



Republic of the Philippines
PROVINCE OF ORIENTAL MINDORO
MUNICIPALITY OF PINAMALAYAN

Office of the Sangguniang Bayan

ORDINANCE NO. 07-2016

AN ORDINANCE ENACTING THE ENVIRONMENT CODE OF THE MUNICIPALITY OF PINAMALAYAN, ORIENTAL MINDORO.

INTRODUCED BY: FORMER COUNCILOR ARNEL G. ABRENICA

BE IT ORDAINED, AS IT IS HEREBY ORDAINED BY THE SANGGUNIANG BAYAN THAT:

ARTICLE I
GENERAL PROVISIONS

SECTION 1. TITLE. This Ordinance shall be known as the "Pinamalayan Environment Code" and shall be referred to as the Municipal Environment Code.

SECTION 2. DECLARATION OF POLICY. Consistent with the principles of sustainable development and responsible stewardship of the environment and natural resource and in response to the continuous decline in the quality of the ecosystems and quality of these resources, It is hereby declared the policy of the Municipality of Pinamalayan in partnership with barangay units, national government line agencies, the private sector, NGO's, PO's Indigenous people, and other stakeholders, to ensure that the use, protections and development of ecosystems and natural resources are managed in a sustainable manner and at rate that will enable the people of Pinamalayan to provide for their economic social and physical well-being now and in the future.

SECTION 3. AUTHORITY. This Municipal Environment Code is enacted pursuant to the provisions of the Philippine Constitution, particularly Art II (6), Art XII (2) and (5) Art XIII (7) and RA 7160, otherwise known as the Local Government Code of 1991, particularly Sections 2 (a), 2 (c), 3 (e); 3. (f) up to 3 (m), 5 (a) , 16, 17, 26, 27, 33, 34, 36, 129, 186 and 289 thereof; including Sections 389 (b), (9) and 444 (b) 3 (v) which mandates the Municipal Mayor to adopt measures to safeguard and conserve land, mineral, marine, forest and other resources; Section 447 (a) (1) (v) Section 458 (1) (vi), Section 468 (a) (1) and Section 391 (a) (1) which mandates the Sanggunian to enact ordinances and resolutions to safeguard the environment and impose penalties for acts that would result in environmental degradation.

SECTION 4. GOVERNING LAWS. The provisions of this Code shall be governed by, but not be limited to, the following and administrative orders as provided in each of the pertinent Articles of this Code.

- a. RA 7160 (Local Government Code of 1991);
- b. RA 8550 (Philippine Fisheries Code of 1998);
- c. PD 1152 (Philippine Environmental Code);
- d. Presidential Decree 601 (Revised Philippine Coast Guard Law);
- e. PD 705 (The Forestry Reform Code of the Philippines);
- f. RA 7076 (People's Small-scale Mining Act of 1991);

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- g. PD 984, the 1976 (National Pollution Control Decree);
- h. RA 8749, (Clean Air Act of 1999);
- i. Proc. No. 2146 (Proclaiming Certain Areas and Types of Projects as Environmentally Critical);
- j. RA 6975 (Local Government Act 1990, creating the PNP-MARICOM under the DILG);
- k. RA 5173 (Philippine Coast Guard Act of 1957);
- l. EO 247 Series of 1995 (Bio-Prospecting Law);
- m. RA 8435 (Agriculture and Fisheries Modernization Act of 1997);
- n. DENR Memorandum Circular 17-92 (Declination of functions and implementation of Integrated Social Forestry Program after the Development of Function to the Local Government Units);
- o. RA 9003 (Ecological Solid Waste Management Act of 2000);
- p. DAO 30-92 (Guidelines for the Transfer and Implementation of DENR Function Devolved to the Local Government Units); and
- q. M.O 98-17 (Banning the Further Zonification of Mangrove Forest for Fishpond Development).

SECTION 5. PURPOSE. The purpose for the enactment of this Municipal Environment Code is to provide a framework of norms, standards and requirement to:

- a. Ensure that the use, development and protection of natural resources will foster human dignity and enable people to provide for their economic, social and physical well-being;
- b. Optimize the utilization of natural and physical resources to meet the needs of present and future generations;
- c. Safeguard the life-supporting capacity of air, water and land ecosystem;
- d. Reduce, minimize and, where practicable, eliminate harm to the environment;

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- e. Coordinate activities, policies and programs to ensure effective environment protection, restoration and enhancement;
- f. Ensure the adoption and implementation of environment protection measure;
- g. Apply a precautionary approach to the assessment of risk of environmental harm;
- h. Allocate the costs environment protection and restoration equitably and in manner that encourages responsible use of and reduce harm to the environment with polluters bearing an appropriate share of the cost that arise from their activities, products, substances and services;
- i. Provide for periodic monitoring and reporting on environment quality on a regular basis to ensure compliance with environmental laws, rules and regulations and the maintenance of records of trends in environmental quality, and;
- j. Promote community to stimulate public participation in decision and actions affecting the environment.

SECTION 6. OPERATIVE PRINCIPLES. This Code is based on the following underlying principles:

- a. The active participation of the people of Pinamalayan is vital to promote a clean and healthy environment and in attaining sustainable development;
- b. It uphold inter-class equity, inter-generational equity and gender equity to ensure fair access to opportunities and resources and for present and future generations;
- c. The people are the stewards of the natural resources and they have the right to be informed of and the duty to participate and to facilitate in all undertaking to promote sustainable management of natural resources;
- d. All development activities shall give importance and respect to indigenous culture an traditional practices consistent with ecological principle; and
- e. All development activities shall keep the surrounding environment habitable, and shall not threaten people's health, safety and livelihood.

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ARTICLE II DEFINITION OF TERMS

As used in this Code, the words, terms and phrases enumerates hereunder shall have the meaning or definition corresponding provided therein.

1. **Agricultural Waste** shall refer to waste generated from planting or harvesting of crops, trimming or pruning of plants and wastes or run-off materials from farms or fields.
2. **Air Pollutant** means any matter found in the atmosphere other than oxygen, nitrogen, water vapor, carbon dioxide, and the inert gases in their natural or normal concentrations that is detrimental to health or the environment which includes, but not limited to, smoke, dust, soot, cinders, fly ash, solid particles of any kind, gases, fumes, chemical mist, steam and radioactive substance.
3. **Air Pollution** means any alteration of the physical, chemical and biological properties of the atmospheric air, or any discharge thereto of any liquid gaseous or solid substances that will or is likely to create or to render the air resources of the country 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.
4. **Alienable and Disposable Lands** refer to those lands of public domains which have been declared by laws as not needed for forestry purpose.
5. **Ancestral Domains** area generally belonging to ICCs/IPs comprising lands, inland waters, coastal areas, and natural resources therein held under a claim of ownership, occupied or possessed by ICCs/IPs. themselves or through their ancestors, communally or individually since time immemorial continuously to the present except when interrupted by war, force majeure or displacement by force, deceit, stealth or as consequence of government project and which are necessary to ensure their economic, social and cultural and other lands individually owned whether alienable and disposable or otherwise, hunting grounds, burials grounds worship areas, bodies of water, mineral and other natural resources, and lands which they have traditional access to for their subsistence and activities, particularly the home ranges of ICCs/IPs who are still nomadic and/or shifting cultivations.
6. **Biological Diversity** means the variability among living organism from all sources including terrestrial, marine, and other aquatic ecosystems and the ecological complex of which they are part; this includes diversity within species, between species and ecosystem.
7. **Buffer Zones** are identified areas outside the boundaries of and immediately adjacent to designate protected areas and need special development control in order to avoid or minimize harm to the protected area.

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8. **Certificate of Ancestral Domain Title** refers to a title formally recognizing the right of possession and ownership of ICCs/IPs over their ancestral domains identified and delineated in accordance with law.
9. **Coastal Area/Zone** is a band of dry land adjacent to ocean space (water and submerged land) in which terrestrial process and uses directly affect oceanic process and uses and vice versa; its geographic extent may include mangrove swamps, brackish water ponds, nipa swamps, estuarine rivers, sandy beaches and other areas within seaward limit of 200 meters isobaths to include coral reefs, algal flats, sea grass beds and other soft-bottom areas (RA 8550).
10. **Coastal Water** is an open body of water along the country's coastline starting from the shoreline (Mean Lower Low Water) and extending onward to the 200-m isobaths or 3 km distance whichever is farther (DAO 36, S. 1990).
11. **Collection** shall refer to the act removing solid waste from the source or from the source of the communal storage point.
12. **Communal Forest** refers to a tract of forest land set aside for a municipality by law or through a valid proclamation or order for the use of the residents of a municipality from which said residents may establish forest plantations and/or tree farms, cut, collect and remove forest product for their personal use in accordance with existing laws and regulations. Each municipality is entitled to a maximum of 5,000 hectares of communal forest provide in Section 17 (b) (2) of RA 7160.
13. **Communal Mangrove Forest** is a tract of public forest director set aside by the DENR Secretary upon the recommendation of the Direction of the Forest Management Bureau for the exclusive use of the residents of the municipality (DAO 15,s 1990).
14. **Community-Based Forest Management Agreement (CBFMA)** is a product sharing agreement entered into between a community and the government to develop, utilize, manage and conserve a specific potion of the forestland, consistent with the principles of sustainable development and pursuant to a Community Resource Management Framework Executive Order No. 263
15. **Disposal** shall refer to the discharge, deposit, dumping, spilling, leaking or placing of any solid waste into or in a land; disposal site shall refer to a site where solid waste is finally discharged and deposited.
16. **Ecological Solid Waste Management** shall refer to the systematic administration of activities which provide for segregation at source, disposal of solid waste and all other waste management activities which do not harm the environment.

