



Republic of the Philippines
Province of Bohol
Municipality of Jagna

Office of the Sangguniang Bayan

MUNICIPAL ORDINANCE NO. 17-05-2005

**AN ORDINANCE ENACTING THE JAGNA ENVIRONMENTAL
MANAGEMENT CODE**

The Municipality of Jagna is one of the Municipalities in the province with abundant and unique natural resources in this part of this province. In order to properly manage and protect our environment and natural resources in a more sustainable way.

Be it enacted by the sangguniang bayan of Jagna Bohol in session duly assembled, that:

ARTICLE I

GENERAL PROVISION

SECTION 1. TITLE of this Ordinance. This Ordinance shall be known as the **JAGNA ENVIRONMENTAL MANAGEMENT CODE** and shall hereinafter be referred to as the Code.

SECTION 2. OBJECTIVE AND PURPOSE. This Code is enacted for the following Objectives and Purposes:

OBJECTIVES:

- a) To promote the principles of ecologically sustainable development.
- b) To ensure the use development and protection of the environment in a way and at a rate to enable people and communities to provide for their economic, social and physical well being and for their health and safety;
- c) To sustain the potentials of a natural resources to meet the reasonably foreseeable needs of future generations;
- d) To safeguard the life supporting capacity of air, water, land and ecosystems;
- e) To avoid, remedy or mitigate any adverse effects of activities on the environment;
- f)

- 1.10 To promote (a) Industry and Community education and involvement decision about the protection, restoration and enhancement of the environment and (b) disclosure of and public access to information about significant environment incidents and hazards.

PURPOSES:

- (a) Operationalize the power's and responsibilities of the Barangays of Jagna, Bohol in the delivery of general welfare services particularly in environment and natural resources management.
- (b) Provide guidance to the constituents in the Barangays in the exercise of their powers and in optimizing the opportunities provided under RA 7160;
- (c) To establish the framework for a local barangay driven inter-agency and multi-sectoral system of environment management in the Municipality.

- (d) Regulate, control, and guide future growth and development of the Municipality in the pursuit of its common vision of progress through Agro-Industrial and ecotourism development within the context of wise management and utilization for the natural, biophysical, geological, cultural and historical heritage of the Jagna-anons;
- (e) Inform the citizens on the environment and natural resources management policy of the Municipality of Jagna, Bohol, and
- (f) Establish mechanism for implementing the provisions of this Code.

SECTION 4. OPERATIVE PRINCIPLES. This Code is based upon the following principles:

- a) The active participation of Jagna-anons is the key to the attainment of sustainable development;
- b) The people are the stewards of God's gift of nature for sustainable livelihood;
- c) The enactment and enforcement of laws concerning the protection and conservation for the environment shall be just and consistent with the laws of nature;
- d) The use of environment friendly and appropriate technologies is a basic foundation for a healthy and progressive generation;
- e) All developmental activities shall always give importance and respect for the indigenous culture and practices of the people including gender and population concerns consistent with ecological principles;
- f) The sustainable development of Jagna calls for a judicious use of natural resources and an equitable access to all in accordance with existing laws, and
- g) All Jagna-anons have the right to be informed and to participate in all undertakings pertinent to the proper and sustainable utilization, protection, Preservation and conservation of our natural resources.

SECTION 5. DECLARATION OF POLICY. Cognizant to the enormous promise and opportunity for prosperity offered by the quality, quantity, diversity and sustainability of our environment and natural resources, through which we envisage to arrest in part of the high rates of our migration of our fellow Jagna-anons occasioned by the growing scarcity and declining productivity of our natural resources, and considering that environment and natural resources management with the Municipality transcend barangay boundaries, it is hereby declared the policy of the Local Government to secure for the use and enjoyment of present and future generation of Jagna-anons the perpetual existence of adequate environment and natural resources in order to support indefinitely the sustainable development requirements of the Municipality

SECTION 6. DEFINITION OF TERMS. As used in this Code, the following words and phrases shall be defined as follows:

