are committing in their presence any of the offenses penalized under existing laws;
- c. To formulate a law enforcement plan and standard operating procedures to guide law enforcement operations;
- d. To conduct surveillance patrols as a means of deterrence against would be violators;
- e. To conduct on the spot and random boarding and search of fishing vessels operating in the municipal waters to determine any violators of fishery laws, observing due process and respect for human and property rights;
- f. To apprehend fishing vessels and crew fishing in the municipal waters that are caught violating fishery laws, observing at all times due process and respect for human and property rights;
- g. To escort apprehended vessels and crew safely to port for appropriate action;
- h. To prepare required documents needed in filing a complaint against the apprehended fishing vessels and crew caught in municipal waters violating fishery laws;
- i. To document and preserve all evidences seized in connection with the apprehension of fishing vessels and crew caught in municipal waters violating fishery laws;
- j. To maintain a logbook containing an accurate record of the events and circumstances during boarding, apprehension, and escorting to port fishing vessels and crew caught in municipal waters violating the laws;
- k. To act as government witness in court for the prosecution of criminal complaints against fishery violators and attend administrative or court hearings diligently until the case is resolved;

- I. To conduct community and public information and education campaign in the Barangays, public markets, and schools on applicable fishery laws, rules and regulations, marine ecology, conservation and protection;
- m. To enlist the active support and cooperation of the fishing communities, traders, private business, churches, non-government organizations, and the general public for the campaign;
- n. To submit quarterly accomplishment reports to the Office of the Municipal Mayor, detailing the accomplishments, problems, and recommendations, and
- o. To coordinate and collaborate with the Provincial Prosecutors Office of the department of Justice, Fisheries and Aquatic Resources Management Councils, Bureau of Fisheries and Aquatic Resources, Department of Environment and Natural Resources, Philippine National Police, Philippine National Police-Maritime Command, Philippine Coast Guard, and other law enforcement agencies in the enforcement of laws.

The Sangguniang Bayan may appropriate funds for the accident insurance of each bantaydagat members and honorarium of personnel conducting actual sea patrolling and operating expenses in maintaining a regular sea borne patrol.

SECTION 137. Incentives to BantayDagat Members or Law Enforcement Officers. All fines or proceeds from law enforcement operation be it sale or confiscated catch or from administrative fines generated out of extra judicial settlements shall accrue to the following:

- a. forty percent (40%) to the Municipal Government;
- b. forty percent (40%) to the bantaydagat members and law enforcement officers responsible in the apprehension of the violator as incentive: and
- c. twenty percent (20%) to the barangay where the apprehension was made.

SECTION 138. Fishing in Fishery Reserve, Refuge, Sanctuaries and other Protected Areas

It shall be unlawful to fish in fishery areas declared by the municipality as fishery reserves, refuge, sanctuaries and protected areas.

Any person or establishment who/which violates this provision/s shall be punished with a fine of Two Thousand Five Hundred Pesos (P2,500.00) or Imprisonment of not Less Than 5 Days or Both at the discretion of the court and by forfeiture of the catch and cancellation of fishing permit or license.

SECTION 139. Taking, Catching, Selling, Processing Or Transporting Gravid Crabs, Undersized Crab And Crablets. It shall be unlawful to take, catch, sell, process or transport gravid crab and crablets, mud crabs and/or blue crabs with a carapace less than 11 centimeters Or 4.6 inches, in this municipality whether dead or alive.

SECTION 140. Capture of Sabalo or Awa and Other Breeder/Spawners

It shall be unlawful for any person to catch, gather, capture or possess mature milkfish or "Sabalo or Awa" and such other breeders or spawners of other fishery species as may be determined by the DA-BFAR. Provided, that catching of "Sabalo or Awa" and other breeders/spawners for local breeding purposes or scientific research purposes may be allowed subject to guidelines promulgated by the DA-BFAR.

SECTION 141. Ban on Coral Exploitation and Exportation

It shall be unlawful for any person or corporation to gather, possess, sell or export ordinary, precious and semi-precious corals, whether raw or in processed form except for scientific or research purposes. Confiscated corals shall either be returned to the sea or donated to schools and museums for educational or scientific purposes or disposed through other means.

SECTION 142. Fishing or Taking of Rare or Threatened Species. It shall be unlawful to fish or take rare or threatened species as listed in the CITES and as determined by DA-BFAR to include pawikan and dugong (critically identified, threatened and endangered species).

SECTION 143. Gathering, taking, removing or collecting of capiz shells (Placuna placenta). It shall be unlawful to gather, take, remove or collect capiz shells less than 80 millimeters in diameter measured from the base perpendicular to wards the top edge of the shell, and the use of mechanical rakes and

dredges or the use thereof on board a motorized boat are hereby prohibited.

SECTION 144. Gathering and Marketing of Shellfish. It shall be unlawful for any person to take, sell, transfer, or have in possession for any purpose any shellfish from the municipal waters of this municipality which is sexually mature or below the minimum size or above the maximum quantities prescribed for the particular species and/or have been declared contaminated with RED TIDE TOXINS by the DA-BFAR.

SECTION 145. Use of Trawl, “Paguyod” or “Hulbot-Hulbot.” It shall be unlawful for any person to fish with the use of trawl, “paguyod” and “hulbot-hulbot” in municipal waters.

SECTION 146. Fishing within Established Artificial Reef or Fish Shelters. Established artificial reef or fish shelters are hereby declared as restricted areas whereby no fishing shall be allowed within the distance of fifty (50) meters from the said reefs/shelters. Provided, however, that only exclusive grantee or license of artificial reefs or fish shelters can fish within their respective fish aggregates.

SECTION 147. Illegal Construction and Operation of Fish Corrals/Traps, Fish Pens and Fish Cages. It shall be unlawful to construct and operate fish corrals/traps, fish pens and fish cages without a license/permit. Likewise, it is unlawful to construct the same outside the designated zones, and within a distance of two hundred (200) meters of another fish corral or one hundred (100) meters in Freshwater unless they belong to the same licensee or grantee but in no case less than sixty (60) meters apart except in waters less than two (2) fathoms at low tide.

SECTION 148. Illegal Sub-Lease, Transfer of Rights, Quit Claims, Waiver of Rights, etc.

Licenses/permits shall not be transferred by lease or mortgage. The licensee/permittee shall not sub—lease a fishery farm lot under license or any part thereof. He may however transfer his rights and interest over the farm lot in accordance to Section 46, hereof.

SECTION 149. Failure to Comply with Minimum Safety Standards. The owner and boat captain of a fishing boat engaged in fishing who upon demand by proper authorities, fails to exhibit or show proof of compliance with the safety standards, shall be immediately prevented from continuing with his fishing activity and escorted to, the nearest port or landing point. The license to operate of the fishing boat shall be suspended until the safety standard has been complied with.

SECTION 150. Fishing through the use of Explosives, Noxious or Poisonous Substances, Electricity and Compressor. It shall be unlawful for any person to catch, take or gather or cause to be caught, taken or gathered, fish or any fishery or coastal resources in the municipal waters with the use of electricity, compressor, explosives, and noxious or poisonous substances in the municipal fishery areas. The use of poisonous substances to eradicate predator in fishponds, in accordance with accepted scientific practices and without causing adverse environmental impact in neighboring waters and grounds, shall be regulated.

It shall likewise be unlawful for any person, corporation or entity to possess or sell any fish or fishery products which have been illegally caught, taken or gathered.