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17. **Ecological Balance** is a state where the relationship and interactions between and among living things and their natural or developed environment is undisturbed or in a state of equilibrium.
18. **Eco-Tourism** refers to a nature-based activity managed by the local community with government support whose primary goals are conservation and enhancement of natural resources while providing economic benefits to the local community.
19. **Emission** refers to the act of passing into the atmosphere an air contaminant, pollutant, gas steam and unwanted sound from a known source.
20. **Endangered or Threatened Species** refers to a plant or animal facing high risk of extinction in the wild in the near future.
21. **Environment** refers to the quantity, quality, diversity and sustainability of renewable and non-renewable natural resources, including the ambient environment such as the atmosphere, climate, sound and odors that are critical determinants of the quality of life. In a broad sense, it shall include the total environment of man such as economic, social, cultural, political, and historic factors.
22. **Environment Compliance Certificate (ECC)** refers to authorization issued by the DENR, pursuant to law, in favor of a proponent, the project of which have been reviewed evaluated and finally approved by the environment by the Environment Impact Assessment Review Committee and upon recommendation of the Environmental Management Bureau (EMB) to the Regional Executive Director (RED) of the DENR that the project will not bring about a negative environment impact and that the proponent has complied with all the requirements of PD 1568 as well as Proclamation 2146, otherwise known as Environmental Impact Assessment System.
23. **Environment Critical Areas (ECAs)** refers to those socially, ecologically and geologically sensitive areas declared by law or valid proclamation (Presidential Proclamation No. 2146, S. 1981; Sec. 4PD 1586 (DAO 21, S1992) as amended by (DAO 96-37) such as:
- All areas declared by law, as national parks, watershed reserves, wildlife preserves and sanctuaries;
 - Areas set aside as aesthetic potential tourist spot;
 - Areas which constitute the habitat for any endangered or threatened species of indigenous Philippine Wildlife (Flora and Fauna);
 - Areas of historic, archaeological, or scientific research;
 - Areas frequently visited and/or hard-hit by natural calamities (geological hazards, floods, typhoons, volcanic activity, etc.);
 - Areas with critical slopes;
 - Areas classified as prime agricultural land;
 - Recharged areas of Aquifers; and

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- i. Water bodies characterized by one or any combination of the following condition:
- tapped for domestic purposes;
 - within the controlled and/or protected areas declared by appropriate authorities;
 - Which support wildlife and fishery activities
- j. Mangrove areas characterized by one or any combination of the following condition:
- with primary pristine and dense young growth;
 - adjoining mouth of major river system;
 - near adjacent to traditionally productive fry or fishing grounds;
 - which act as natural buffers against shore erosion, strong winds and storm floods;
 - On which people are dependent for their livelihood.
- k. Coral reef characterized by one or any combination of the following: with 50% and above live coral line cover; spawning and nursery grounds for fish, and which act as natural breakwater of coastlines.

24. **Environmentally Critical Projects (ECPs)** refer to those socially, ecologically and geologically sensitive projects declared by law or by valid proclamation:

- I. Heavy Industries
- Non-ferrous industries
 - Iron and steel mills
 - Petroleum and petrochemical industries including oils and gasses
 - Smelting plants
- II. Resource Extractive Industries
- Major mining and quarrying projects
 - Forestry projects
 - logging
 - major wood processing projects
 - introduction of fauna (exotic animals) in public/private forest
 - forest occupancy
 - extraction of mangrove product
 - grazing
 - Fishery projects
 - dikes and/or fishpond development projects
 - Infrastructure projects
 - Major dams
 - Major power plants (fossil-fueled, hydroelectric or geothermal)
 - Major reclamation projects

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g. Major roads and bridges

III. Golf Source

25. **Environment Impacts** refer to the probable effects or consequences of proposed projects or undertakings on the physical, biological, and socioeconomic environment that can be direct or indirect, cumulative and positive or negative (DAO 21, s1992 as amended by DAO 96-37, s1996).
26. **Genetically Modified Organism (GMO)**, a plant, animal or micro-organism produced by genetic engineering, which involves alteration of organism's genetic or hereditary character, material to eliminate undesirable characteristics or to produce desirable new ones, This involves application of biochemical and genetic techniques to alter separation,
27. **Genetic Engineering** is the process of transferring genes from one organism to another, sometime from one completely different species to another, producing a new transferred to certain crops such as soybean, cotton, corn and tomatoes.
28. **Guano** refers to accumulated dropping or excrements of bats in caves and does not include phosphate rocks.
29. **Hazardous Waste** shall refer to solid waste or combination of solid waste which, because of its quantity, concentration or physical chemical or infectious characteristics, may;
- cause or significantly contribute to an increase in mortality or an increase in serious irreversible anticipating reversible, illness; or
 - pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.
30. **Indigenous Culture Communities/Indigenous People (ICC's/IP's)** refer to a group of people or homogeneous societies identified by self-ascription and ascription by other, who have continuously lived as organized community on communally bounded and fined territory, and who have, under claims, tradition and other distinctive cultural inroads of colonization, non-indigenous religions and culture, became historically differentiated from the majority of Filipinos. ICC's/IP's shall likewise include people who are regarded as indigenous on account of their descent from the populations which inhabited the country, at the time of conquest or colonization, or at the time of inroads on non-indigenous religions and cultures, or the establishment of present state boundaries, who retain some or all of their own social, economic, cultural and political institutions, but who may have been displaced from their traditional domains or who have resettled outside their ancestral domains; (IPRA Law).
31. **Industrial Wastes** are wastes generated from small, medium and large scale industries.



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32. **Integrated Social Forestry** refers to an inter-agency national program created by Letter of Instruction No. 1260, dated July 28, 1982, designed to promote the socio-economic conditions of forest occupants and communities dependent on forest land for their livelihood, to provide land tenure and at the same time to protect and improve the quality of the environment.
33. **Lease** is a privilege granted by the State to a person to occupy and possess, in consideration of specified rental, any land of the public domain in order to undertake any authorized activity therein.
34. **License** is privilege granted by the state to utilize natural resources within any land, without any right of occupation and possession over the same, to the exclusion of others, or to establish of other, or to establish or operate a manufacturing plant, or conduct any activity involving the utilization of the natural resources covered by the license.
35. **Locational Clearance** is a clearance issued to a project that is allowed under the provisions of this Code as well as other standards, rules and regulations.
36. **Mangrove** is a term, applied to the type of forest occurring on tidal flats along the sea coast, extending along streams where the water is saline or brackish.
37. **Minerals** refer to all naturally occurring inorganic substances in solid, liquid, gas or any intermediate state excluding energy material such as coal, petroleum, natural gas, radioactive minerals and geothermal energy.
38. **Municipal Waste** shall refer to waste produced from activities within local government units which include a combination of domestic commercial, institutional and industrial wastes and street litters;
39. **Municipal Waters** include not only streams, lakes, island bodies of water and tidal waters within the Municipality which are not included within the protected areas defined under Republic Act No. 7586 (The NIPAS Law), public forest reserves, but also marine waters included between two (2) lines drawn perpendicular to the general coastline from points where the boundary lines of the municipality touch the sea at low tide and a third line parallel with the general coastline and fifteen (15) kilometers from such coastline, where two municipalities are so situated on opposite shores that is less than thirty (30) kilometers of marines water between them, the third line shall be equally distant from the opposite shores of the respective Municipalities.
40. **National Integrated Protected Areas System (NIPAS)** is the classification and administration of all designated protected areas to maintain essential ecological processes and life-support system, to preserve genetic diversity, to ensure sustainable use of sources found there, and to maintain their natural conditions to the greatest extent possible as provided in RA 7586, otherwise known as the NIPAS Act of 1992.

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41. **Permit** is a short-term privilege or authority granted by the state to a person to utilize any limited natural resources or undertake a limited activity within a piece of land/water without any right of occupation or possession therein;
42. **Person** includes natural as well as juridical persons.
43. **Production Forest** refers to forestland with less than 50% slope gradient and less than 100 meters in elevation, consisting mainly of second growth (residual) forest, including patches of reforested areas, bush land and/or open lands therein and outside 20 meters of either side of stream bank, wilderness areas, proclaimed watershed reservation, in areas identified with historical value and other areas proclaimed for ecological and environment protection. Production forest are developed to supply commercial timber and non-timber product such as bamboo, rattan horticultural crop (e.g fruit/nut trees), mangrove, gums and resins, spices, fiber trees, vines, plans or a combination thereof.
44. **Protected Area** refers to identified portions of land and water set aside by law reason of their unique physical and biological significance, managed to enhance biological diversity and protected against destructive human exploitation, as provided in RA 7586, the National Integrated Protected Areas System (NIPAS) Act of 1992.
45. **Protection Forest** refers to areas regardless of slope which are highly erodible or to rocky for establishment of production forest, developed for the primary objection of establishing vegetative cover to prevent erosion, conserve and produce water, and nurture wildlife.
46. **Public Forestland** refers to the land of the public domain which has not been declared as alienable or disposable and includes the public forest the permanent forest or forest reserve.
47. **Public Consultation** refers to a stage of public participation at which information is disseminated and opinions gathered in public in order to ensure that public concerns are integrated into the process of environmental impact assessment.
48. **Quarry Resources** mean any common stone or other common mineral substances such as, but not restricted to marl, marble, granite, volcanic, cinders, basalt, tuff and rock phosphates, provided they contain no metals or other valuable minerals in economically workable quantities.
49. **RA 7160** refers to the Local Government Code of 1991.
50. **Recreation Forest** refers to a tract of public forest land, forested or non-forested, and may contain both production and protection forest, developed for the additional or primary purpose of providing non-destructive recreational pursuits such as, but not limited to, camping, bush walking, bird watching, mountaineering, and nature observations/studies.

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51. **Recycling** shall refer to treating of used or waste materials through a process of making them suitable for beneficial use and other purpose, and includes any process by which solid waste materials are transformed into new products in such a manner that the original product may lose their identity, and which may be used as raw materials for the product of other goods or services: provided, that the collection, segregation and re-use of previously used packaging material shall be deemed recycling under this Code.
52. **Scoping** refers to the stage in the Environment impact Statement System where information and assessment are established to provide the proponent with the scope of work for IES.
53. **Small-Scale Mining** refers to mining activities, which rely heavily on manual labor using simple implements and methods and do not use explosives or heavy mining equipment.
54. **Small Water Impounding Projects (SWIP)** is a dam made of earth, rock or concrete with any purpose. To distinguish it from it from a high dam, its height is limited to below 5 meters.
55. **Solid Waste** refers to all putrescence, non-putrescence and discarded materials (including human excrement) including but not limited to food waste, rubbish, ashes, street cleanings, dead animals, abandoned vehicles sewage treatment sludge in non-liquid form, incinerator ash and residue, commercial, industrial, hospital, funeral, and agricultural wastes, and special wastes, whether combustible or non-combustible such as papers, rags, carton, woods, tins cans, lawn clippings, glass, or litter of any kind. The type of wastes covered under this Code shall include wastes from residential houses, commercial establishment such as hotels, restaurant, cinema houses, public market, department stores, groceries, institutions like hospitals, schools, churches, public and private offices, industrial establishment like factories, plants and other establishments of any kind, and agriculture waste, Solid waste does not include hazardous waste, infections waste from hospitals and wastes resulting from manning activities, including contaminated soil and debris.
56. **Solid Waste Management** shall refer to the discipline associated with the control of generation, storage, collection, transfer and transport, processing, and disposal of solid waste in manner that is accord with the best principles of public health, economics, engineering, public attitudes.
57. **Solid Waste Management Facility** shall to any resource recovery system or component thereof. Any system, program, or facility for resources conservation. Any facility for the collection, source separation, storage, transportation, transfer, processing, treatment, or disposal of solid waste.
58. **Source Separation** shall to the sorting of solid waste into some or all of its component parts at the point of generation.