- a) *Alienable and Disposable (A and D) Lands*- refer to those lands of the public domain which have been declared by law as not needed for forest purposes;
- b) *Biological Diversity* – means the variability among living organisms from all sources including terrestrial, marine and other marine and other aquatic ecosystem and the ecological complexes for which they are part, this includes diversity within species, between species and ecosystems;
- c) *“Buffer Zones”* are identified areas outside the boundaries of and immediately adjacent to designated protected areas and need special development control in order to avoid or minimize harm to the protected area;
- d) *“Coastal Area/Zone”* is a band dry land and adjacent ocean space (water and submerge land) in which terrestrial processes and uses directly affect processes and uses, and vice versa; its geographic extent may include areas within a landmark limit of one (1) kilometer from the shoreline at high tide to include mangrove swamps, brackish water ponds, nipa swamps, estuarine rivers, sandy beaches and other areas within a seaward limit of 200 meters isobaths to include coral reefs, algal flats, seagrass beds and other soft-bottom areas;

- e) *“Commercial Fishing”* the taking of fishery species by passive or active gear for trade, business or profit beyond subsistence or sports fishing to be further classified as:
1. Small Scale Commercial Fishing – fishing with passive or active gear utilizing fishing vessels of 3.1. gross tons (GT) up to twenty (20) GT;
 2. Medium Scale Commercial Fishing – Fishing utilizing active gear and vessels of twenty (20) GT up to one hundred fifty (150) GT and;
 3. Large Scale Commercial Fishing – Fishing utilizing active gear and fishing vessels of more than one hundred fifty (150) GT;
- f) *“Communal Forest”*- refers to a tract of forestland set aside for a Municipality by law or through valid proclamation or order for the use of the residents of a Municipality from which said residents may establish forest plantation and/or tree farms, cut, collect and remove forest products 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 as provided in Section 17(b)(2) (n), R.A. 7160.
- g) *“Environmentally Critical Area “ (ACA) –* refer to those socially, ecologically and geographically sensitive areas declared by law or valid proclamation as (1) areas for natural parks, watershed reserve, wildlife, preserves and sanctuaries (ii) areas set aside as scenic/aesthetic and potential tourist spots (iii) areas which are the habitat of endangered species (iv) areas possessing unique historic, archeological or scientific interest, (v) areas traditionally occupied by indigenous communities (vi) areas with critical slopes (vii) areas frequently visited by natural calamities (viii) prime agricultural lands (ix) recharge areas of aquifers (x) water bodies (xi) mangrove areas (xii) coral reefs (xiii) mossy and virgin forest (xiv) river banks and (xv) swamp lands and marsh lands. Technically, it may also validly refer to environmentally critical projects;
- h) *“De Facto”* -open access conditions result from the inability of a resource owner or manager, such as the state in the case of marine resources, to enforce its ownership and authority by way of effectively excluding or regulating non-owners from the use thereof thereby rendering the utilization of the resource under open and unregulated conditions. as if there is no owner or manager. The failure of regulatory controls by resource owner or manager inevitably result in the destruction of the resource and overall losses in public welfare. In the case of marine Resources, De Facto open Access condition lead to eventual decline in marine productivity, particularly fish catches in the Municipal Waters. Examples of destructive human activities in Jagna accessioned by “de facto” open access regime in Municipal Waters includes the use of destructive fishing methods, over fishing, destruction of fragile mangroves fish habitats and spawning grounds, improper garbage disposal, pollutions and acts resulting to siltation.
- i) *“Ecotourism”* – 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 without endangering the Socio-Cultural practices of the people.
- j) *“Effluent”*- is the general term denoting any wastewater, partially or completely treated, or in its natural state, flowing out of a manufacturing plant, industrial plant or treatment plant.
- k) *“Emission”* – refers to the act of passing into the atmosphere an air contaminant, pollutant, gas stream and unwanted sound from a known source.
- l) *“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.
- m) *“Environmental Compliance Certificate (ECC)”* –refers to the authorization issued by the DENR or the Governor as the case may be pursuant to law in favor of a proponent, the project of which have been reviewed, evaluated and finally approved upon consideration that the project will not bring about an unacceptable

environmental impact and that the proponent has complied with all the requirements of PD's as well as Proclamation 2146, Otherwise known as Environmental Impact Assessment System.