SECTION 151. The finding of dynamite, other explosives, and chemical compounds containing combustible elements, or noxious or poisonous elements, or equipment or device for electro fishing and compressor in any vessel or in the possession of any fishers, operator or fish worker, shall constitute a *prima facie* evidence that the same was used for fishing in violation of existing laws. The finding in any fishing vessel, of fish caught, or killed by the use of explosive, noxious or poisonous substances, or by electricity and compressor, shall constitute *prima facie* evidence, that the owner, operator, or fisher is fishing with the use thereof.

CHAPTER 9

ENVIRONMENTAL MANAGEMENT PROTECTION AND ENHANCEMENT MEASURES

AIR QUALITY MANAGEMENT

SECTION 152. POLICY DIRECTION

The State shall pursue a policy of balancing development and environmental protection. To achieve this end, the framework for sustainable development shall be pursued. As such, it shall be the policy of the State to:

- a. Formulate a holistic national program of air pollution that shall be implemented by the government through proper delegation and effective coordination of function and activities;
- b. Encourage cooperation and self-regulation among citizen and industries through the application of incentives market-based instruments;
- c. Focus primarily on pollution prevention rather than on control and provide for a comprehensive management program on air pollution;
- d. Promote public information and education to encourage the participation of an informed and active public in air quality planning and monitoring; and
- e. Formulate and enforce a system of accountability for short and long term adverse environmental impact of a project, program or activity. This shall include setting up of a funding or guarantee mechanism for clean-up and environmental rehabilitation and compensation for personal damages.

SOURCES OF AIR POLLUTION

SECTION 153. Stationary (Rice Mill)

- a. Rice Mills are considered to be a major source of air pollutants. All Stationary Rice Mills shall be required to put up mechanisms for shield or containment of dusts coming from the operation thereof. The industrial area shall have a minimum area (of at least 20 sq.meters) for storage of rice husks in the plant premises. The vent used for discharging the rice hulls must be covered and the air must be filtered to arrest the fine particles before going out into the air.
- b. All rice mills shall be required to put up their own air pollution-control device, preferably of their own choice, as a requirement in securing a permit to operate with the EMB-DENR.
- c. Travelling Rice Mills shall not be allowed to perform their operation within the Municipal streets. Disposal of rice hulls and other similar wastes along the canals shall at all times be prohibited.
- d. All Rice Mills owners/operators shall be required to plant trees along their perimeter fences to serve as air filters and green belt areas.
- e. Only residents of Tigbauan are allowed to operate rice mill.

SECTION 154. CREATION OF ANTI-SMOKE BELCHING TASK FORCE. The MENRO shall organize anti-smoke belching Task Force that will coordinate with the EMB in conducting regular on-the-spot inspection of motor vehicles plying all road networks in the municipality.

SECTION 155. MANDATORY REQUIREMENTS FOR TRAFFIC MANAGEMENT FRAMEWORK. The Municipality, through its MENRO, in collaboration with LTO and DENR-EMB, shall adopt ambient air quality standard with prescribed maximum concentration of air pollutants permissible in the atmosphere consistent with public health safety and general welfare. They shall prepare and implement a program and other measures including relocation whenever necessary in order to protect the health and welfare of residents of the municipality. They shall further develop a procedure in carrying out action plan for the municipality in coordination with the DENR-EMB.

SECTION 156. INDUSTRIAL POLLUTION CONTROL. The municipal government thru MENRO, in close coordination with DENR-EMB and the barangay concerned, shall ensure that the industrial firms operating within the municipality shall comply with air quality standard through periodic testing of industrial firms (quarterly or semi-annual).

SECTION 157. ABATEMENT OF AIR POLLUTION FROM OTHER SOURCES. In compliance with the state policy provided for in PD 1181, the municipality shall ensure that precautions are undertaken to prevent the emission of excessive carbon monoxide, particulates and sulfur dioxide from motor vehicles and other stationary engines or sources. Some primary considerations are the enforcement of the anti-smoke belching program, the intensification of coordination among concerned agencies on the use of unleaded fuel and reduce sulfur content on diesel, and bunker fuel on power generating plants in the

Municipality of Tigbauan. It will be a mandatory requirement to all scopes of industry with emissions load to the environment and natural resources to install anti-pollution facility in all aspects of production point that generates particulate matter which contributes to air pollution.

SECTION 158. MANDATORY PLANTING OF PLANT SPECIES THAT MITIGATE / ABATE AIR POLLUTION

Planting of ornamental plants/trees in street islands, both shoulders of roads or streets in the barangays, subdivision and condominium compounds shall be encouraged. The planting shall be in a manner that is scientifically and agriculturally acceptable to the community with intervals sufficient to provide healthy growth of such flora to create enough shade subject to the existing guidelines, rules, and regulations of DPWH and other agencies concerned. No development permit shall be issued by the local executive for subdivisions and other industrial parks project unless there are provisions for the planting of trees to mitigate/abate air pollution.

SECTION 159. CLEAN AIR CAMPAIGN

a. POLLUTION FROM STATIONARY SOURCES - EMISSION STANDARDS

Emission standards shall be based on mass rate of emission for all stationary source of air pollution based on internationally accepted standards based on the acceptable level of pollutants emitted from a stationary source for the protection of the public's health and welfare.

Ban on Incineration - Incineration, hereby defined as the burning of municipal, biomedical and hazardous waste, which process emits poisonous and toxic fumes is hereby prohibited; Provided, however, That the prohibition shall not apply to traditional small-scale method of community/neighborhood sanitation "siga", traditional, agricultural, cultural, health, and food preparation and crematoria.

b. POLLUTION FROM MOTOR VEHICLES

Pollution from Motor Vehicles - The LGU in coordination with the DOTC shall implement the smoke emission standards for motor vehicles.

c. POLLUTION FROM OTHER SOURCES

Pollution from smoking - Smoking inside a public building or an enclosed public place including public vehicles and other means of transport or in any enclosed area outside of one's private residence, private place of work or any duly designated smoking area is hereby prohibited.

SECTION 160. BURNING OF RICE STRAW. It shall be the policy of the Municipal Government to ban burning of rice straw. A Task Force on "Bantay Sunog Dagami" shall be instituted.

SECTION 161. COMPREHENSIVE SMOKE FREE ORDINANCE OF THE MUNICIPALITY OF TIGBAUAN

1. PROHIBITED ACTS. — The following acts are declared unlawful and prohibited by this Ordinance:

- a. Smoking or vaping in enclosed or partially enclosed public places, workplaces, public conveyances (whether mobile or stationary), or other public places, such as those enumerated in the definition of terms, "public places", except in Designated Smoking Areas duly approved and fully compliant with the requirements specified in the definition of terms;
- b. For persons-in-charge to allow, abet or tolerate smoking or vaping in places enumerated in the preceding paragraph, outside of approved Designated Smoking Area specified in the definition of terms;
- c. Selling or distributing tobacco products and/or ENDS to minors;
- d. Purchasing tobacco products and/or ENDS from minors;
- e. Ordering, instructing or compelling a minor to use, light up, buy, sell, distribute, deliver, advertise or promote tobacco products and/or ENDS;
- f. Selling or distributing tobacco products directly to consumers or end-users in a school, public playground or other facility frequented by minors, offices of the Department of Health (DOH) and attached agencies, hospitals and health facilities, or within 100 meters from any point in the perimeter of these places;

Establishments/stores in possession of tobacco products or ENDS within 100 meters from any point in the perimeter of the premises above-mentioned shall be *prima facie* evidence that an offense or a violation of this provision is committed.