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59. **Special Wastes** shall refer to household hazardous wastes such as paints, thinners, household batteries, lead-acid batteries, spray canister and the like. There include; wastes from residential and commercial sources that comprise of bulky wastes, consumer electronics, white goods, yard wastes that are collected separate, batteries, oil and tires. These wastes are usually handled separately from other residential and commercial wastes.

60. **Strict Protection Zones For Water Production** refer to areas set aside by the Sangguniang Panlalawigan upon recommendation by the Governor for the purpose of water production, which shall be closed to all human activities except for scientific studies.

61. **Sustainable Development** means meeting the needs to prevent without compromising the ability of future generations to meet their own needs.

62. **Traditional Kaingin** the slash-and-burn method of farming adopted by indigenous people which involves cutting down a patch of forest, burning the plant matter to release nutrients into the soil for farming. This traditional method is sustainable because after about three years, they move to another patch of forest, allowing their old farms to return to forest. They promote multi-cropping or variation of crops.

63. **Watershed** is a land area drained by a stream or a fixed body and its tributaries having a common outlet for surface run-off. Small watershed areas specifically refer to those that are identified by local governments or proper government agencies as source of water supply for particular local communities.

64. **Waste management** includes both solid and liquid waste management.

ARTICLE III FOREST RESOURCES

SECTION 1. SCOPE OF POWERS. Pursuant to the provisions of RA 7160 otherwise known as the Local Government Code of 1991 and the General Manual Operations for the Forest Management Function developed to the Local Government Units (LGU's).

The Municipality shall be responsible for the following:

- I. Implementation of the following community – based forestry projects pursuant to the provision of DAO 30 series of 1992 Section 3. 1.
 - a. Establishment of new regular reforestation projects.
 - b. Completed family-and community-base contract reforestation projects, subject to the policies and procedures established by the DENR.

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c. Forest Land Management Agreement, in accordance with DENR Administrative Order No. 71, series of 1990 and other guidelines that the DENR may adopt; and

d. Community Forestry Projects, subject to the concurrence of the funding institutions, if foreign-assistance.

II. Management and control of communal forests with an area not exceeding fifty (50) square kilometers of five thousand (5,000) hectares but not less than 10 hectares, as explained in Annex A (7) concerned LGU shall endeavor to convert these communal forests into community forestry projects, pursuant to Section 3. 1 ©, DAO 30, series of 1992;

III. Establishment, maintenance, protection and preservation of communal forest and public forestlands, watershed, tree parks, mangroves, greenbelts, industrial tree farms, agro-forestry projects and tourist attractions in areas identified and delineated by DENR, except those covered by the Integrated Protected Areas System, as defined by law; and the collection of fees for their services and the use facilities therein, pursuant to Section 3. 2 (a), DAO 30 series of 1992;

IV. Implementation of the Rehabilitation in Conservation Hotspot (RICH) project and the Conservation of Rare and Endangers Species (CARE) project in areas identified and delineated by the DENR, pursuant to Section 3. 2 ©, DAO 30, series of 1992; and

V. The Punong Barangay is tasked to enforce laws and regulations relating to pollution control and protection of the environment and as applicable to maintain at least one (1) hectare of communal forest in his barangay.

SECTION 2. GOVERNING LAWS. The pertinent forestry provision of this Environment Code shall be governed but not limited to the following laws and administrative orders:

- a. RA 7160 (Local Government Code of 1991);
- b. Presidential Decree No. 705, as amended (Revised Forestry Code of the Philippines);
- c. Presidential Executive Order 263 (Community Based Forest Management Strategy);
- d. LOI 1260 (Integrated Social Forestry Program);
- e. Republic Act 7586 (National Integrated Protection Areas System Act of 1992);

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- f. DENR Administrative Order No. 30, Series of 1992 (Guidelines for the Transfer and Implementation of DENR Functions to the Local Government Units);
- g. Republic act 9147 (Wildlife Conservation Act of 2001);
- h. EO 247, S 1995 (Bio Prospecting Law);
- i. RA 8371 (Indigenous People's Rights Act of 1997).

SECTION 3. OPERATIVE PRINCIPLE. Considering the multiple economic ecological, aesthetic, scientific and education services which forest resources provide in sustaining life and development of the people and recognition of the increasing demand for timber, water, recreation forest and conservation of biological diversity, it is hereby declared a policy of the Municipal Government that it fully exercise its power and provided leadership over barangays to ensure the perpetual existence of adequate forest resources for the use and enjoyment of the people through local government driver, inter-agency and sectoral forest management.

SECTION 4. FOREST RESOURCES MANAGEMENT FRAMEWORK. Within one (1) year upon effectivity of this Code, the Municipal Government shall adopt a Municipal strategic Forest Resources Management Framework in lined with the Provincial Strategic Forest Resources Management Framework to serve as guide for Municipal Government on how the Municipal Government may promote investment, create jobs, and generate local government revenues through production, protection, and recreational forestry programs or projects. Further this framework shall be formulated, adopted and implemented in collaboration with the DENR and other national agencies and the private sectors in accordance with law and the Provincial Physical Framework Plan.

SECTION 5. RETENTION OF TIMBER STAND WITHIN PRODUCTION FOREST AND OTHER AREAS PROTECTION PURPOSE. Trees situated on slopes zero percent (0%) to fifty percent (50%) including those within twenty(20) meters strip from both sides of rivers and within the right of way from both sides of roads and highway shall be retained for protection purpose.

SECTION 6. PROTECTION FOREST.

- a. Management of Protected Areas – All measures shall be adopted to actively share responsibility with the national government, particularly the DENR, in securing the perpetual existence of all native plants and animals in this municipality. The Municipal Government shall adopt measure to assist the DENR towards enabling the Protected Area Management Board (PAMB's) as provided under RA 7586, particularly in the immediate delineation, establishment and operational of strict protection zones, habitat management zones, cultural zones, and recreation zones, The management of protection forest for sustained water production, coastal habitat protection, biodiversity conservation and scientific and educational advancement shall be undertaken to generate livelihood for local residents and revenues for Municipal Government.



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b. Forest protection and law enforcement – The Municipal Government shall provide effective leadership in the operation of inter-agency, inter-barangay and multi-sectoral efforts in forest protection and law enforcement in close collaboration with the DENR and other law enforcement agencies.

c. Municipal Watersheds – Subject to national and provincial policies, municipal government shall be responsible in the proper management of the declared watershed.

Appropriated programs like declaration of mangrove forest reserves and mangrove rehabilitation shall be undertaken to help sustain productivity of coastal habitats; and

d. Conservation of Mangrove Areas – Strips of mangrove forest which protect the shoreline roads and even coastal communities from destructive force of the sea during high winds and typhoons, shall be maintained and shall not be alienated. Such water will flow unimpeded to the sea to avoid flooding or inundation of cultivated areas in the upstream. All mangrove forest shall not be subjected to any cutting operations, Mangroves and other swamps released to the Bureau of Fisheries and Aquatic Resources for fishpond purposes which are not utilized or which have been abandoned for five (5) years from the date of such release shall revert to the category of forestland.

e. Easement for permanent forest – The banks of rivers and streams with channels of at least five (5) meters wide and the shores of the seas, and throughout their entire length and within the zone of three (3) meters in urban areas, twenty (20) meters in agricultural areas and forty (40) meters in forest areas, along then margins are subject to the easement of public in use in the interest of recreation, navigation, float age, fishing and salvage. When these lands are consolidated and sub-divided into residential/commercial industrial subdivision, shall also be demarcated as separate lot and to be retained as permanent forest, which shall likewise be planted with trees.

SECTION 7. DEVELOPMENT OF RECREATION FOREST. The Municipal Government shall establish revenue – generating community – based forest recreation projects, such as, but not limited to forest and marine parks, zoological and botanical gardens, outdoor museums, camping grounds and ecological destination with the approval of the DENR.

SECTION 8. PRIOR CONSENT OF OR CONSULTATION WITH THE SANGGUNIAN. For the purpose of implementation the provision of this code and pursuant to Section 26 and Section 27, RA 7160, government agencies and instrumentalities are hereby required to consult with the local stakeholders, Barangays and obtain prior consent of the concerned Sanggunian in the implementation and development and investment program or project affecting forest resources.

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SECTION 9. CREATION OF MUNICIPAL LAND USE COMMITTEE. A Municipal Land Use Committee defining its functions and responsibilities were created pursuant to the CLUP Ordinance No. 05-2002.

SECTION 10. ANNUAL INVESTMENT PLANS. Upon effectivity of this Code, the Municipal & the Barangay budgets allocations for forest resources management shall be included in the Annual Investment Plans.

SECTION 11. ORGANIZATION. A Forest and Water Resources Management Division under the Municipal Environment and Natural Resources Office (MENRO) shall be organized to provide assistance to the Municipal Government in the;

- a. preparation of municipal forest resources management plans;
- b. design and preparation of forestry related projects;
- c. building capability of the municipalities in forest management;
- d. establishment of support linkages and network system;
- e. formulation of specific forest policies and incentive systems; and
- f. Tensorial security insurance, strengthening and enforcement.

SECTION 12. PROHIBITED ACTS. Shall include, but not be limited to, the following:

- a. "non-traditional" slash-and-burn farming or "kaingin", charcoal making within forest lands;
- b. taking, cutting, catching, possessing, taming, selling, killing and transporting of ecologically important flora and fauna except those used for scientific and/or propagation purpose provided that gathering of sample shall be done in accordance with EO 247;
- c. cutting or removing of trees without permits in both private and public lands;
- d. use of unregistered power saws or similar tree felling equipment;
- e. hunting, destroying, or more possession of any plants, animals and other forest products both living and non-living and other species considered endangered or threatened pursuant to RA 9147 (Wildlife Resources Conservation and Protection Act);
- f. use of unregistered or unlicensed hunting paraphernalia and hunting without permits;
- g. introduction of Genetically Modified Organism (GMO) and other exotic species, unless the GMO has been declared, on the basis of moral and scientific certainty and satisfaction of all hearing and education campaign has been conducted; the person who said GMO product of EIA and has

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successfully complied with such EIA procures consistent with existing national and local laws and regulations.

h. Squatting within forest lands.