- n) "*Guano*" –refers to accumulated dropping or excrements of bats in caves and does not include phosphate rocks.
- o) "*Integrated Social Forestry*" – refers to an interagency national program created by letter of Instruction No. 1260 dated July 20, 1982 designed to promote the socio-economic conditions of forest occupants and communities dependent on forestlands for their livelihood, provide land tenure and at the same time protect and improve the quality of the environment.
- p) "*Initial Environmental Examination (IEE)*"- refers to the document required of proponents describing the Environmental impact of and mitigation and enhancement measures for, projects or undertakings located in an environmentally critical areas outside the Philippine Environmental Impact Assessment System as identified by the Mayor pursuant t Section 99 of this Code.
- q) "*Leune*" – a privilege granted by the state to a person to utilize natural resources within any land, without any right of occupation and possession over the same, to the exclusion of others, or establish or operate a manufacturing plant or conduct any activity involving the utilization of natural resources covered by the license,
- r) "*License*" - is a privilege granted by the state to a person to utilize natural resources within any land, without any right of occupation and possession over the same, to the exclusion of others, or establish or operate a manufacturing plant or conduct any activity involving utilization of the natural resources covered by the license.
- s) "*Mangrove*"- is the term applied to the type of forest occurring on a tidal flat along the sea coast, extending along streams where water is brackish consisting a community of plants, including trees, shrubs, vines and herbs.
- t) "*Municipal Waters*"- include streams, lakes, subterranean and tidal waters within the territorial jurisdiction of a Municipality that are not subject to private ownership and not included within national park,. Public forest, timberlands, forest reserves or fishery reserves and covers marine waters included between two (2) lines drawn perpendicularly 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 as so situated that there is less than thirty (30) kilometers of marine waters, between them, the third line shall be drawn equidistant from the opposite shore of the respective municipalities.
- u) "*National Integrated Protected Area 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 resources found therein, and to maintain their natural conditions to the greatest extent possible as provided in R.A. 7586, otherwise known as the NIPAS Act of 1992.
- v) "*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 without the right of occupation or possession thereon.
- w) "*Persons*"- includes natural or juridical persons.
- x) "*Protection Forest*"- refers to areas with slope form 0.50 percent, developed to supply commercial timber and non-timber products such as bamboo rattan, horticulture, crops, (e.g. Fruit trees) mangrove, gums and resins spices, fiber trees, vines, palms or combinations thereof.
- y) "*Protected Area*"- refers to identified portion of land and water set aside by law by reason of their unique physical and biological significance, managed to enhance biological diversity and protected against destructive human exploitations, as provided in the RA 7586 (*NIPAS Act* of 1992).
- z) "*Protection Forest*" – refers to areas regardless of slope which are highly credible or too rocky for establishment of production forests, developed for the primary

objective of establishing vegetative cover to prevent-erosion, conserve and produce water and nurture wildlife.

- aa) *“Public Forest Lands”* – refers to those lands of the Public domain, which have been set aside by law for forest purposes. These lands may be either presently forested or denuded.
- bb) *“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 concern are fully integrated into the process of Environmental Impact Assessment.
- cc) *“Quarry Resources”*- means any common stone or other common mineral substances such as but not restricted to, marl, marble, granite, volcanic cinders, basalt, tuff, and rock phosphate, provided they contain no metals or other valuable minerals in economically workable quantities.
- dd) *“R.A. 7160”*- refers to the Local Government Code of 1991.
- ee) *“Recreation Forest”*- refer to a tract of public forest land, forested or non forested, and any contain both production and protection forest, developed for the additional or primary purposes of providing non-destructive recreational pursuits, such as but not limited to, camping, bush walking, bird watching, mountaineering and nature observations/studies.
- ff) *“Small Scale Mining”*- refers to the stage in the EIS system where information and assessment requirements are established to provide the proponent with a scope of work for the EIS.
- gg) *“Scoping”* – refers to the stage in the EIS system where information and assessment requirements are established to provide the proponent with a scope of work for the EIS.
- hh) *“Solid Waste”*- refers to all putrescible, non putrescible and discarded materials (excludes 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, cartons, woods, woods, tin cans, lawn clippings, glass, or litter of any kind
- ii) *“Watershed”* – is a land area drained by a stream or fixed body of water and its tributaries having a common outlet for surface runoff. Small watershed areas specifically refer to those are identified by local governments or the proper agency as sources of water supply for particular local communities.
- jj) *“Waste Management”*- includes both solid and liquid wastes.

Definition of other terms, not herein specifically defined may also be based upon accepted definitions through usage or scientific understanding.