- g. Selling of tobacco products and/or ENDS within premises of a government facility;
- h. Selling tobacco products and/or ENDS without a municipal permit;
- i. Selling of tobacco products and/or ENDS as individual pieces or per stick, or in tobacco product packs containing less than 20 sticks/pieces;
- j. Selling tobacco products and/or ENDS removed from its original product packaging or without the proper government-regulated and approved health warning;
- k. Selling tobacco products and/or ENDS by ambulant or street vendors, including other mobile or temporary stalls, kiosks, stations or units;
- l. Selling or distributing of sweets, snacks, toys or any other objects in the form of tobacco products which may appeal to minors;
- m. Placing cinema or outdoor advertisements of tobacco products and/or ENDS;
- n. Placing, posting, displaying or distributing advertisement and promotional materials of tobacco products or ENDS, such as but not limited to leaflets, posters, display structures and other materials within an establishment when such establishment or its location is prohibited from selling tobacco products and/or ENDS, as in *Item 1 (f) and (g)* above;
- o. Placing, posting, displaying or distributing advertisement and promotional materials of tobacco products or ENDS, such as but not limited to leaflets, posters, display structures and other materials that show a tobacco/ENDS brand's name (including company name), logo or indicia, such as in a point-of-sale establishment, where minors are allowed entry;
- p. Conducting promotional activities, campaigns, events, product sampling and the like, where the establishment or its location is prohibited from selling or unauthorized to sell tobacco products and/or ENDS and/or where minors are allowed entry;
- q. Displaying and placing tobacco products and/or ENDS in open store shelves/racks, except in enclosed, opaque and single-colored storages/containments;
- r. Facilitation, participation or partnership engaged by any government officials or personnel, regardless of employment status (permanent, casual, contractual, job order, consultant or special appointment) in any form of contribution, sponsorship or corporate social responsibility (CSR) activity, event, program or project by a tobacco company, tobacco industry front groups, or any representation working to protect tobacco industry interests, executed for or within the territorial jurisdiction of the Municipality of Tigbauan, with the aim, effect or likely effect of promoting a tobacco product and/or ENDS, its use either directly or indirectly.

2. DUTIES AND OBLIGATIONS OF PERSONS-IN-CHARGE. — Persons-in-charge shall:

- a. Prominently post and display “No Smoking” signages, which may include a “No Vaping” symbol illustrated separately or combined, in the locations most visible to the public in the areas where smoking and vaping is prohibited. At the very least, the “No Smoking” and “No Vaping” signage must be posted at the entrance to the area, which shall be at least 8 x 11 inches in size and the international “No Smoking” symbol, shall occupy no less than 60% of the signage. The remaining lower 40% of the signage shall show the following information:

ex:



and/or



or as a
combined symbol



STRICTLY NO SMOKING/VAPING

As per ORDINANCE NO. _____

Violators can be fined up to _____

Report violations to _____

[Hotline number optional]

As for the Designated Smoking Area, after complying with the specifications in Section 4 (e), prominently display the following elements in the signage:

“DESIGNATED SMOKING AREA” or “SMOKING AREA”

“Minors not allowed within these premises”

(place Graphic/Picture-Based Health Warning on
the effects of tobacco use within the signage)

(If available, place number of Smoking Cessation Hotline)

- b. Prominently post and display "No Smoking" and "No Vaping" signage in the most conspicuous location within the public conveyance. At the very least, the three and a half (3.5) square inch "No Smoking" and "No Vaping" signage shall be placed in the windshield and a ten (10) square inch "No Smoking" and "No Vaping" sign at the driver's back seat;
- c. Remove from the places where smoking is prohibited all ashtrays and any other receptacles for disposing of cigarette refuse;
- d. For persons-in-charge of government premises intending to establish a Designated Smoking Areas (DSA): secure a certification/permit from the duly authorized officer or representative of the Civil Service Commission; while for persons-in-charge of commercial establishments/buildings or other non-government facilities intending to establish a DSA: to secure a certification/permit from the Building/Engineering and health Officers, after complying with the requirements for a DSA, as stated in the definition of terms, "*designated smoking area*";
- e. For persons-in-charge of schools, public playgrounds or other facilities frequented by minors, offices of the DOH and attached agencies, hospitals and health facilities, post the following statement in a clear and conspicuous manner:

**SELLING, DISTRIBUTION, ADVERTISING AND PROMOTION OF
CIGARETTES/E-CIGARETTES
OR OTHER TOBACCO PRODUCTS
NOT ALLOWED WITHIN 100 METERS FROM ANY POINT
IN THE PERIMETER OF
[name of SCHOOL/PLAYGROUND/HEALTH FACILITY/ETC.]**

- f. For persons-in-charge of schools, public playgrounds or other facilities frequented by minors, offices of the DOH and attached agencies, hospitals and health facilities, report to the Smoke Free Task Force tobacco product/ENDS selling, advertising and/or promotion located within 100 meters from its perimeter;
- g. For persons-in-charge of establishments intending to sell tobacco products and/or ENDS, secure a permit to retail/wholesale from the Business Permits and Licensing Office;
- h. For persons-in-charge of approved point-of-sale establishments: post the following notice, together with a graphic/picture-based health warning on the health consequences of tobacco use, as prescribed by the Municipal Health Office, in a clear and conspicuous manner:

**SALE/DISTRIBUTION OF TOBACCO PRODUCTS
AND E-CIGARETTES TO MINORS IS UNLAWFUL**

- i. For persons-in-charge of point-of-sale establishments, remove all forms of tobacco or ENDS advertisement/promotions paraphernalia deemed prohibited by this Ordinance;
- j. For persons-in-charge of point-of-sale establishments, secure approval from the Municipal Health Office for storages or containments of tobacco products and/or ENDS. Only a listing of available tobacco and/or ENDS brands/variants sold at the point-of-sale establishment are allowed to appear outside of the storage or containment, where such listing shall only be written/printed in any plain font, and devoid of any recognizable product or brand typefaces, logo, indicia or markings. Such list shall not occupy more than (25%) of the exposed side of the storage or containment;
- k. For persons-in-charge of point-of-sale establishments, ensure that storages or containments of tobacco products and/or ENDS are only opened by a store personnel/manager at the counter during actual purchase by an adult customer, or when being replenished, cleaned or inspected;
- l. Establish internal procedure and measures through which this Ordinance shall be implemented and enforced within the area of which he or she is in charge. This includes compliance to the sales, distribution, advertising and promotions restrictions, i.e. warning smoking/vaping violators in banned areas and requesting them to stop smoking/vaping, and if they refuse to

comply, asking them to leave the premises, and if they still refuse to comply, reporting the incident to the Municipal Health Office, the nearest peace officer, or to any member of the Smoke Free Task Force through its hotline or by other means;

- m. Ensure that all the employees in the establishment are aware of this Ordinance and the procedures and measures for implementing and enforcing it.
- n. Allow inspectors acting under *Items 10 and 11* hereof, which may include other members of the Task Force and the designated civil society organization under *Item 12* entry into the establishment or public conveyance during regular business hours for the purpose of inspecting its compliance with this Ordinance.
- o. For all signage required to be posted under (a), (b), (e), and (h) above, provide for versions of them in the local dialect or in English.

3. Persons Liable. — The following persons shall be liable under this Ordinance:

- a. Any person or entity who commits any of the prohibited acts stated in *Item 1* hereof;
- b. Persons-in-charge who knowingly allow, abet, or tolerate the prohibited acts enumerated in *Item 1* or who otherwise fails to fulfill the duties and obligations enumerated in *Item 2* hereof;
- c. If the violator is a minor, the enforcer of this Ordinance shall report the incident to the school principal/dean exercising jurisdiction over the minor-offender where he shall be required to comply with disciplinary measures under the school where he/she is enrolled, and/or Municipal Social Welfare and Development Office for the appropriate action or intervention, pursuant to Republic Act 9344. Should the school have no policy for offenses committed by their pupils outside school premises or if the minor is an out-of-school youth, the enforcer shall ensure that the minor is referred to the Municipal Social Welfare and Development Office, which may likewise involve the parents or guardians and/or Barangay Official where the minor is a resident.