SECTION 13. SANCTION. Persons caught violating Sections 12(a), (b), and (f), shall be penalized and be fined an amount of not less than Five Hundred Pesos (P500.00) but not to exceed Two Thousand Five hundred Pesos (Php.2,500.00) or imprisonment of not less than Fifteen days (15) but not exceed six months or both fine and imprisonment at the discretion of the Court.

Person caught violation Section 12 (a), (b) and (f) shall be penalized accordingly;

First Offense – Fine of not less than Five Hundred Pesos (Php 500.00).

Second Offense – Fine of not less than One Thousand Pesos (Php (1,000.00) and.

Third Offense – Fine of not less than Two Thousand Five Hundred Pesos (Php 2,500.00) or an imprisonment of not less than 15 days or both at the discretion of the court. Confiscation of the aforementioned unregistered or unlicensed paraphernalia shall also be imposed.

Persons caught violating Section 12 (g) and (h) shall be dealt with accordance with pertinent sanctions provided for in applicable laws,

**ARTICLE IV
MINERAL RESOURCES**

SECTION 1. SCOPE OF POWERS. The duties and functions of the Municipal Mayor, is to adopt adequate measure to safeguard and conserve land, mineral, marine, forest and other resources, as provided under Section 389 (b)(9), 444 (b)(3)(vii), 455 (b)(3)(v) and 456 (b)(3)(v), R.A. 7160 respectively, the power of National Government in respect to the management of mineral resources are provided under Section 26 and Section 27, RA 7160 (consultations and prior consent requires), in Section 17 (b)(3)(iii) and Section 138, RA 7160 and Section 43, RA 7942 (Philippine Mining Act of 1995) and RA 7076(People small scale mining act of 1991).

Through this Environment code, the Municipal shall:

- Strictly enforce RA 7076 (People small scale mining act of 1991);
- Enforce Batas Pambansa 265 and Section 92 of RA 8550 banning the quarrying of beach sands especially in all small islands, atolls, reefs and other similar areas in all water bodies within the Municipality of Pinamalayan.
- Issue permit for guano collection pursuant to Section 107, DAO 95-23 series of 1995 Pursuant to Section 43, RA 7942.



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- d. Verify and adjudicate conflicts and collect fees and charges for guano collection and quarry resources extraction; and
- e. Promoted the use of renewable source of energy.

SECTION 2. GOVERNING LAWS. The pertinent mineral and quarry resources provisions of this Code shall be governed by, but not limited to, the following laws, ordinance and regulations:

- a. Republic Act 6969 (The Toxic Chemicals and Hazardous and Nuclear Waste Control Act of 1990);
- b. Republic Act no. 7160 (Local Government Code 1991);
- c. Republic Act No. 7942 (Philippines Mining Act of 1995);
- d. Republic Act No. 7076 (Small-Scale Mining Law);
- e. PD 1899 (Individual Application for Small Scale Mining);
1996 entitled "Implementing Rules and Regulations of the Mining Acts of 1995" and
- f. Provincial Ordinance No. 01-2001, imposing a 25-year Moratorium on Mining and other pertinent provincial/municipal resolutions and ordinance.

SECTION 3. OPERATIVE PRINCIPLES. Cognizant of the revenue generation and livelihood opportunities that extraction of mineral and quarry resources generate and the losses in public welfare associated with unregulated mining quarrying particularly from the adverse effect of soil, water pollution, destruction of heritage items and unique landscape, diminution of biological diversity, and deterioration of coastal fishers, this Code affirms the regulatory power of the Municipal Mining Regulatory Board and the operative principles that it upholds are hereby adopted.

SECTION 4. REGULATORY PROVISIONS. It shall be unlawful for any person, natural and juridical, to undertake quarrying or small scale mining without a permit or license duly issued by the Municipal Mayor upon commendation of the Municipal Mining Regulatory Board (MMRB); or appropriate agency having authority and jurisdiction thereof, provided that;

- a. No license, lease, agreement and/or permit shall be issued by other government agencies or the Municipal Mayor without the prior area clearance and or/consent of the concerned barangay officials, pursuant to Section 99, DAO 23, Series of 1995,
- b. Such prior clearance shall not apply to a private land owner who cannot be forced by government or by law, except by eminent domain to permit entry and quarrying over his/her and save those declared by laws as protected areas.
- c. That any quarrying activities within the Municipality shall be subject to prior Environment Impact Assessment (EIA) as provided under the Philippine Environment Impact Assessment System (PEIAS).



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- d. No extraction or removal of material shall be allowed within a distance of one (1) kilometer from the boundaries of reservoirs established for public water supply, archaeological and historical sites and any public or private works or structure, unless prior area clearance of the agency or owner is obtained.
- e. No extraction or removal of material shall be allowed likewise be allowed in offshore areas within five hundred (500) meters distance from the coast and two hundred (200) meters from the mean low tide level along the beach, pursuant to Section 101, DAO 23, series of 1995,
- f. Prior to extraction, all permits shall be required to secure business permits from concerned municipalities.
- g. Extraction of quarry resources shall only be permitted in identified production river that shall be certified by the PG-ENRO, DENR and DPWH upon recommendation of the MMRB
- h. Gold panning activities shall be regulated by the Municipality through the MMRB and.
- i. No extraction of quarry resources shall be permitted in areas that have been declared by DENR as no quarry zones and confirmed by Sangguniang Bayan Ordinance.

SECTION 5. QUARRYING OPERATIONS. The MENRO though the Mineral and Land Resources Management Division shall regulate all quarrying activities in the Municipality to ensure that they do not in any way effect or hamper the productivity of adjoining areas.

All individuals, partnerships or corporations engaged in quarrying operations shall be required to restore or rehabilitate area subject thereof or affected thereby to their original condition, pursuant to PD No. 1198. The PMRB shall be authorized to regulate the transport of quarry materials.

All permit tees or contractor shall undertake an environment protection and enhancement program covering the period state in their permit. The environment program shall be incorporated in the work program which the permitted/contractor shall submit as an accompanying document on their application for the permit. The work program shall include not only the relative mining operation but also rehabilitation, regenerate/reforestation of mined area.

Any qualified persons shall seek a permit from the PG-ENRO to extract and remove sand and gravel in a specified rivers system within the establish domicile. The area shall not be more than five (5) hectares.

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SECTION 6. MONITORING QUARRYING OPERATIONS. Barangay officials are hereby mandated to monitor quarrying operations in their respective areas and shall report directly to the PG-ENRO and copies of the report shall also be submitted to the MENRO.

SECTION 7. PROHIBITED AND PUNISHABLE ACTS AND SANCTIONS. The appropriate provision of provincial ordinance pertinent to quarrying shall be adopted as integral provision of this Code. Further the Sangguniang Bayan of Pinamalayan and the DENR shall, within one (1) year upon the effectivity of this code, enact a unified ordinance for the purpose of defining the penalties, and/or sanctions for acts in violation of the quarrying provision of this Code.

**ARTICLE V
WATER RESOURCES**

SECTION 1. SCOPE OF POWERS. In addition to the powers, duties and functions of the Municipal Mayor to adopt adequate measures to safeguards and conserve land, mineral, marine, forest and other resources, as provided under R.A 7160 Section 389 (b) (9), 444 (b) (3) (vii) 447 (a), 455 (b) (3) (v), and 465 (b) (3) (v) respectively, other specific powers of Local Government Units in the management of water resources are enumerated in Section 27, RA 7160 as follows.

The Municipal governments shall issue locational clearance in addition to the requirement under PD 1067 before construction of any water resources projects in their municipalities like water and soil resources utilization and conservation and inter-barangay irrigation system, communal irrigation, small eater impounding projects, artesian wells, spring development, rainwater collectors and water supply system, seawalls dikes, drainage and sewerage.

SECTION 2. GOVERNING LAWS. The water resources provision under this Code shall be governed by not be limited to the following laws and administrative order;

- a. RA 7160 (Local Government Code of 1991);
- b. PD No. 1067 (Water Code of the Philippines of 1976);
- c. DENR Administrative Order No. 34, Series of 1990 (Revised Water Usage and Classification/Water Quality Criteria Amending Section Nos. 68 and 69, Chapter III of the 1978 NPCC Rules and Regulations);
- d. DENR Administrative Order 35, Series of 1990, (Revised Effluent Regulations of 1990 Revising and Amending the Effluent Regulations of 1982);
- e. RA No. 6969 (Toxic Substances and Hazardous and Nuclear Waste Control Act of 1990);
- f. PD No. 984 (National Pollution Control Decree of 1976);



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- g. PD No. 825 (Providing Penalty for Improper Disposal of Garbage and other forms of uncleanliness and for other purpose);
- h. PD No. 856 (Sanitation Code of the Philippines of 1975);
- i. RA 8371 (IPRA Law) and;
- j. Other applicable laws and administrative issuances consistent with the purpose and Intent of this Code;

SECTION 3. OPERATIVE PRINCIPLES. It is declared policy of the Municipal Government that water resources shall be equitably shared by all barangays and that this shall be managed for the purpose of meeting the present requirements for potable water and for sustained agriculture. It shall also ensure adequate supplies of water for industrial, recreational and commercial development use. The objectives under the Water Code of the Philippines (PD 1067), the definition of waters, and scope of ownership of water its appropriation, utilization, control and conservation including the guiding principles in the utilization of water resources within the Municipality. Issues and conflicts regarding the use and control of water shall immediately resolved by adhering to explicit provision of PD 1067.

SECTION 4. DESTINATION OF PRIORITY WATERSHED FOR PROTECTION. Upon effectivity of this code, the Municipal Government shall, in close coordination with in DENR and barangay council, and IP community, identify and declare the watersheds areas and study the suitability of areas strictly needed for water production purposes. The Municipal Mayor shall submit to the Sangguniang Bayan a map and description or boundaries of each of the water production areas with recommendations and work for the declaration, to set aside and maintain the aforesaid areas as strict protection zone for water production purpose in accordance with in provisions of RA 7586 or the National Integrated Protected Areas System (NIPAS) Act of 1992. Buffer zones may also be established when necessary to protect these water production areas from activities that may or directly or indirectly harm, it provided that the establishment of the peripheral buffer zones shall be in the same manner as the Sangguniang Bayan established the strict water production area.