ARTICLE II

FOREST RESOURCES

SECTION 7. SCOPE OF POWERS. The local government of Jagna Bohol shall provide forest resources management services and facilities as follows:

- a. Implementation of the following community-based forestry projects:
 1. Integrated Social Forestry programs and similar projects pursuant to Section 17(b) (2)(ii), RA 7160, except those located in Protected Areas and Critical Watershed, pursuant to Sec. 3.1(a)(1), DAO 30, Series of 1992;
 2. Establishment of New Regular Reforestation Projects except those located in protected areas and critical watershed, pursuant to Sec. 3.1(a)(ii), DAO 30 series of 1992;
 3. Completed family and community-based contract reforestation project, subject to policies and procedures prescribed to policies and procedures prescribed by the DENR, pursuant to Section 3.1. (a)(iii), DAO 30, Series of 1992;

4. Forest Land management Agreement, in accordance with DAO 71, Series of 1990 and other guidelines of the DENR may adopt, pursuant to Sec. 3.1. (a) (ix), DAO 30, Series of 1992;
4. Community Forestry Projects, subject to concurrence of financing institutions

b. Management and control of communal forest with an area of not exceeding fifty (50) square kilometers pursuant to SEC. 17(b) (2)(ii), R.A. 7160, provided that the concerned LGU shall endeavor to convert said areas into community-based forestry projects pursuant to Sec. 31(b), DAO 30, Series 1992;

c. Management, protection, rehabilitation and maintenance of Small Watershed Area, which are sources of local water supply as, identified or to be identified by the DENR, pursuant to Sec. 3.1 © DAO 30, series 1992;

1. Establishment, protection and maintenance of tree parts, Greenbelts, pursuant to Section 17(b)(2)(ii), R.a7160 and other Tourist attraction in areas identified and delineated by the DENR except those within the Protected Area, and the collection of fees for their services and the sue of facilities established therein, pursuant to Section 3.2. (a), DAO 30, SERIES 1992;
2. Regulation of flora outside NIPAS Areas, including industries and business engaged their propagation and development, such as ochidaria and nurseries, export and import, provided that such business and industries are registered with the DENR for monitoring purposes, pursuant to Section 3.2. (b), DAO 30, series 1992;
3. Implementation of the Rehabilitation In Conservation Hotspots (RICH) and activities in areas identified and delineated by the DENR, pursuant to Section 3.2. (e), DAO 30, series 1992;
4. Implementation of soil resource utilization and conservation projects, pursuant to Section 17(2)(i), R.A. 7160;

SECTION 8. GOVERNING LAWS. The pertinent forestry provisions of this code shall be governed by, but not limited to the following national laws:

- a) RA 1760 (Local Government Code of 1991);
- b) Presidential Decree No. 705, as amended (Revised Forestry Code of the Philippines);
- c) Presidential Executive Order No. 263 (Community Based Forest management Strategy);
- d) LOI 1260 (integrated Social Forestry Program);
- e) RA 7586 (National integrated Protected Area System Act of 1992)
- f) DENR Administrative Order NO. 30, Series of 1992 entitled “Guidelines for the Transfer and Implementation of DENR Functions Devolved to the Local Government Units”;
- g) EO 247, Series 1995 entitled “Prescribing Guidelines and establishing a regulatory framework for the prospecting of biological and genetic resources, their by-products and derivatives for scientific and commercial purposes and for other purposes.
- h) Proclamation No. 1030, series of 1997 entitled “Declaring the Philippine Tarsiers (Tarsius syrichta) as a specially protected faunal species of the Philippines.

SECTION 9. OPERATIVE PRINCIPLES. In consideration of the multiple economic, ecological, aesthetic, scientific, and educational services which forest resources provide in sustaining the life and development of our people and in recognition of the increasing demand for timber, water, recreation forest, and conservation of biological diversity which is presently not being met from foresting operation in the Municipality, it is hereby declared the policy of the local government of Jagna that the Mayor shall fully exercise his powers an provide leadership over Barangay under it to ensure the perpetual existence of adequate forest and forest resources for the use and enjoyment of our people through local government driver, inter-agency, and multi-sectoral forest resources management

Forest management initiatives of the various local government units of Jagna shall be consistent with the following principles:

- a) The timber needs of the people of Jagna shall be met within the town as far as practicable specifically there shall be a timber resource within Jagna that is capable of supporting indefinitely a stable wood industry in the Municipality;
- b) The water needs of the people of Jagna shall not be jeopardized. As such, there is hereby established a watershed management system that is capable of supporting indefinitely the domestic, agricultural, industrial and recreational water requirements of the growth and development of the town;
- c) Natural Forest, Wildlife and landscapes shall be managed for scientific research and education, recreation and ecological tourism as major catalyst for the conservation of biological diversity and preservation of the unique natural and cultural heritage of the people of Jagna, and
- d) There shall be maintained an adequate marine Sanctuaries enclosed with rich marine and coastal resources that is capable of maintaining the fish productive capacity of Municipal Coastal Fisheries of Coastal Barangays.

In carrying out the provisions of this Code, the Mayor shall enhance the capacity of the Barangay Governments to provide them with forest management guidance and support to the various priority forest management initiatives of constituents barangays which shall thereby provide direct guidance and support to the initiatives of peoples organization, non-government organizations, government agencies and individuals and households, provided, that the Mayor shall implement the forestry provisions of this Code in close collaboration with concerned National Government Agencies and instrumentalities, particularly the Department of Environment and Natural Resources herein after referred to in this Code as DENR, and private Sector;

SECTION 10. FOREST RESOURCES MANAGEMENT FRAMEWORK. Within one (1) year upon effectivity of this Code, the Mayor shall adopt a Municipal Strategic Forest Resources Management Framework to serve as guide for the Municipal Government in preparing their forest resources management plans. The Municipal Framework shall in the minimum outline how the Municipal Government may promote investments, create jobs, and generate local government revenue through production, protection, and recreational forestry programs or projects. Further, the framework shall be formulated adopted and implemented in collaboration with national government agencies particularly the DENR and the private Sector, in accordance with laws, subject however to the condition that the framework shall be in conformity with the Municipal Physical Framework Plan.

SECTION 11. a) Development of Production Forests. In order to provide adequate raw materials stocks to meet increasing household, infrastructure, agricultural and industrial demand for timber, fuelwood, and minor forest products of commercial value, the Jagna Tree Enterprise Program (JTEP) should be established as a regular program of the municipal Government and as such integrated into the regular budgeting process, provided that the JTEP funds shall be intended for the provision of assistance to Mun. Government in the promotion of commercial tree farming harvesting and artisanal and industrial wood processing enterprises through the provision of conducive policy, technical assistance, information flows, capability building, law enforcement, loan assistance and terminal security services, provided further, that the program shall be implemented in close collaboration with the DENR and that Tree Farming harvesting wood processing and marketing activities are conducted in accordance with pertinent forest laws, and regulations, provided, further that the Municipal Government may investment and operate its own tree enterprise and related facilities for commercial purposes and for developing suitable working models. Provided finally that issuance of terminal instrument and usufruct permits shall remain under the jurisdiction of the DENR in accordance with law;

b) **Operationalization of Devolved Production Forestry** – Related Forestry Management Functions. The Mayor shall assist the government establish and operate their communal forest upon proper coordination with the DENR, management of community-based forestry projects and establishment of new reforestation project as provided under Section 17(b)(2) (ii), R.A. 7160, including the establishment of small watershed areas pursuant to DENR Administrative Order (DAO) No. 20, Series of 1992;