FINANCING

4. Funding. — An initial funding to defray the expenses necessary for or incidental to the implementation of this Ordinance in the amount of Three Hundred Thousand Pesos (P300,000.00) shall be sourced from the fund of the Municipality of Tigbauan and is hereby allocated. Every year thereafter, the amount of at least P300,000.00 shall automatically be included in the Annual Budget of the Municipality of Tigbauan and incorporated in the Peace and Order Programs of the municipality for the implementation and enforcement of this Ordinance.

The initial funding, annual budget appropriated for this purpose and funds generated from other sources, such as, but not limited to, the proceeds from administrative penalties, shall be placed in a Trust Fund, specifically intended to defray expenses and operationalize activities of this Ordinance and the municipality's Tobacco Control Program. The Task Force shall be empowered to determine how the Trust Fund is to be utilized in furtherance of this Ordinance, subject however to the usual government accounting and auditing procedures.

The above expenses include, but not limited to:

- a. Cost of printing copies of this Ordinance, the Citation Tickets, and information, education and communication materials pertaining to tobacco control;
- b. Cost of regular or periodic meetings of the Smoke Free Task Force;
- c. Cost of inspection and enforcement by the Smoke Free Task Force, including allowances for meals and transportation, the amounts of which shall be set by the Office of the Mayor;
- d. Remuneration for the apprehending enforcer's share of the proceeds from penalties paid;
- e. Incentive or reward for private citizens who report violations of this Ordinance;
- f. Institutional and operating expenses of the smoking cessation program and facility;
- g. Other expenses associated with the implementation and enforcement of this Ordinance.

Sharing of Proceeds from the Administrative Penalties. — The amount of the corresponding penalty paid by a violator to the Municipal Treasurer shall be apportioned where the equivalent of ten per cent (10%) shall accrue to the apprehending officer or deputized enforcer as an incentive.

The remainder of the proceeds from penalties collected as payment by violators, after deducting the amounts that shall accrue to the apprehending officers or deputized enforcers, shall form part of the abovementioned Trust Fund.

SOLID WASTE MANAGEMENT

SECTION 162. COLLECTION AND DISPOSAL OF SOLID WASTE/GARBAGE

1. WASTE GENERATION AND STORAGE

Residents shall learn the two (2) kinds of wastes: bio-degradable or compostable and non-biodegradable or non-compostable. These two kinds of wastes shall be stored and segregated at the site or place where they are generated:

- a. The concerned resident shall ensure that the generated solid wastes shall be properly separated in three (3) enclosed containers for recoverable, leftovers, compostable and others. The leftovers or kitchen refuse shall either be directly given to the animals as feeds or stored temporarily for composting or bio-gas production;
- b. Residents shall choose proper containers such as cans, sacks, bags, bins, etc. that will facilitate sanitary, efficient handling, storage, collection, transport or disposal at least cost. Food wastes shall be placed in covered cans or pails. Garden and human waste in sacks, can and bags and non-compostable in either, sacks, bags or boxes.

2. LITTERING AND SCAVENGING – No person shall litter, scatter or scavenge solid waste in the streets, highways, sidewalks, vacant lots and other public areas, e.g., parks, playgrounds, rivers, etc., Solid wastes shall include, among others, cigar or cigarette butts, boxes, package, candy and bread wrappers, match sticks, disposable diaper, food packages, etc.

3. WASTE PROCESSING AND RESOURCE RECOVERY

a. *Segregated Recyclables*

Segregated recyclables shall be properly stored before collection. These shall be collected separately and brought to recycling center, eco-centers or junk dealers.

Local waste managers 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 cecycled products.

b. *Segregated Compostible*

LGU shall determine volume of biodegradable waste collection to composting or need for treatment. Detailed system has to be considered in the Solid Waste Management Plan. MENRO in coordination with the MAO may assign areas/location for the purpose with responsible staff for technical supervision. Several methods may be choosen from among including the use of the Vermi worms. Practice of composting in the household is a must.

c. *Segregation, Recycling and Composting*

1. *Segregation-*

Segregation at source will be sustained and continuous promotion of segregation shall be done. Waste segregation will be fully implemented in all barangays. All barangays are required to have their own MRFs. No segregation no collection of residuals and special waste. Thin plastics and other unrecyclable residuals will apply to Basura e Bote.

2. *Recycling*

All recyclable materials shall not be dispose of but rather be channeled to the different local organizations engaged in recycling of papers, boards, plastics straws, thin high density plastics, pet bottles, clothes, etc.

3. *Composting/Management of Biodegradable Waste*

- a. Implementation of the Mun. Ord. No. 2001-003, Adopting the “No Segregation, No Collection Policy”.
- b. All sectors in the barangays shall be encouraged to engage in composting effort.
- c. Employment of non-governmental organization in the implementation of biodegradable management.

4. COLLECTION AND TRANSPORTATION OF SOLID WASTES/GARBAGE

- a. For residential areas:
 - a1. Public thoroughfares and grounds in front or in the vicinity of residential houses shall be kept clean and tidy by the owners or lessees of the house or building at all times;
 - a2. Trees, shrubs and other vegetation within the vicinity of residences shall be regularly cared for and maintained to minimize generated wastes, yard waste and unpleasant sight.
- b. Waste storage in commercial areas, including markets or agoras shall be done, as follows:
 - b1. Storage containers for segregated commercial waste shall be communal or individual with cover depending on the location and transportation process;
 - b2. The enclosed communal receptacles possibly on wheels shall be located along the collection route where generated wastes shall be brought and stored by the stall lessees;
 - b3. The lobby and fronting sidewalks or immediate ground of commercial establishments shall be maintained clean and presentable by the owners, operators, or lessees of the establishments, e.g. shops, stalls, stores, restaurants, eateries, carinderias, barber shops, beauty parlors, recreational and entertainment facilities like billiard hall, dancing halls, etc. and;
 - b4. The fronting sidewalks and immediate areas of stalls and open spaces of markets shall be kept clean and orderly by the lessees of said stalls or spaces at all times.
- c. Waste storage in institutional or industrial areas shall likewise be done, as follows:
 - c1. The head of any institutional or industrial firm shall ensure the proper and hygienic storage of generated and segregated waste in receptacles or containers which shall be situated along collection routes;
 - c2. Hazardous wastes shall be stored safely in good durable and duly covered receptacles which shall be located in a secured and distant site, prior to final collection and disposal;
 - c3. 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 streets; and
 - c4. Hazardous wastes (chemical, biological, and radio-active substances) shall be stored, collected and transported, and disposed of in accordance with applicable laws. Guidelines, rules and regulations of the Environmental Management Bureau (EMB-DENR) Department of Health (DOH), and Philippines Nuclear Research and Institute (PNRI).

5. DISPOSAL OF SOLID WASTES OR GARBAGE

a. *Disposal*

There shall be residual containment area to be identified by the Municipality of Tigbauan. Proper sanitation in the area must at all times be conducted. It shall be fenced and properly secured to avoid contamination in the surrounding area.

b. *Disposal of industrial waste*

1. Hazardous Industrial Waste – “Cradle to Grave” – all operators are responsible for the proper disposal of their wastes.
2. Industrial Solid Wastes- shall be kept in a containment area/facility to be sent to a landfill when the latter is already available.
3. Hazardous wastes shall be incinerated only after getting the proper assistance or guidance from concerned government agencies; and
4. Other hazardous wastes shall be disposed of in accordance with the laws, rules, regulations and guidelines of the concerned national agencies like Environment Management Bureau (EMB-DENR), Department of Health (DOH) and the Philippine Nuclear Research and Institute (PNRI).