SECTION 5. WATER RESOURCE GUARANTEE FUND. Shall be established in the barangay and Municipality. This fund shall come from the permits and fees levied on the use of all water resources in the municipality outside the fees required by the NWRB fifty percent (50%) of the guarantee fund shall accrue to the Municipality where the barangay is located and the remaining thirty percent (30%) shall accrue to the Municipality. Coordinates of the water resources shall be used in defining its location and not the coverage of the water resources project.

SECTION 6. WATER RESOURCES MANAGEMENT PLAN. The Municipal Government together with the national government agencies, local water districts, and private sector groups formulate a strategic committee, the Municipal Mayor may undertake the preparation of the plan either by administration or by commissioning qualified professional consultancy services in accordance with law. This plan shall be based on the following:



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- a. Inventory and classification of water resources in accordance with PD 1067 and DENR Administrative Order No. 34 Series of 1990 for the purpose of determining appropriate uses protection measures needed and water quality standard to be applied;
- b. Characterization of the status of priority water resources in terms of water producing capacity, water quantity, water quality and use;
- c. The measures to be implemented to improve water quality and production capacity of the water resources;
- d. The appropriate institutional arrangements to be established for managing the water resources;
- e. The investment requirement, duration and revenue generating measures to be implemented; and
- f. Appropriate policy incentives and regulations to ensure that the water resources are managed in a sustainable manner.

SECTION 7. MULTI-SECTORAL WATER RESOURCE COMMITTEE (MWRC). Within one (1) year upon activity of this code, the Municipal Mayor shall organize and maintain the continuous and effective operation of Multi-Sectoral Water Resources Committee (MWRC) to be composed of the Municipal Mayor as Chairman and LWUA, NIA, DENR, NAPACOR, PAG-ASA, DA, CENRO and CHED/DEpEd as member, including two (2) representatives of non-government organization (one whose advocacy is to promote water quality and the second one possessing relevant technical and marketing expertise) as appointed by the Municipal Mayor. The Committee shall be vested with the following duties and responsibilities.

- a. Established the number and location of municipal-wide water sampling stations based on proximity to human settlements station shall include coastal areas, sanctuaries, rivers, community, deep wells, artisans well, aquifers and similar bodies of water as determine by the Committee.
- b. Conduct regular sampling and cause the analysis of samples collected use the parameters, standards and procedures established by the national laws. The priority parameters to be measured shall include Biological Oxygen Demand (BOD) Total Suspended Solids (TSS) and total coli form.
- c. Release of the monitoring result to the public particularly to the barangays concerned.
- d. In coordination with the MENRO & MMRB and Natural Resources Board. Monitor the impact on water resources of all mining operations in the Municipality.
- e. Assist national government agencies in the enforcement of anti-pollution laws including Presidential Decree No. 984. DENR Administrative Order 34



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- g. Rationalize the exploitation of all water resources, joint venture schemes in all waterworks projects are encourage.
- h. Conservation of fish and wildlife shall also be considered and coordinated with other features of water resources development programs to ensure that fish and wildlife values receive equal attention with other project purposes.
- i. Possible inclusion of water conservation facilities/structure in the design and/or construction of building and dwellings in urban areas should be considered in the Issuance of building permits.
- j. Watershed conservation and management (i.e., reforestation soil and water conservation) should integrate in all development projects utilizing water resources as its major component.
- k. Watershed areas shall be recommended by the Municipality as critical watershed in addition to previously proclaimed critical watersheds in accordance with the provisions of RA 7586 or the National Integrated Protected Areas System (NIPAS) act of 1992.
- l. Watersheds of existing private or government-owned irrigation systems with service areas of more than ten (10) hectares shall also be recommended by the Municipality as critical watersheds in accordance with the provisions of RA 7586 or the NIPAS Act of 1992.
- m. IEC's on proper conservation water, integrated pest management and adverse effects on water resources by the use and application of fertilizers, pesticide detergents and washing agents shall be duty of the Municipal Agriculturist.

SECTION 9. PROTECTION OF PUBLIC WATER INFRASTRUCTURES. The Municipality shall identify the water resources which are presently supporting networks and irrigation systems as those which are potential sites of similar projects. The Municipal Mayor shall ensure that engineering works and infrastructure projects within the Municipality do not adversely impact on water quality.

SECTION 10. PROHIBITED AND PUNISHABLE ACTS. In addition to the prohibited acts enumerated under the Water Code of the Philippines, the following are considered prohibited and punishable acts under this code:

- a. No person shall operate maintain any collection system, sewage disposal system, wastewater treatment facility without adequate and effective treatment and covered with valid permit from the Municipal Government.
- b. No person shall, without prior permission from the EMB, perform any act which may produce dangerous or noxious substances and/or may result in the introduction of sewage, industrial waste or any pollutant into any body of water.

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- c. No industrial or manufacturing plant shall be operated without properly functioning wastewater treatment system.
- d. No septic tank shall be constructed within a radius of 5 meters from existing open or closed wells being utilized for drinking purposes.
- e. No cemetery should be constructed nor a cadaver be buried within a 50 meter radius from existing and proposed closed and open wells being utilized or to be constructed for drinking purposes.
- f. No person shall develop a stream, lake, marshland or pond for recreational or commercial purposes without first securing permit from the National Water Resources Council and the Local Chief Executive in addition to the ECC issued by the DENR or the Municipal Mayor in accordance with existing laws and;
- g. Construction of any structure, temporary or otherwise that would destroy the scenic value of natural waterways or result to the disruption of water flows.

SECTION 11. SANCTIONS. Violations of the provision under the Water Code of the Philippines is punishable by the sanctions enumerated in the said Code while commission of acts prohibited under Section 10 shall be punished by a fine of Two Thousand Five Hundred Pesos (2,500.00) or 6 months imprisonment or both at the discretion of the court of competent jurisdiction, including the revocation of permits for private business entity/ies.

ARTICLE VI
PROHIBITION ON THE ENTRY OF GENETICALLY
MODIFIED ORGANISMS (GMOs)

SECTION 1. PROHIBITED CLAUSE. The following shall be strictly observed:

- a. No person shall cause the entry, sale, plants and/or conduct any laboratory or field-testing or any activity what so ever for the propagation of or experimentation related to GMOs of any plant, animals, or microorganisms in any area within the territorial jurisdiction of the Municipality of Pinamalayan without complying with all those conditions, to wit:
 - a. That the GMO has been declared, on the basis of normal and scientific certainty and satisfaction of all sectors in the Municipality of Pinamalayan safe and environmentally sounds.
 - b. That widespread multi-sectoral public hearing and education campaign in all barangays throughout the Municipality has been conducted;

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HON. MA. TERESA H. TESNADO
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HON. ARNOLDO M. MADRID
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HON. JOSEPH RODIL
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- c. That a favorable recommendation has been unanimously given by the Multi-sectoral GMO Monitoring Committee;
- d. That any person who intends to introduce, sale, submitted plant GMOs into the municipality must first show proofs that he has subjected said GMO products to Environment Impact Assessment (EIA) and has successfully complied with such EIA procedures consistent with the existing laws, ordinances and regulations and;
- e. No person shall be allowed to introduce, propagate or culture any seeds, crops, plants, animals and any microorganisms in the Municipality without a permit granted by the Monitoring Committee to be secured from the Head of the Secretariat.

SECTION 2. THE MULTI-SECTORAL GMO COMMITTEE, ITS TASKS AND COMPOSITION.

There is hereby created a Multi-Sectoral GMO Monitoring Committee, which is tasked to monitor the implementation of the provisions of this unanimous favorable issues related to GMOs including giving of unanimous favorable recommendation after the widespread public hearing and education campaign requires under Section 1 (b) hereof, with the following compositions;

Chairman
Vice Chairman
Head of the Secretariat
Members:

- Mayor
- Vice-Mayor
- MENRO

- MagO
- Municipal Veterinary
- Three (3) representatives from Civil Society Sector to be appointed by the Municipal Mayor
- Four (4) representatives from Agri-Business sector to be appointed by the Municipal Mayor.

SECTION 3. SECRETARIAT. The Municipal Environment and Natural Resources Officer shall serve as the Secretariat of the Monitoring Committee.

SECTION 4. PENALTY. Any violation of this Article shall be meted with a fine of not more than Two Thousand Five Hundred Pesos (Php 2,500.00) or imprisonment not exceeding six (6) months or both fine and imprisonment at the discretion of the court; while juridical entities involved shall be also be subjected to closure, and includes uprooting, burning of confiscation of corps, animals and other products prove to be genetically engineered.

**ARTICLE VII
WASTE MANAGEMENT**

SECTION 1. SCOPE OF POWERS. This Code is enacted to supplement the provision of RA 7160, specifically Section 389 (b) (9), 444 (b) (3) (vii) 455 (b) (3) (vii) and, 465 (b) (3) (v) thereof, and Sec. 10 of RA 9003 (Ecological Solid Waste Management Act) in order to hold the Local Government Units primarily responsible in the implementation and enforcement of the

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provisions of this Code within their respective jurisdictions, segregation and collection of solid waste shall be conducted at the barangay level specifically for biodegradable, compost able and reusable wastes; provided that the collection of non-recyclable materials and special wastes shall be the responsibility of the Municipality.

- a. Pursuant to Section 17 (b) (3) (iii) and Section 43 and 44 of the Ecological Solid Waste Management Act (RA 9003), the Municipality shall adopt an appropriate program to consolidate, or coordinate efforts, services, and other resources for purposes of jointly addressing common solid waste management problems and/or establishing common solid waste disposal facilities; It shall also perform the following:
 - i. Coordinate with other government and non-government agencies in the implementation of measures to prevent and control land, air and water pollution with the assistance of DENR;
 - ii. Implement solid waste disposal and other environmental management systems and services related to general hygiene and sanitation, such as sewage and household wastes disposal;
 - iii. Implement cease and desist orders issued by the Pollution Adjudication Board;
 - iv. Regulate activities relative to the use of land, building and structures;
 - v. Regulate the disposal of clinical and other wastes from hospitals, clinic and other similar establishments; and
 - vi. Adopt measures and safeguards against pollution and for the preservation of the natural ecosystem in the province, in consonance with the approved standards on human settlements and environmental sanitation.
- b. The Municipality shall adopt the province's waste disposal system or environmental management systems and provide services related to general hygiene and sanitation, pursuant to Section 17 (b) (2) (vi) of the Local Government Code and pertinent provisions of RA 7160. therefore;
- c. Barangays shall provide services and facilities related to general hygiene and sanitation, beautification and waste collection, pursuant to Section 17 (b) (1) (v) of RA 7160.