- g) **Limited Production Forest in Protected Areas.** The Mayor shall actively support the development of limited production forests and issuances of applicable tenurial instruments in specified zones within protected areas as provide in RA 7586 (NIPAS Act);
- h) **Integrated Social Forestry-Upon effectivity of this Code,** and in order to expedite the delivery of services to qualified beneficiaries, the Mayor shall transfer to the Barangay Government the responsibilities for the implementation of integrated Social Forestry projects particularly the establishment of on-farm production forest through a system of Memoranda of Agreement provided that such agreement for transfer of responsibilities shall stipulate continuing provincial and Municipal and Barangay Government Collaboration towards developing the capacity of Barangay Councils to eventually administer these projects, provided further that issuances of applicable terminal instruments shall remain under the jurisdiction of the of the DENR in accordance with law;
- i) **Timber Inventory in Alienable and Disposable (A & D) Lands.** Within one (1) year upon effectivity of this Code, the Mun. Mayor shall complete the conduct of a one hundred percent (100%) inventory and registration of planted and naturally growing timber in alienable and disposable (A & D) lands, including those found within the protected areas as defined in RA 7586 in order to rationalize issuances of Mayor's clearances, business permits, collection of fees and charges and associated municipal support services for the utilization of timber and minor forest products in A & D Lands and in order to protect timber or government-owned lands from unauthorized harvest, provided that the imposition of fees and charges is authorized under appropriated Municipal Ordinance;
- j) **Timber Utilization and Wood Processing Plant.** The cutting, harvesting, and transport of timber, lumber and minor forest products, including the processing and sale thereof, in all classes of lands, shall be actively regulated in order to create new and legitimate forms of livelihood, create new jobs, and generate additional local government revenues as major catalyst for reforestation of idle and unproductive lands, reduction of soil erosion, and improvement of the overall quality of the environment, subject to DENR laws and regulations on the conservation of endangered premium species pursuant to DAO 78, series 1987;
- k) **Incentives for the Development of Productive Forest.** The Municipal Sanggunian may enact ordinance and appropriate funds for the purpose of providing incentives such as but not limited to, tax rebates, tax holidays, cash awards from seedlings, soft loans and training for the purpose of promoting private investments in the development of commercial forest-based enterprises;

- h) ***Retention of Timber within Production Forest for Protection Purposes*** – All trees situated on slopes over fifty (50%) percent and elevations over 1,000 meters above sea level, including those within twenty (20) meters from both sides of rivers and within ten (10) meters from both sides of roads and highways shall be retained for protection purposes. The Mun. Mayor shall provide assistance to the Sangguniang Bayan in the formulation of appropriate implementing ordinances for the implementation of this provisions.

SECTION 12. MANAGEMENT OF PROTECTION FORESTS.

- a) All measures shall be adopted to actively share responsibilities with the National Government, particularly the DENR, in securing the perpetual existence of all native plants and animals in the municipality. The Mayor shall adopt measures to assist the DENR towards enabling the Protected Area Management Board (PAMB) as provided under R.A 7586, particularly in the immediate delineation, establishment and operationalization of strict protection zones, habitat management zones, cultural zones and recreational zones. As far as practicable, the management of protection forest for sustained water production, coastal habitat protection, conservation of waterways, easement and right-of-way forest-based recreation, biodiversity conservation and scientific and educational advancement shall be undertaken with end in view of generating livelihood for local residents and revenues for the government.
- b) ***Forest Protection and Law Enforcement.*** The Mayor shall provide effective leadership in the operational 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 Watershed. Subject to National and Provincial Policies,*** Municipal Governments shall be responsible in the proper management of their respective watershed, if there be any for this purposes all Municipal Government Units shall identify and delineate their Municipal Watersheds within one year upon effectivity of this Code, provided that the area identification and delineation shall be undertaken in coordination with the DENR pursuant to Sec 17, RA 7160, and Section 3.1. (c), DAO 309 Series of 1992. For areas within Public Forest Lands, for watershed within Alienable and Disposable (A & D) lands, the establishment thereof shall be coordinated with Dept. of Agriculture and Dept. of Agrarian Reform.
- d) ***Protection and Conservation of Marine Sanctuaries.*** For the purpose of protecting the livelihood and well-being of the present and future generation, The sustained productivity of coastal habitats of marine flora and fauna shall be secured through the provisions of assistance to coastal barangay government in establishing adequate safeguards and controls on human activities within the identified marine Sanctuaries of every Barangay, such as but not limited to the formulation of a Municipal coastal resource management framework as prescribed in Section 52 of this Code.

SECTION 13. DEVELOPMENT OF RECREATION FOREST. Upon request the Mayor shall assist Barangay Government in the establishment of revenue generating community-based recreation projects, such as but not limited to forest parks, botanical Gardens, and camping grounds.

SECTION 14. FOREST RESOURCES INFORMATION SYSTEM. The Mayor shall establish and maintain a forest resources information system that is capable of public and private sector investments in the operation of production, protection and recreation forest and forest-based industries in the Municipality. Such information system shall in the minimum consist of thematic maps, directly of available areas and forest resources for investments and terminal system. Upon request, the Mayor shall provide technical assistance to interested municipal governments in the development of their forest resources information system.