SECTION 163. "DECLARING SATURDAY AS A NO-PLASTIC BAG DAY"

- a. All supermarkets, markets, bakeries, restaurants, groceries and retail stores in the municipality are hereby required to use packing/bagging materials such as papers or cloth bags, buri bag or bayong, non-plastic sack or bags and sturdy reusable shopping bags, **biodegradable plastics** or other **bio-degradable containers** instead of plastic bags as secondary packing bags. Bulky goods shall be packed in paper boxes or cartons or other biodegradable bagging materials.

Biodegradable plastic bags/containers used as secondary packing materials shall bear the logo for recyclable plastics identified below:

Plastic Packaging Recycling Codes

Polyethylene Terephthalate (PET)	High Density Polyethylene (HDPE)	Polyvinyl Chloride (PVC)	Low Density Polyethylene (LDPE)	Polypropylene (PP)	Polystyrene (PS)	Other Plastics
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(Source: American Plastics Council Website)

- b. Ambulant vendors are prohibited to sell items within the Municipality of Tigbauan using non-biodegradable plastic bags.
- c. Wet Goods sold in the Municipal Market such as fresh meat, fish fruits, vegetables and the likes shall be packed only by biodegradable or environment-friendly bagging containers or such other bagging materials as provided under Section 11 hereof.
- d. Establishments shall not issue, sell (retail or wholesale) non-biodegradable plastic bags for use by customers as bagging materials.
- e. Vendors, agents or deliverymen engaged in the sale of non-biodegradable plastic bags shall not be allowed to sell or distribute the same or unload or make any delivery of non-biodegradable plastic or similar items in any establishment in the Municipality of Tigbauan.
- f. Factories and establishments engaged in the manufacture of non-biodegradable plastics bags are prohibited in the Municipality of Tigbauan. Storage, sale or distribution of non-biodegradable plastic bags is likewise prohibited.
- g. Customers may provide themselves with non-biodegradable plastic bags or other sturdy reusable bags, boxes or crate or containers in the public market, municipal fish port and other establishments provided that in case of non-biodegradable plastic bags, (the same shall be properly marked/stamped by proper authorities at the entrance of the public market to determine the reuse of plastic bags in compliance with this ordinance.)
- h. Business establishments, restaurants and canteens, and food catering services are prohibited to use non-biodegradable Styrofoam and plastic products, except in original packaging itself;
- i. This ordinance declares every SATURDAY of the week as a "NO PLASTIC BAG DAY".

- j. The Municipal Environmental and Natural Resources Officer (MENRO) with the assistance from the local police shall issue citation tickets to violators of this Ordinance, stating the violation and the corresponding penalty thereof. In case the penalty is only a fine and the violator does not contest the citation issued, he/she shall pay the fine with the Office of the Municipal Treasurer immediately.
- k. The Municipal Mayor shall deputize the Barangay Officials and Barangay Tanods to assist the Municipal Environmental and Natural Resources Officer (MENRO) and the local police to ensure compliance with the provisions to this Ordinance.
- l. The Municipality of Tigbauan through the Office of the MENRO shall maintain a database of all establishments which comply with this ordinance and initiate activities that would discourage use of non-biodegradable plastics. Business establishments shall likewise remind their customers to provide themselves or bring their own shopping bags, preferably biodegradable packing materials or containers.
- m. Upon approval of this Ordinance, a Task Force composed of the Punong Barangays, the Chairman of the Barangay Committee on Environment, the Chairman of the Barangay Committee on Health, the Chairman of the Barangay Committee on Education, Barangay Health Workers, the Solid Waste Management Board, together with the Municipal Health Officer and the Municipal Environmental and Natural Resources Officer (MENRO) shall embark on a comprehensive information campaign on this Ordinance for a period of thirty (30) days.
- n. An Oversight Committee composed of the same members as the Task Force is hereby created to review the provisions hereof in relation to its implementation and to recommend modifications or amendments. After three (3) months of its initial implementation, the oversight committee shall convene and shall study the problems regarding the implementation of this Ordinance and submit within one month its recommendations if there is a need for adjustments.

SECTION 164. PROHIBITING THE USE OF PLASTIC STRAWS AND SINGLE-USE CELLOPHANES/PLASTIC BAGS IN ALL EDUCATIONAL INSTITUTIONS (WALANG PLASTIKAN SA ESKWELAHAN)

- A. PROHIBITION ON THE USE/SALE OF SINGLE-USE ITEMS (PLASTIC AND STYROFOAM) INSIDE SCHOOL PREMISES.** - Listed below are the prohibited uses of single-use items made of plastic and Styrofoam in all schools, including those during school related programs and activities.
 - 1. No one shall be allowed to utilize single-use plastics, i.e. plastic straws, plastic bags, and styrofoam inside school premises and during school-related programs and activities, except when these plastic materials are used as props during socio-cultural activities such as Pagdaug-Saludan Drum Corpse competition and the like;
 - 2. No business establishment shall offer or sell plastics to be used as a secondary packaging material or as primary packaging material on dry goods when said items shall be brought inside school premises;
 - 3. Disposing plastic waste in common areas in schools, such as school grounds, corridors, walks, and pathways; and
 - 4. Disposing cellophane, plastic and styrofoam, not segregated, as embodied in the Republic Act 9003.
- B. REGULATED USES OF PLASTICS FOR GOODS AND COMMODITIES.** - The use of plastics on the following are hereby regulated:
 - 1. Wet goods that are already pre-contained in plastic wraps, pouches, bags and the like as part of the product's packaging materials such as frozen products shall not be contained further in plastic bags;
 - 2. Wrapped or bagged products are preferably to be contained in a customer supplied "reusable" pre-cleaned and sanitized containers;
 - 3. Oil containers and other similar products shall be re-used at all times since they don't usually end up as recyclable waste; other plastic bottles that are not acceptable at "buy-back centers" like barangay MRFs, municipal MRFs or junkshops shall be re-used and should not end up as residual waste; and

4. Sacks and other similar bags shall be re-used as garbage bags.

C. PROMOTING THE USE OF REUSABLE ITEMS AND OTHER ENVIRONMENT- FRIENDLY PACKAGING MATERIALS AS AN ALTERNATIVE. - All schools are strictly enjoined to educate all learners and campaign for the use of re-usable items (reusable native bags, water bottles, lunch box and other reusable containers) and direct the observance of the following environment friendly practices:

1. All vendors and school canteen operators shall brief or train their respective personnel regarding the implementation of this ordinance;
2. All teachers and parents are enjoined to use reusable items (reusable native bags, water bottle, lunchbox) and shall bring appropriate containers when going to the school and to the market;
3. Recovery of tetra packs or other plastic containment materials shall be done during every after events, programs or activities;
4. Use of reusable bags shall be mandatory in all schools; use of reusable bag/sack shall be encouraged to all members of the institution; similar mechanics shall apply to other programs and activities that may allow the use of reusable materials; and
5. The use of cardboard boxes, paper bags, or any reusable bags shall be strongly encouraged.