SECTION 2. GOVERNING LAWS. All existing laws on Integrated Waste Management shall form part of this Code, namely:

- a. PD 825 (Garbage Disposal Law of 1975);
- b. PD 856 (Code of Sanitation of the Philippines);

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- c. PD 1152 (Consolidating the Philippines Environment Code);
- d. RA 6969 (Toxic Substances and Hazardous and Nuclear Waste Control Act of 1990);
- e. RA 7160 (Local Government Code of 1991);
- f. RA 6957 as amended by RA 7718 (Build-Operate-Transfer Law);
- g. RA 9003 (Ecological Solid Waste Management Act); and
- h. All approved provincial / municipal ordinances for the protection and preservation of the environment.

SECTION 3. OPERATIVE PRINCIPLES. The Municipal Government shall maintain its primary enforcement and responsibility on Solid Waste Management with the assistance of the Municipal units while establishing a cooperative effort with the national government, other local government units, non-government organizations, and the private sector in the development and implementation of an ecological waste management program and sanitary disposal wastes.

SECTION 4. ROLE OF THE MUNICIPALITY AND BARANGAY. Pursuant to Section 17, RA 7160 and Section 12 of RA 9003, the municipality shall create a Municipality Waste Management Board which will be headed by the Municipal Mayor and barangay shall prepare, submit and implement a plan for the safe and sanitary management of solid waste generated in areas its geographical and political coverage.

SECTION 5. COMPOSITION OF SOLID WASTE MANAGEMENT BOARD. (As defined in Ordinance No.01-2009)

SECTION 6. FUNCTION OF SOLID WASTE MANAGEMENT BOARD. Municipal Solid Waste Management Boards shall have the following duties and responsibilities as stipulated in Section 12 of RA 9003:

1. Develop the Municipal Solid Waste Management Plan that shall ensure the long-term management of solid waste, as well as integrate the various solid waste management plans and strategies of the barangays in its area of jurisdiction. In the development of the Solid Waste Management Plan, it shall conduct consultations with the various sectors of the community;
2. Adopt measures to promote and ensure the viability and effective implementation of solid waste management programs in its component barangays;
3. Monitor the implementation of the Municipal Solid Waste Management Plan through its various political subdivisions and in cooperation with the private sector and the NGO's;



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4. Adopt specific revenue-generating measures to promote the viability of its Solid Waste Management Plan;
5. Convene regular meetings for purposes of planning and coordinating the implementation of the solid waste management plans of the respective component barangays;
6. Oversee the implementation of the Municipal Solid Management Plan;
7. Review the Municipal Solid Waste Management Plan every two (2) years or as the need arises for purposes of ensuring its sustainability, viability, effectiveness and relevance in relation to local and international development in the field of solid waste management;
8. Develop the specific mechanics and guidelines for the implementation of the Municipal Solid Waste Management Plan;
9. Recommend to appropriate local government authorities specific measures or proposal for franchise or build-operate-transfer agreements with duly recognized institutions;
10. Provide the necessary logistical and operational support of its barangays;
11. Recommend measures and safeguards against pollution and for the preservation of the natural ecosystem; and
12. Coordinate the efforts of its components barangays in the implementation of the Municipal Solid Waste Plans.

SECTION 7. ESTABLISHMENT OF MULTI-PURPOSE ENVIRONMENT COOPERATIVES OR ASSOCIATION. As mandated in Sec. 13 of R.A. 9003, the establishment of multi-purpose cooperatives and associations shall be encouraged and promoted to assist in the implementation and / or directly undertake projects in compliance with the provisions of the Ecological Waste Management Act.

SECTION 8. DISPOSAL OF HAZARDOUS/HOSPITAL WASTES. This section shall govern the existing Ordinance No. 02-2013 also known as Hospital Waste Management and other Health Care Services of the Municipality of Pinamalayan.

- a. Hospital wastes especially infectious ones shall be disinfected/treated prior to its final disposal to sanitary landfill in a manner approved by the Local Health Officer provided that it conforms with the Implementing Rules and Regulation of the Clean Air Act;
- b. Other hazardous wastes shall be disposed in accordance with the laws and guidelines of the concerned government agencies like DENR-EMB IV and DOH; and

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- c. Collection and transportation of the hazardous wastes shall be duly coordinate with the government agencies responsible for such type of wastes.

ARTICLE VIII

AIR AND NOISE POLLUTION MANAGEMENT

SECTION 1. SCOPE OF POWERS. The Municipality vested with powers in their territorial jurisdiction under Section 36 of the Clean air Act and pursuant to the Local Government Code (RA 7160) and other pertinent Laws and Administrative Orders, to wit:

- To share the responsibility in the management and maintenance of air quality within their respective territorial jurisdiction;
- To implement air quality standards set by the Governing Board, consistent with Sections 7, 8 and 9 of R.A 8749;
- To establish an Environment and Natural Resources Office (ENRO) in every municipality, this shall be headed by the Environment and Natural Resources Officer appointed by the Local Chief Executive of the municipality in accordance with Section 484 of R.A. 7160 and exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance;
- To prepare and develop with the assistance from the DENR, an action plan consistent with the Integrated Air Quality Framework to attain and maintain the ambient of air quality standards within their respective air sheds as provided in Section 9 of R.A 8749;
- To prepare and implement a program and other measures including relocation, whenever necessary to protect the health and welfare of residents in the area;
- To develop and submit to the DENR through the EMB a procedure for carrying out the action plan with their jurisdictions, as provided that the DENR through the EM shall maintain its authority to independently inspect the enforcement procedure adopted; and
- To perform such other powers and functions as may be provided by applicable laws, rules and regulations.

SECTION 2. GOVERNING LAWS. This portion of the Code shall govern by, but not limited to, the following laws;

- Republic Act No. 7160 (Local Government Code)

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- b. PD 1181 (Providing for the Prevention, Control and Abatement of air pollution from motor vehicles and for other purposes)
- c. Republic Act 8749 (Clean Air Act of 1990); and
- d. Provision of the New Civil Code of the Philippines on Property.

SECTION 3. OPERATIVES PRINCIPLES. Recognizing the primary responsibility of Local Government Units to deal with environmental problems and pursuant to R.A 7160, Section 17 thereof and R.A 8749, the Municipal Government reaffirms its share of responsibility in the management and maintenance of air quality within the Municipality. Consistent with Section 7, 8 and 9 of R.A 8749, it shall implement air quality standards set by the Board in areas within its jurisdiction.

SECTION 4. ROLE OF LGUS. Local Government Units shall share the responsibility in the management and maintenance of air quality within their territorial jurisdictions. Consistent with Sections 7, 8 and 9 of RA 8749, LGUs shall implement air quality standards set by the Governing Board in areas within their jurisdiction; provided, however, that in case where the boards not been duly constituted and has not promulgated its standards, the standards set forth by RA 8749 shall apply.

SECTION 5. MUNICIPAL ENVIRONMENTAL AND NATURAL RESOURCES OFFICE. The MENRO shall have the following powers and duties:

- a. To prepare comprehensive air quality management programs, plans and strategies within the limits set forth in RA 7160 and RA 8749 which shall be implemented within its territorial jurisdiction upon the approval of the Sanggunian;
- b. To provide technical assistance and support to the Municipal Mayor, as the case may be, in carrying out measures to ensure the delivery of basic services and the provision of adequate facilities relative to air quality.
- c. To take the lead in all efforts concerning air quality protection and rehabilitation;
- d. To recommend to the Board air quality standards;
- e. To coordinate with other government agencies and non-governmental organizations in the implementation of measures to prevent and control air pollution; and
- f. To perform such other powers and functions as may be provided by applicable laws, rules and regulations.

SECTION 6. VEHICLE EMISSION CONTROL. The Municipal Government shall coordinate with the Land Transportation Office (LTO) and the DENR, to ensure that the emissions of



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vehicles operating within the Municipality are in accordance with standards provided under RA 8749.

SECTION 7. FUGITIVE PARTICULATES. The Municipality of Pinamalayan shall ensure that no person shall cause, allow, or permit the emission of fugitive particulates from any source including but not limited to vehicular movement, transportation of materials, construction, alteration, demolition or wrecking, or industry related activities such as loading, storing or handling without taking reasonable precaution to prevent such emission.

SECTION 8. INDUSTRIAL POLLUTION CONTROL. The Municipal Government close collaboration with the CENRO, shall ensure that the industrial firms operating within the municipality comply with the air quality standards, particularly it shall test the emission of industrial firms, and establish adequate capability program to respond positively to related citizen's complaints on air and noise pollution. It shall assist in the establishment of an inventory list of sources of Persistent Organic Pollutants (POPs) within its territorial jurisdiction if there any.

SECTION 9. STORAGE AND HANDLING COMPOUNDS. The Municipality of Pinamalayan shall not allow the place, store or hold in any stationary tank, reservoir, or other container of more than 15,000 liters capacity any volatile organic compounds unless such tank reservoir, or other container is pressure efficient, under normal conditions to prevent vapor or gas loss of leaking to the atmosphere, or is designed and equipped with adequate vapor loss control device. The same shall secure to operate from the DENR.

SECTION 10. REDUCING CARBON DIOXIDE (CO₂) EMISSIONS. To prevent Carbon Dioxide (CO₂) emission which contributes half of the warning phenomenon, The Municipality shall;

- Establish Municipal greeneries as forest tree park and greenbelt areas which will act as "carbon sink";
- Under the auspices of the Department of Education (DepEd), school grounds should planted with trees which will acts as the 'Lung of the Municipality' which will cleans the pollution air that widespread respiratory diseases;
- Develop of an efficient power plant. The Municipality shall seek assistance in the public and private sectors in the endeavor.

SECTION 11. REDUCING OF THE OTHER GREENHOUSE GASES. The Municipality of Pinamalayan shall initiate means to raise public awareness in the use of ozone depleting substances pose danger to the public health and global warning in general. As part of the activity, the Municipality shall coordinate with the DENR-EMB and other national government agencies on the campaign against the emission of greenhouse gases.

SECTION 12. REDUCING EMISSION OF SUBSTANCE DEplete THE OZONE LAYER. The Ozone layer is the protective layer that shields the earth from harmful ultra violet rays that causes skin cancer, eye cataract and blindness.