SECTION. 15. PRIOR CONSENT OF SANGGUNIAN. For the purpose of implementing the provisions of this code and pursuant to Section 26 and Section 17, R.A. 7160, Government agencies and instrumentalities are hereby required to consult with the local government units and obtain prior consent of the concerned Sanggunian in the implementation and development and investment program or projects effecting forest resources. Henceforth, no forest resources management, development, utilization or processing projects lease, license, agreement or usufruct permit shall be issued by national Government agencies without prior consultation and consent of the local government unit.

SECTION 16. ANNUAL INVESTMENT PLAN. Upon effectivity of this Code, the Barangay and Municipal budget allocation for forest resources management shall be included in the annual investment plan: provided that such investment are in accordance with forest resources management framework as prescribed under Section 10 of this Code.

SECTION 17. ORGANIZATION. There is hereby created a Jagna Forest Resources Management Section (JFRMS) under the Office of the Mayor. The Barangay Governments are encouraged to establish their appropriate forestry service offices, if necessary to ensure proper implementation of their respective forest management plans. The JFRMS shall provide assistance to Barangay Government in (a) Preparation of Barangay Forest management plans; (b) design and preparation of forestry related projects; (c) strengthening of Barangay Forestry management capability; (d) establishment of support linkages and network systems; (e) formulation of barangay specific forest policies and incentives systems; (f) terminal security issuance, strengthening and enforcement; it shall also develop model forestry projects for promotion to the Barangays.

SECTION 18. ACTS PROHIBITED AND PUNISHABLE UNDER THIS CODE SHALL INCLUDE BUT NOT LIMITED TO THE FOLLOWING:

- a) The undiscriminst- cutting of trees in both private and public lands; is hereby prohibited;
- b) The use of unregistered or unlicensed power saws/chain saws and similar tree-felling equipment shall be banned and prohibited, unless a current and valid license or permit for the use thereof as issued by the Municipal Mayor has been obtained;
- c) Hunting, destroying or mere possession of any plants, animals or other forest products both living and non-living and other species considered endangered or threatened pursuant to existing laws shall be banned and prohibited.
- d) The sue of unregistered or unlicensed hunting paraphernalia such as air guns, shut guns, and the like shall be banned and prohibited; unless a current and valid permit for the use thereof as issued by proper authority subject to prior clearance by the concerned Municipal Mayor;
- e) The trafficking of flora and fauna shall be prohibited unless the Mun. Mayor and the DENR have issued a current and valid permit for the traffic thereof from the source. The hinting and/or gathering of endangered or threatened species such as Tarsiers is prohibited;
- f) No person shall ignite, cause to be ignited or maintain any open fire except for the following activities, open fire for cooking of food, for human consumption in areas designated by laws, fires for religious or ceremonial purposes, fires for prevention and control of pest and diseases, fires for the disposal of dangerous materials or waste subject tot prior clearance or permit issued by the Mayor, fires for training personnel in firefighting, prescribed burning of recognized agricultural, forestry and wildlife management practices and fire expressly approved by the DENR and concerned Mayors.

ARTICLE IV

MINERAL RESOURCES

SECTION 19. SCOPE OF POWERS. This Powers of the Municipal Government in respect to the Management of Mineral Resources are provided under Sections 2C and 27, of R.A. 7160 through this Code, the Municipal Government shall provide the following basic services:

- a) Issuance of permit for collection of guano pursuant to Section 3, 4(b), DAO 30, series 1992 and extraction of quarry resources on privately owned lands and/or public lands for building and construction materials pursuant to Section 43, R.A. 7942 and Section 138, RA 7160;
- b) Verification and adjudication for guano collection and the extraction of sand. Gravel and other quarry resources;

SECTION 20. GOVERNING LAWS: The pertinent mineral resources provisions of this Code shall be governed by, but not limited to the following national laws and regulations:

- a) R.A. 7160 (Local Government Code of 1991)
- b) R.A. 7942 (Phil. Mining Act of 1995)
- c) R.A. 7076 (Small Scale Mining Law)
- d) DENR Administrative Order NO. 23, Series 1995 as amended by DAO No. 40, series of 1996 entitled "Implementing Rules and Regulations of the Mining Act of 1995."