D. “ANTI-LITTERING ORDINANCE”

1. It shall be unlawful for any person to throw small litter materials on streets, sidewalks or other public places, including government buildings and offices and public utility vehicles within the Municipality of Tigbauan.
2. The barangay councils of this municipality shall actively participate and are tasked with the implementation of this ordinance in their respective barangays. They shall deputize the necessary personnel as environmental sanitation officers for this purpose. Each personnel so deputized shall have sufficient identification and authority to apprehend violators and shall be provided with the necessary citation ticket.
3. For purpose of enforcing the provisions of this ordinance or its implementing rules and regulations, any citizen may apprehend any person who violates or fails to comply with the provisions of this ordinance or its implementing rules and regulations. Apprehending citizen shall coordinate with the deputized personnel (MSWMB or Barangay) for proper action.
4. The Municipal Solid Waste Management Board is tasked to supervise the implementation of this ordinance and to issue the corresponding Implementing Rules and Regulations (IRR) for effective implementation. It shall coordinate the efforts of all barangays concerned to avoid duplication and conflict in enforcement.
5. Public and Private schools within the jurisdiction of the Municipality of Tigbauan are enjoined to implement the ordinance in their respective campuses to maintain cleanliness of the school. Imposition of fines and penalties is subject to the school authorities.
6. For children below seven (7) years old and person with disability (mental/physical), who violates this ordinance, their parent/guardian are to be reprimanded or will be charged the corresponding amount of the penalty.
7. The Municipal Solid Waste Management Board is authorized to issue the citation ticket for apprehensions pursuant to this ordinance. All tickets issued (whether used or unused) shall be reported to the MSWMB.

8. ACCRUAL OF FINE.

- a. The fine hereof shall be remitted/reported to the following:
 - a1. The Municipal Treasurer of the Municipality of Tigbauan, in case the violator was apprehended by a deputized officer of the Municipal Solid Waste Management Board;
 - a2. The Barangay Treasurer of the concerned barangay, in case the violator was apprehended by the deputized officer of the barangay;

a3. In case the apprehension was made through a citizen's arrest, the apprehending individual shall refer it to the deputized officer of the barangay or of the Municipal Solid Waste Management Board for proper reporting/remittance.

From the amount of fine remitted, twenty-five percent (25%) thereof shall be granted as incentive to the MSWMB/Barangay deputized officer or any private individual who made the apprehension, while the remaining Seventy-five percent (75%) shall accrue to the Special Fund for the Environment of this local government unit.

9. The MSWMB and the barangay councils/BSWMC are tasked to place waste bins/cans in public areas for easy access of throwing small litter materials. The same shall monitor on the proper waste disposal of the garbage collected.
10. Business establishments shall place three (3) waste cans labeled biodegradable and non-biodegradable in front of their buildings/structures as part of their requirements for renewal of business permit.
11. Transportation vehicle(s) shall be provided with one (1) trash bin which will also be a requirement for the renewal of permit.

E. "DUMPING OF GARBAGE IN CANALS OF MUNICIPAL STREETS AND/OR THE FILLING UP OF SAID CANALS WITH SOIL, SAND OR ANY OTHER FORMS OF TRASH RESULTING TO THE CLOSING IN OR ERASURE OF THESE CANALS." The dumping of garbage in canals of Municipal Streets and/or the filling up of said canals with soil, sand and other forms of trash resulting to the closing in or erasure of these canals, is hereby prohibited.

F. "REQUIRING ALL STALLHOLDERS IN THE PUBLIC MARKET TO PROVIDE THREE (3) WASTE CANS FOR THEIR RESPECTIVE STALLS." All Stallholders in the public market are hereby required to provide three (3) waste cans for their respective stalls.

G. "SELLING, PURCHASE AND TRANSFER OF ANIMAL MANURE"

1. Hereinafter no person shall sell or buy animal manure in the Municipality of Tigbauan, Iloilo.
2. No person shall transfer animal manure outside the geographical jurisdiction of the Municipality of Tigbauan, Iloilo.
3. All Barangay Head and Barangay Councils are hereby authorized to campaign and implement this Ordinance in their respective barangays.

H. OPERATION OF SANITARY LANDFILL

1. In compliance with the provisions on environmental law, the LGU is hereby mandated to construct and operate Sanitary Landfill.
2. The construction of the Sanitary Landfill shall conform to the standard set by the law.
3. The LGU shall appropriate amount intended with the construction and operation of the Sanitary Landfill.
4. Outward sourcing [grants, financial aids and other modes of fund sourcing] is encouraged.

NOISE POLLUTION CONTROL

SECTION 165. COMMUNITY NOISE STANDARDS. The Municipality through the MENRO, shall adapt the standards set by DENR (PD 984). Standard for ambient noise levels shall be established considering its location, zoning and land use classification.

SECTION 166. STANDARD FOR NOISE-PRODUCING EQUIPMENT

The Municipality, through its MENRO, in coordination with the Municipal Engineer shall adapt the standards set by PD 1096 and other applicable laws as well as their implementing rules and regulations.

SECTION 167. OPERATION OF PUBLIC ADDRESS SYSTEM

Operations of public address systems shall be regulated under this Code.

SECTION 168. “USE OF SOUND SYSTEM DURING PROGRAMS, BENEFIT DANCES AND OTHER AFFAIRS, SOCIAL FUNCTIONS OR GATHERINGS”

A. REGULATORY CLAUSE

1. Operator of the sound system should lower/tone down the volume of the amplifier and turn off the loudspeaker at 12:00 midnight.
2. Only woofer should be used but it should be regulated so as not to cause nuisance to the people sleeping especially the elderly.
3. Organizer of the said activity and those who had been granted/issued a permit should be held responsible for the toning down of the sound system.
4. It shall be the duty and responsibility of the Punong Barangays, with the assistance of the PNP and their respective Kagawads and Barangay Tanods, to implement the provisions of this ordinance to the extent covered by their authority.
5. This Ordinance shall be strictly implemented so as to safeguard the welfare of its constituency.
6. Operator and organizer will be penalized in case of violation of this ordinance.
7. It is the responsibility of the organizer of the said activity to inform the operator of the sound system the provisions of this ordinance.

SECTION 169. “OPERATION AND EMPLOYMENT OF PERSONNEL ON VIDEOKE BARS”

A. REGULATORY CLAUSE

1. The manager/owner is required to secure all the necessary permits for the operation and employment of all personnel working in a Videoke Bar.
2. The Videoke Bar shall operate outside the 200 meter radius distance from the nearest public structures such as school, church and municipal building and/or zone specified for their location.
3. The Videoke Bar shall operate in an enclosed space, preferably sound proof and those operating in open spaces, shall modulate their videoke machine volume to not more than Level 3 to 4.
4. The Videoke Bar shall offer a wholesome entertainment of general patronage. Children below 18 years of age are allowed to enter Videoke Bar and sing along as long as they are accompanied by their parents or guardians from 5:30 PM to 7:00 PM during Friday, Saturday, Sunday and Holidays only.
5. The Videoke Bar shall employ only waitresses, waiters, cashiers, cooks and utilities/bouncers.
6. Videoke Bars located along the beaches that caters both the local and foreign tourists can start early as long as the volume is minimally modulated.
7. For those establishments within the 200 meter- radius distance, they should be allowed to operate in status quo until regulated since this ordinance was only made after they have already established the business.
8. The Videoke Bar shall be allowed to sell alcoholic beverages to clients 18 years and above only after paying the corresponding amount of P1,000.00 to the Treasurer as Liquor License Fee. The Liquor License shall be displayed behind the counter or in any conspicuous space where it could be seen clearly.