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SECTION 13. PREVENTION OF OPEN BURNING. The Municipality shall pass an ordinance wherein no person or organization shall be allowed to burn any materials in quantities which shall cause the emission of toxic and poisonous fumes. Such materials include but are not limited to plastic, polyvinyl chloride, paints, ink, wastes containing heavy metals, organic chemicals, petroleum related compound, industrial wastes, ozone depleting substances and other similar toxic and hazardous substances. Further, no establishment/firm, company, government or private entity or organizations shall be allowed to burn or cause open burning of waste materials in their premises area of jurisdiction including recognized or unrecognized dumpsites in any quality or quantity except in the following activities;

- Fires for the recreation or ceremonial purpose;
- Fires for the prevention and control of disease or pest;
- Fires for the disposal of dangerous materials or wastes, when there is no practical alternative method for disposal, provided that a clearance is secured from the Municipal Mayor's Office;
- Fires purposely set for recognized agricultural, forest and culture practices;
- Open fires expressly approved by the DENR and the local government.

SECTION 14. NOISE REDUCTION. To protect public health and welfare against nuisance caused by excessive noise, the Municipality shall cause the establishment of standards limit for noise pollution as prescribed by the Central Pollution Control Board constituted a Committee on Noise Pollution Control.

The Committee recommended noise standards for ambient air and for automobiles, motorcycles, domestic appliances and construction equipments, which were later notified in Environment(Protection) Rules,1986 as given below:

Code		Day time	Night time
		Decibel (dB)	
A	Industrial Area	75 (dB)	70 (dB)
B	Commercial Area	65 (dB)	55 (dB)
C	Residential Area	55 (dB)	45 (dB)
D	Silence Zone	50 (dB)	40 (dB)

SECTION 15. MEASURE AGAINST OFFENSIVE ODOR. The Municipality shall set measure to control odor at the source and see to it that probable sources of foul odor are practicing good sanitation and hygiene. It shall also require the source of pollution including dilution by ventilation or dispersal, combustion or oxidation, neutralization of masking.

SECTION 16. BAN ON SMOKING. The Municipality of Pinamalayan shall implement or enforce a ban on smoking inside a public building or an enclosed area outside of one's private residence, private place of work or any duly designated smoking area which shall be enclosed.

Any person who smokes inside a public building or an enclosed public place including public utility vehicle or other means of public transport or in any enclosed area outside of this private residence, private place of work or any duly designate smoking area shall be punished with six (6) months imprisonment or a fine of not more than two thousand five hundred pesos (2,500.00).

SECTION 17. INFORMATION AND EDUCATION. Pursuant to Section R.A 8749, the Municipality shall implement, with the assistance of different government line agencies, the private sector including



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NGO's, PO's the academe, environmental groups and other private entities, pollution as in integral part of the pollution control policy of the Municipal Government

SECTION 18. ACTS PROHIBITED AND PUNISHABLE UNDER THIS CODE. Shall include, but not limited to the following:

- a. Causing, permitting, suffering or allowing the emission of particular matter from any source whatsoever, including but not limited to vehicular movement of materials, construction, alteration, demolition or weakling of industry-related activities.
- b. Storing, dumping, handling, processing, unloading or using in any process or installation, volatile compounds or organic solvents without applying knows vapor emission control device or system deemed necessary, and approved and ordered by the Municipal Mayor, as the case maybe, or appropriate national agency;
- c. Operating plant/source at capacities exceeding the limits for operation or capacity of a control device to maintain air emission within standards limitations as provided under existing national laws, rules and regulations;
- d. Building, erecting, installing or using any article, machine, equipment or other contrivance, the use of which conceal emissions which would otherwise constitute a violation of any of the provisions of this code;
- e. Any person intending to build erect or install any chimney form or through which air impurities may be emitted, shall obtain a prior approval from the Municipal Mayor;
- f. It shall be unlawful for any operator of a vehicle to allow it to discharge air pollutants at levels greater than the acceptable concentration standard prescribed by the DENR;
- g. Causing, allowing or permitting the discharge of air pollutant that cause or contribute to an objectionable odor;
- h. Building, erecting, constructing, installing or implanting any new source; operate, modify; or rebuild and existing source; or by any means cause or undertake any activity which would result in ambient noise level higher than the ambient standards; and
- i. Causing or permitting the creation of any unnecessary noise through the use of any device on any street adjacent to any hospitals, schools, or courts of justice.

**ARTICLE IX
ENVIRONMENTAL IMPACT ASSESSMENT**

SECTION 1. SCOPE OF POWERS. The implementation of Environmental Impact Assessment by the Local Government Units refers the powers, duties and functions of the

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Municipal Mayor, to adopt the adequate measures to safeguard and conserve land, mineral, marine, forest and other resources as provided under Section 389 (b) (9), 44 (b) (3) (v), and 465 (b) (3) (v) of R.A. 7160, respectively. Likewise, the power to enforce law for the protection of the environment is provided under R.A. 7160, Section 17 (b) (3) (III) and Section 17 (b) (4) to the Municipal Government

SECTION 2. GOVERNING LAWS. The pertinent laws governing environmental impact assessment are:

- a. PD 1152 (Consolidating the Philippine Environment Code);
- b. RA 7160 (Local Government Code of 1991);
- c. PD No. 1151 (Philippine Environmental Policy);
- d. PD No. 1586 (Environmental Impact Assessment System);
- e. Proc. No. 2146 (Proclaiming Certain Areas and Types of Projects as Environmentally Critical); and
- f. DAO 96-37, S, 1996 (Revising DAO 21 S. 1992 to further Strengthen the Implementation of EIS System).

SECTION 3. OPERATIVE PRINCIPLES. The Municipal Government recognizes the need of an effective instrument for ensuring environmental soundness of agro-industrial and ecotourism projects thereby maintaining a rational and orderly balance between economic growth and community development in the Municipal and, as such, hereby adopts the Environmental Impact Statement (EIS) system provided under Presidential Decree No. 1586. Specifically, the following basic processes for ensuring environmental soundness of all development projects as identified under PD 1586 are hereby adopted:

- a. Scoping as defined in this Code;
- b. EIS Preparation and Approval. The stage in the EIS system wherein an environmental impact assessment (EIA) is undertaken and data are gathered using accepted scientific methods to clarify key issues and concerns, characterize the environmental setting of the project, predict the impact of the on the setting, and measures the social acceptability of the project. The resulting EIA document will be reviewed by DENR EIA. Review Committee and their comments will serve a basis in reviewing the application for an Environmental Compliance Certificate (ECC) for environmentally critical projects. The ECC may be granted under certain conditions and includes the implementation of an environmental management plan. As a matter of Municipal Government policy and in order to validate the extent of social acceptability of the projects as provided in DENR Administrative Order (DAO) 37-96, the Municipal Mayor shall fully exercise his power to ensure that a public hearing shall be conducted for all projects defined under PD 1586, as a condition precedent to ECC issuance;]



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

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

- participate in scoping activities;
- validate scoping sessions;
- participate in public consultation and hearing as provided in Section 8 of this Article;
- participate in law enforcement as provided in Section 8 of this Article;
- conduct regular inventory of establishments, and
- Submit written monthly status reports to the Municipal Mayor.

SECTION 5. VALIDATION OF SCOPING SESSION. The Municipal Government, through the EIA Monitoring Teams provided in Section 4 of this Article, shall review the documentation of the scoping session and as required by law, validate its authenticity by signing it. Likewise, the Municipal Mayor shall assist EIA preparers in identifying the stakeholders who should be involved in the scoping sessions.

SECTION 6. PARTICIPATION IN THE PREPARATION OF EIS DOCUMENT. The Municipal Government through the EIA Monitoring team as provided in Section 4 of this Article, shall participate in the preparation of the EIS document by identifying the potentially affected populations, assessing the demands and needs of the affected population, providing the EIA prepares, articulating the potential impacts which may affect public interest and ensuring that the proposed propose project is consistent with the Municipal policies and plans.

SECTION 7. PARTICIPATION IN THE PUBLIC CONSULTATION AND HEARING. The Municipal Government, through the EIA Monitoring Team as provided in Section 4 of this Article, shall attend public consultation and public hearing on the conduct of the EIA, be informed of new issues which may arise, and articulate the views and concerns of the municipality.

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SECTION 8. LAW ENFORCEMENT. The Municipal Government through the EIA Monitoring Team and the DENR shall work together to enforce the law, including the closure of the establishments and projects and the prosecution of offenders.

SECTION 9. INVENTORY OF THE ESTABLISHMENTS. The Municipal Government, through the EIA Monitoring Team as provided in Section 4 of this Article, and the DENR shall conduct as annual inventory of existing establishments and projects within the municipality to ascertain whether these have complied with the EIA and ECC requirements as defined by law.

SECTION 10. INITIAL ENVIRONMENT EXAMINATION (IEE) COMPLIANCE FOR PROJECTS NOT COVERED BY THE EIA SYSTEM. All projects defined under PD 1586 which are proposed to be undertaken in the municipality, including those not required by national law to secure ECC and therefore not covered by the EIA System pursuant to PD 1586, shall be subjected to an initial environment examination (IEE), in addition to submission of additional environmental safeguards pursuant to DENR Administrative Order 37-96; provided, that the Municipal Mayor shall issue a circular identifying those projects not covered by the EIA System which shall be subject to IEE in accordance with this provision; provided further, that the Municipal Mayor shall also submit his proposed measure for legislative enactment to the Sangguniang Bayan, including recommendation for sanctions, penalties, and/or charges for violation of this provisions, within one year upon effectivity of this Code.

SECTION 11. TRAINING. The members of the EIA Monitoring Team shall require to undergo training on the different aspects of monitoring work as prescribed by law.

SECTION 12. ENVIRONMENTALLY CRITICAL AREAS. Within one year upon the effectivity of this Code, the Municipal Mayor in close coordination with the DENR shall identify the location of Environmentally Critical Areas (ECA) as defined in DENR Administrative Order 37 series of 1996 and other National Laws for the purpose of integrating the identified ECA in the Municipal Physical Framework Plan.

**ARTICLE X
MUNICIPAL GOVERNMENT ENVIRONMENT
AND NATURAL RESOURCE OFFICE**

SECTION 1. STRENGTHENING OF THE MG-ENRO. In order to effectively oversee the implementation of this Municipal Environmental Code and coordinate the implementation of programs and projects, and the rules and regulations on environment and natural resources management in the Municipality, the MG-ENRO shall continue to be under the Office of the Mayor. The existing offices involved in mineral, forestry, pollution control, environmental impact assessment shall continue to be under this office to include their applicable appropriations, records equipment, property and personnel may be necessary.

SECTION 2. POWERS AND FUNCTIONS OF THE MG-ENRO. The office, as the lead implementing and coordinating office in the Municipality in the implementation of this Code, shall:



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MUNICIPALITY OF PINAMALAYAN

Office of the Sangguniang Bayan

- a. Formulate and implement comprehensive plan on environment and natural resources in the Municipality pursuant to the provisions of this Environment Code and national laws, rules and regulations.
- b. Provide assistance to the barangays, and other government and private organizations in the implementation of their respective programs/projects;
- c. Implement programs of information, education and communication, community organization, and capability-building and training and provide assistance to barangays, and other government and private organizations in the implementation of similar activities in their respective areas;
- d. Recommend to the Sanggunian Bayan Members concerned and advice the Municipal Mayor, as the case may be, on matters relative to the protection, conservation and utilization of the environment and natural resources;
- e. Maintain an information center that will serve as a venue for showcasing excellence on environment and natural resource management practices and as well maintained resource management databases;
- f. Coordinate with the Municipal Government in the implementation of its mandate;
- g. Enforce pertinent environment and natural resource laws, rules and regulations and provide assistance to the barangays in the implementation of such laws, rules and regulations;
- h. Establish linkage with local and international organizations for the purpose of fund-sourcing, network-building, research, information and data-banking policy advocacy and livelihood development;
- i. Cause and initiate the convening of the Municipal Environment Summit to be held in June of every year to coincide with the celebration of Environment Day every June 5;
- j. Install and maintain a one-stop-shop and quick response desk that will be manned by a monitoring, control and surveillance;
- k. Coordinate with the National Government Agencies in the implementation of its mandate as provided in this Code; and
- l. Perform such other functions that are necessary in the implementation of this Code as may be delegated by the Municipal Mayor or the Sangguniang Bayan.

HON. MA. THERESA TESNADO
SB Member

HON. ARNOLD M. MADRID
SB Member

HON. RIO S. MERCENE
SB Member

HON. JOSEPH T. RODIL
SB Member

HON. SEVERINO J. MARITO
SB Member

HON. JESON M. MANABANG
SB Member

HON. JEFFREY S. PAUL A. JIMBAO
SB Member

HON. LEONARDO L. PEDRAZA
SB Member

HON. NORMAN JACINTO
ABC Pres. / SB Member



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SECTION 3. FUNCTIONAL DIVISIONS OF THE OFFICE. There is hereby created functional divisions under the office to ensure effective and efficient implementation of this Code, to wit:

- Administrative and Support Services Division;
- Research and Development Division;
- Forest and Water Resources Management Division;
- Mineral and Land Resources Management Divisions; and
- Waste Management and Pollution Control Division.

SECTION 4. SUPERVISION AND CONTROL. The Municipal Mayor shall have operational and direct supervision over the office

SECTION 5. REVIEW AND APPEAL. All actions and decisions of the office are subject to the review of the Municipal Mayor.

ARTICLE XI

ENVIRONMENTAL INFORMATION AND EDUCATION

SECTION 1. RATIONALE. Environmental legislation should not be limited to the direct curtailment of activities and processes that are inimical to the preservation of the environment, but more importantly, it should educate the people and able them to react to and comply with the purpose of the legislative measure. The objective of a continuing community education program is to cultivate environment friendly lifestyles and concertize sustainable use practices among individuals and industries alike.

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

SECTION 2. INFORMATION AND EDUCATION CAMPAIGN. The MG-ENRO through its IEC and Community Organizing Section of the Administrative and Support Services Division is hereby tasked to:

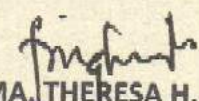
- Disseminate information on the state of the environment and the impacts of human activities on their sustainability as part of its local environmental education program through various media such as print, TV, cultural shows, and public dialogues;
- Establish Environment Information Center in coordination with the BIPD Office;
- Conduct capacity building activities like seminars and trainings;

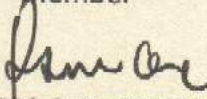


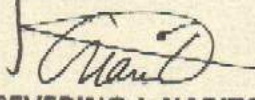
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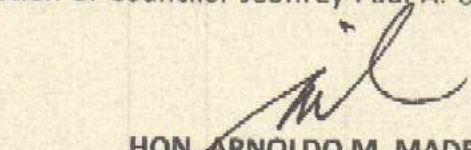
Enacted this 25th day of July 2016 on motion of Councilor Jeffrey Paul A. Umbao and seconded by all SB Members present.

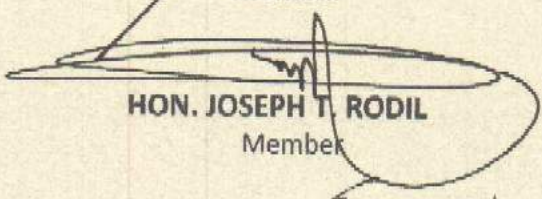

HON. MA. THERESA H. TESNADO
Member


HON. RIO S. MERCENE
Member


HON. SEVERINO J. NARITO
Member

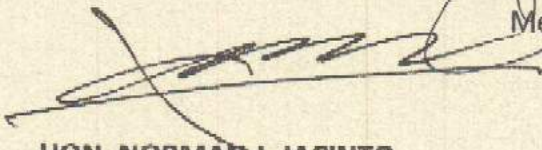

HON. JEFFREY PAUL A. UMBAO
Member


HON. ARNOLDO M. MADRID
Member


HON. JOSEPH T. RODIL
Member


HON. NABOLEON M. MANGARING
Member

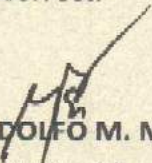

HON. LEONARDO L. PEDRAZA
Member


HON. NORMAN J. JACINTO
ABC Pres./SB Member

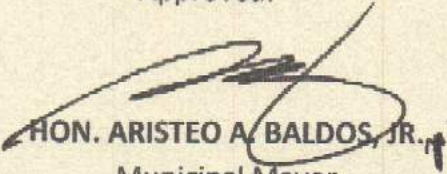
Attested:


ARNEL G. ABRENICA
Secretary to the Sanggunian

Certified Correct:


HON. RODOLFO M. MAGSINO
Vice Mayor, Presiding Officer

Approved:


HON. ARISTEO A. BALDOS, JR.
Municipal Mayor

SEP 22 2016



REPUBLIC OF THE PHILIPPINES
PROVINCE OF ORIENTAL MINDORO
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(Revised Water Usage and Classification Water (Revised effluent Regulation of 1990) and Republic Act No. 6969 (Toxic Substances and Hazardous and Nuclear Waste Control Act of 1990.)

- f. Organize industrial firms/establishments in the Municipality so they can share water pollution reduction techniques. Work as a group with the government organization on pollution reduction.
- g. Advise the Municipal Mayor on policy requirement to safeguard water resources in the locality.
- h. Recommend to the Municipal Mayor the allocation of the Water Resources Trust Fund.
- i. Prepare and recommend to the Municipal Mayor annual work and financial plans for operation of the Committee.

SECTION 8. UTILIZATION OF WATER. The following shall constitute as guideline for proper utilization of water.

- a. In addition to the provisions of the Water Code of the Philippines, utilization of the water resources for domestic and industrial use shall be allowed provided that it is consonance with the development policies of DENR, the Revised Forestry Code of the Philippines, as amended, and the National Pollution Control Decree of 1976 (PD 984) and provided further, that it is subjected to an environmental impact assessment laid out under PD 1586.
- b. Other uses as recreation, fishing and related activities, float age/transportation and small scale mining shall also be allowed provided it is subject to the regulations as above.
- c. Concerned LGUs shall maintain/rehabilitate lands along the edge of the normal high waterline of rivers and streams. Maintenance and/or rehabilitation should be at least 20 meters inland on both banks of waterways with at least 5 meters in urban areas.
- d. Clearance from concerned government agencies should be secured in the utilization of the buffer zone. At least 50 meters buffer zone shall be maintained for the purpose of this section.
- e. Water peddlers and commercial surface and/o groundwater permit tees in the Municipality should maintain the safety and quality of their drinking waters passed on their customers. Prior sanitary clearance and permit and other local requirement shall be secured from MHO for this purpose.
- f. Rainwater collection and harvesting for domestic purposes shall be promoted in the Municipality

HON. MA. THERESA H. TESNADO
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HON. JACQUELINE M. MANGARANG
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- d. Seek the services of NGO's, PO's and other advocacy groups on the dissemination of information and the conduct of lectures;
- e. Work closely with the local religious groups to design a catechism module focused on environment;
- f. Coordinate with the Department of Education to develop a concise curriculum on environment highlighting the features of Oriental Mindoro's ecosystem;
- g. Tap the services of specialists in agencies such as the DOST, DENR and DA as well as those in academe for the conduct of more comprehensive seminars on the environment.
- h. Establish a network for information collection and feedback linking NGOs, government agencies and people's organizations for reporting violations, outbreaks, destructive resource-use practices and to conduct systematic observation on pollution and environmental impact of human activities. To this end, investments in radio communication equipment, computers and other tools for surveillance shall be facilitated; and
- i. Prescribe guidelines to encourage billboard advertisers, to use at least one fourth (¼) of their prepaid space of pictures of and facts about endangered flora and fauna to heighten people's awareness in promoting their conservation and protection.

ARTICLE XII
MISCELLANEOUS PROVISIONS

SECTION 1. REPEALING CLAUSE. All Ordinances, Resolutions, Circulars, Memoranda, Rules and Regulations inconsistent with any of the provisions of this Code are hereby repealed.

SECTION 2. APPROPRIATION. On the first year of the implementation of this Code, the amount of Two Hundred Thousand Pesos shall be appropriated and taken from the General Fund.

SECTION 3. SEPARABILITY CLAUSE. If any clause, sentence, provision or article of this Code should for any reason be held to be invalid or unconstitutional, it shall not affect the remaining parts of this Code and such as parts shall be in full force and effect.

SECTION 4. EFFECTIVITY CLAUSE. This Code shall take effect immediately upon approval by the Sangguniang Bayan and upon review by the Sangguniang Panlalawigan.

HON. SEVERINO J. NARITO
SB Member

HON. SAOTON M. MANGARING
SB Member

HON. JOSEPH PAUL A. JIMBAO
SB Member

HON. LEONARDO L. PEDRAZA
SB Member

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