CHAPTER 10

LAND AND LAND USE MANAGEMENT DEVELOPMENT

LAND USE

This refers to the manner of utilizing land, both man-made and natural, including its allocation, development, and management. It shall be a policy to provide a rational, holistic, and just allocation, utilization, management, and development of the land resources to ensure their optimum use, consistent with the principles of sustainable development. For purposes of this Code, the land use of the Municipality shall conform with the Municipal Development and Physical Framework Plan (MDPFP) that shall be used as guide framework in the formulation of the Comprehensive Land Use Plans (CLUPs) of the Local Government Units (LGU) as mandated by RA 7160 and amendments thereof. It shall apply to all lands, whether public, private, government-owned, and/or in the possession of individuals, communities,

indigenous people, or group of people, to guide and govern the use, allocation, and management of land resources, including such activities that bear impact on said resources.

SECTION 170. MAINTENANCE AND DEVELOPMENT OF AGRICULTURAL LAND. Priority areas for agricultural development shall be based on the Strategic Agricultural and Fisheries Development Zone (SAFDZs) as defined by Republic Act No. 8435 known as the Agricultural and Fisheries Modernization Act of 1997 or AFMA. The Provincial Government, through its implementing arms, shall be tasked to assist the farmers in developing and maintaining agricultural lands. Assistance shall be sought from the Department of Agriculture (DA) in prioritizing areas for agricultural development based on SAFDZ. The Network of Protected Areas for Agriculture and Agro-industrial Development (NPAAD), as identified by the Department of Agriculture through the Bureau of Soils and Water Management (BSWM), in coordination with the National Mapping and Resource Information Authority (NAMRIA), shall be adopted and implemented by the LGU to ensure the efficient utilization of land for agriculture and agro-industrial development and to promote sustainable growth.

SECTION 171. SOIL CONSERVATION. The Municipality shall adopt soil conservation measures suitable to the site to maintain soil fertility and prevent potential soil degradation. The use of organic fertilizers is highly encourage, to promote health, increase soil productivity, and enhances biodiversity. Contour farming shall always be practiced in slopy areas to conserve rainwater and to reduce soil erosion.

SECTION 172. DEVELOPMENT OPPORTUNITIES/CONSIDERATION FOR IDENTIFIED DISASTER PRONE AREAS. The Municipality, in the formulation of the Comprehensive Development Plans/Comprehensive Land Use Plan, shall identify disaster prone areas as a special concern and shall prepare mitigating programs/projects to address the adverse impact on the populace, damage to crops, properties and infrastructure projects.

SECTION 173. OPEN SPACE IN URBAN AREAS FOR ECOLOGICAL FUNCTION. The Municipality is hereby mandated to provide within their urban zone an open space for ecological enhancement to be incorporated in their respective CLUPs.

SECTION 174. SIGNAGES AND BILLBOARDS CONSTRUCTION. This Code likewise adopts the provisions of Chapter 20 (Signs) of the National Building Code of the Philippines (PD No. 1096) providing for the general requirements, maintenance, design and construction, supports and anchorages, projections and clearances, and lighting of all signs.

CHAPTER 11

ENVIRONMENTAL HEALTH AND SANITATION

PROHIBITING ANY PERSON FROM MOVING HIS BOWELS IN CANALS OR EMPTYING RECEPTACLES CONTAINING HUMAN WASTE THEREON OR URINATING IN POSTS, WALLS OR IN ANY PUBLIC PLACES

SECTION 175. No person will be allowed to urinate, empty urine receptacles or move his bowels in canals, posts, or any open space in the Public Market or any public place in the Municipality.

REQUIRING ALL PERSONS WHO WILL CONSTRUCT DUG OR ARTESIAN WELLS IN THE MUNICIPALITY TO SECURE A HEALTH PERMIT FROM THE RURAL HEALTH OFFICE

SECTION 176. All persons who will construct a dug or artesian wells in this municipality are required to secure a health permit from the Rural Health Office.

SECTION 177. REGULATING BACKYARD SWINE RAISING

1. Backyard swine raising shall be allowed for a maximum of 2 heads.
2. Sows are not allowed in identified urban areas and densely populated areas in the

municipality.

3. A "standard septic tank" is strictly required. It should be watertight. Septic tanks where a public sewerage system is not available, sewer outfalls from residences, schools, and other buildings shall be discharged into a septic tank to be constructed in accordance with the following minimum requirements:
 - a. It shall be generally rectangular in shape. When a number of compartments are used, the first compartment shall have the capacity from one-half to two-thirds of the total volume of the tank.
 - b. It shall be built of concrete, whether pre-cast or poured in place. Brick, concrete blocks or adobe may be used.
 - c. It shall not be constructed under any building and within 25 meters from any source of water supply.
4. The distance of the pigpen shall be at least 25 meters from the nearest groundwater.
5. It shall be unlawful to directly discharge animal wastes in any irrigation canal, river/riverbanks, or any body of water.
6. It shall be the responsibility of swine raisers to regulate the odor/waste discharge of their own pigpens.
7. This regulation does not cover commercial small, medium or large scale piggery farms.
8. Backyard swine raisers are exempted from fees collected under the Revenue Code which states that a fee of Php50 is to be collected for every head of swine being raised.

SECTION 178. REGULATING COMMERCIAL, SMALL, MEDIUM AND LARGE SCALE PIGGERY FARM

1. Commercial small, medium and large scale piggery farms are not allowed in urban and densely populated areas in the Municipality of Tigbauan, Province of Iloilo.
2. A "standard septic tank" is strictly required. It should be watertight. Septic tanks where a public sewerage system is not available, sewer outfalls from residences, schools, and other buildings shall be discharged into a septic tank to be constructed in accordance with the following minimum requirements:
 - a. It shall be generally rectangular in shape. When a number of compartments are used, the first compartment shall have the capacity from one-half to two-thirds of the total volume of the tank.
 - b. It shall be built of concrete, whether pre-cast or poured in place. Brick, concrete blocks or adobe may be used.
 - c. It shall not be constructed under any building and within 25 meters from any source of water supply.
 - d. Minimum requirement of the septic tank to be prescribed by the Municipal Engineering Office.
3. The distance of the pigpen shall be at least 25 meters from the nearest groundwater.
4. It shall be unlawful to directly discharge animal wastes in any irrigation canal, river/riverbanks, or any body of water.
5. It shall be the responsibility of piggery owners to regulate the odor/waste discharge of their own pigpens.
6. This regulation covers commercial small, medium and large scale piggery farms.

SECTION 179: ISSUANCE OF MUNICIPAL PIGGERY LICENSE

1. Any individual person, group or corporations intending to put up commercial small, medium and large scale piggery farm/s in the Municipality of Tigbauan shall secure a Municipal Piggery License issued by the Business Permit and Licensing Office (BPLO).
2. The licensee shall submit the following requirements when applying for the Municipal Piggery License:
 - a. Barangay Clearance
 - b. Completely Filled-out Application Form
 - c. Sanitary Permit from the Municipal Health Office (MHO)
 - d. Certification from the Municipal Agriculture Office (MAO)
 - e. Certification from the Municipal Engineering Office (MEO)
 - f. Zoning Clearance/Certificate from the Municipal Planning and Development Office (MPDO)
3. The Sanitary Permit shall be issued after the onsite inspection was done by the Sanitary Inspector.

4. The Certification from the Municipal Agriculture Office (MAO) shall be issued once the Licensee has attended the Technology Training and Seminar conducted by the MAO Officer.
5. The Certification from the Municipal Engineering Office (MEO) shall be issued once the septic tank structure design was checked and approved by the MEO Officer.
6. The Municipal Piggery License is valid for one year.

CHAPTER 12

ECO-TOURISM

SECTION 180. ECO-TOURISM DEVELOPMENT PLAN. The Municipality, through its Tourism Council, shall formulate their respective ecotourism plans and programs as an effective mechanism for ecotourism development particularly in their respective localities patterned after the national ecotourism strategies and pursuant to the provisions of the Tourism Plans and Programs of the Municipality.

SECTION 181. ECO-TOURISM WITHIN PROTECTED AREAS (PAS). Protected areas within the Municipality of Tigbauan which have potentials for ecotourism purposes shall be subject to inventory assessment and classification pursuant to existing laws, rules and regulations.

SECTION 182. "TIGBAUAN ECO-TOURISM PARK"

1. Operating Principles. - Consistent with the provisions of the Tourism Code of The Municipality of Tigbauan and other related laws and issuances, the Local Government Unit of Tigbauan takes a major responsibility in partnership and cooperation with concerned government agencies and the private sector, for the improvement, security, administration and management of tourism destinations.
2. Declared Policies. - The municipality shall administer the heritage resources in a spirit of stewardship for the inspiration and benefit of the present and future generations consistent with the provisions of the Municipal Tourism Code and other related laws and issuances in order to ensure adherence to the principles of conservation and protection of the natural environment including its biodiversity.

SECTION 183. OBJECTIVES. – The Tigbauan Eco-Tourism Park is purposely established to:

1. Develop and promote responsible, community- based ecological tourism as the core management strategy in the development of an ecological area;
2. Develop and promote responsible green tourism as the main objective in the development of area;
3. Ensure the conservation of the biodiversity and the preservation of the said area;
4. Develop tourism products and programs that will generate employment and livelihood for the local residents, consistent with the preservation and maintenance of the ecology;
5. Ensure that the quality of local tourism programs and activities are educational and enriching for tourists and visitors through the provision of orientation, educational and tour programs by tour operators, residents of Barangay Supa, the surrounding barangays of Cansilayan, Bugasongan, Buyu-an, Bagacay and Danao, and the LGU - Tigbauan together with the DOT and the DENR; and
6. Guarantee that in the development and promotion of the local tourism industry, the LGU of Tigbauan shall ensure that the needs of local residents in the area of water supply, food, energy and local construction materials are first secured and met.

SECTION 184. TOURISM MASTER PLAN FOR THE TIGBAUAN ECO-TOURISM PARK. – The LGU Tigbauan, Iloilo thru the Municipal Planning and Development Office, The Municipal Engineering Office, the Municipal Tourism Office in coordination with the Department of Tourism (DOT), the Department of Environment and Natural Resources (DENR), shall be responsible for the formulation of the **Tourism Master Plan for the Tigbauan Eco-Tourism Park** that shall be complemented by a set of guidelines for its implementation. The tourism development plan shall ensure the preservation of the eco-tourism zone as the identified tourist attraction to include the following components:

1. Vicinity Map and Master Plan;
2. Carrying capacity of the eco-park;

3. Specific site assessment;
4. Identification of strategic sub-areas or parks;
5. Product development for local income generation;
6. Capacity-building for the local community so residents therein can be able to manage economically viable and responsible, community-based eco-tourism business enterprises; and
7. Marketing strategies that reflect the natural, social and environmental integrity of the Tigbauan Eco-Tourism Park and its local residents.

SECTION 185. FORMULATION OF GUIDELINES AND STANDARDS. The Tigbauan Tourism Council, in coordination with the Department of Tourism and the Department of Environment and Natural Resources shall formulate a local tourism standards in the context of the environmental protection as integrated in the development of eco-tourism plans.

The standards shall:

1. Raise the capacity of all stakeholders and ensure that best practices are followed;
2. Ensure optional use of water and energy;
3. Reduce waste and pollution through the encouragement of recycling and environmentally-sound solid waste management schemes, with a principle of zero-waste management as possible;
4. Prevent vandalism in the facilities of the eco-tourism zone; and
5. Encourage the use of local products and services and support the employment of local people.

CHAPTER 13

SUSTAINABLE ENERGY DEVELOPMENT

SECTION 186. ENERGY DEVELOPMENT PROGRAM

In line with the environmental policies aimed at protecting the world from global warming and other forms of ecological degradations, the local government unit shall:

- a. undertake a sustainable energy development program that encourages the utilization of alternative and renewable sources of energy like solar, wind, hydropower and bio-fuel.
- b. undertake strict regulatory and monitoring system in the utilization of energy sources that have contributed to the degradation of the environment and natural resources (e.g., fossil fuels and coal).
- c. ensure implementation of environmental standards and policies.

SECTION 187. ENERGY ENHANCEMENT MEASURES

Consistent with the development of a sustainable energy program, the Local Government Unit and its barangays shall adopt measures that include, but not limited to the following:

- a. Give full support and incentives to investments and projects that develop renewable and environment-friendly energy sources.
- b. Conduct study and research and establish pilot projects on energy sources.
- c. Provide capability building activities for technical personnel and other stakeholders in the development of sustainable energy.

SECTION 188. SAFETY NETS. The local government unit and the barangays shall promulgate measures to prevent or mitigate the adverse effects of energy development to the environment and natural resources. Among the areas of concern that may be addressed may include, but not limited to the following:

- a. Safeguard the health and safety of the community where an energy plant or project is located.
- b. Guarantee the rights of the indigenous people in the utilization of their ancestral domain for energy development projects.
- c. Protect the watersheds and its river system from degradation or destruction caused by the construction of hydro-electric power plants in the area.

CHAPTER 14

MISCELLANEOUS PROVISIONS

SECTION 189. CREATION OF BANTAY KALIKASAN TASK FORCE

There shall be created a Bantay Kalikasan Task Force to monitor, implement and apprehend of all provisions and violations of the Environment Code of Tigbauan.

SECTION 190. Penalties. Violation of any provision of this Code shall be imposed a fine not exceeding Two Thousand Five Hundred Pesos (P2,500.00) or an imprisonment for a period not exceeding six (6) months or both at the discretion of proper authorities.

SECTION 191. Separability Clause. In the event that any section, paragraph, sentence, clause, or word of this Code is declared invalid for any reason, other provisions thereof shall not be affected thereby.

SECTION 192. Repealing Clause. All ordinances, as well as pertinent rules and regulations thereof, which are inconsistent with the provisions of this Code are hereby repealed or amended accordingly.

SECTION 193. Sunset Review. The Sanggunian is mandated to review the provisions of this Code for amendment or revision every five years.

SECTION 194. There shall be created a Local Legislative-Executive Development Advisory Council [LLEDAC] to formulate the Implementing Rules and Regulations [IRR] of this Code.

SECTION 195. Effectivity. This Code shall be deemed effective upon approval and compliance with mandatory publication or posting.

CERTIFIED CORRECT:



MARLENE TAYO-NAVA
SB Secretary

ATTESTED:



ATTY. VIRGILIO T. TERUEL
Vice Mayor & Presiding Officer

APPROVED:

ATTY. SUZETTE TENEFRANCIA-ALQUISADA
Municipal Mayor

(Date Approved)

HON. VIRGILIO T. TERUEL, LAWYER
Municipal Vice Mayor

Sangguniang Bayan Members:

Hon. Dennis T. Valencia
Hon. Neri T. Camiña
Hon. Marlon R. Teruñez

Hon. Suzette Marie Hilado-Banno, M.D.
Hon. Reynaldo E. Tumabotabo
Hon. Julius T. Ledesma, O.D.

Hon. Ma. Gerrylin Santuyo-Camposagrado, LLB, MPA
Hon. Norberto T. Turalba
Hon. Jerry T. Tuares, (LnB-Pres.)- Civil Engineer
Hon. Dyossa Marie Teruñez (SKMF-Pres.)

"Public office is a public trust. Public Officials must at all times be accountable to the people"