SECTION 21. OPERATIVE PRINCIPLES. The revenue generation and livelihood functions of mineral resources notwithstanding, the increasing domestic and external demands for the utilization of minerals for infrastructure development and industrial raw materials, and the losses in public welfare associated with unregulated mining and quarrying particularly from the adverse effects of soil erosion, water pollution, destruction of heritage items and unique landscapes, erosion of biological diversity, and deterioration of coastal fisheries, the Municipal Mining Regulatory Board, shall regulate the mining, quarrying and utilization of mineral resources in the Municipality is hereby adopted and refined provided, that the Mun. Mayor shall recommend to the Sangguniang Bayan within six (6) months upon effectivity of this Code, amendments thereto for the purpose of allocating membership from representatives of non-government organizations to the Board of at least twenty five (25) percent of the total number thereof, provided further that such recommendation shall indicate gender parity in terms of representatives to the Board.

SECTION 22. REGULATORY PROVISIONS. It shall be unlawful for any person, natural and juridical to undertake quarrying and mining of minerals without a permit or license duly issued by the Mun. Mayor or representative agency bearing authority and jurisdiction thereof, provided that no license, lease agreement, and/or permit shall be issued by other government agencies or the Mayor without the prior area clearance and/or consent of the concerned Municipal Officials or Sanggunians as the case maybe, pursuant to Section 99 (a) DAO, 23, Series of 1995 (known as the Implementing Rules of the Philippine Mining Act of 1995), provided further, that such prior clearance shall not apply to a private land owner of eminent domain, to permit entry and quarrying over his/her land; save those disclosed by laws as protected areas, provided further, that mining and quarrying activities within the Municipality shall be subject to prior Environmental Impact Assessment, as provided under the Philippine Environmental Impact Assessment System; provided further that no extraction or removal of materials shall be allowed within a distance of one (10 kilometer from boundaries of reservoirs established for public water supply, archeological and historical sites and any public or private works or structures, unless prior area clearance of the agency or owner concerned is obtained. No extraction or removal of materials shall 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 (Implementing Rules of R.A. 7942)

SECTION 23. EXPLOITATION OF QUARRY RESOURCES. Sand, gravel and other quarry resources within the Municipality maybe exploited only through a permit issued exclusively by the Provincial Governor with prior consent and knowledge of the Mayor concerned, pursuant to an ordinance of the Sanggunian concerned, pursuant to Section 43, RA 7942 and Section 138, RA 7160, to a qualified person and under condition required in Provincial Ordinance No. 93-002, dated October 9, 1992 and future amendments thereto, which is hereby adopted as an integral provision of this code; provided all individuals, partnerships or corporations engaged in the exploitation, development and exploitations of natural resources or in the construction of infrastructure projects shall be required to restore or rehabilitate areas subject thereof or affected thereby to their original condition, pursuant to Presidential Decree No. 1198.

SECTION 24. MONITORING AND EVALUATION. Within nine (9) months upon effectivity of this code, there is hereby established a Monitoring and Evaluation Office under the Jagna Environmental Management Office as provided in Section 114 of this Code, which shall be responsible in the effective implementation of the Mining Laws and Regulations to assess compliance of the permittees and/or licenses to pertinent mining laws. The Mayor shall also provide assistance to Barangay in establishing their Monitoring and evaluation capabilities.

SECTION 25. ORGANIZATION. There is hereby crated a Mineral Resources management Section 9MRMS) under the Jagna Environment Management Office as provide in Section 114 of this Code, which shall be responsible in the effective implementation of the Mineral Management responsibilities of the Municipality of Jagna, Bohol.

SECTION 26. PROHIBITED AND PUNISHABLE ACTS. The provisions of Section 19 and 20, Provincial Ordinance No. 93-002, dated August 27, 1993 are hereby adopted as integral provision of this Code. Further, the Sangguniang Bayan, in consultation with various Sangguniang Bayan of Bohol and the DENR, shall within one (1) year upon effectivity of this Code, enact a unified ordinance for the purpose of defining the penalties/and/or sanctions for acts in violation of the Mining/Quarrying provisions of this Code.

ARTICLE V

WATER RESOURCES

SECTION 27. SCOPE OF POWERS. In addition to the powers, duties and functions of the Municipal Mayors to adopt measures to safeguard and conserve land, minerals marine, forest and other resources as provided under Section 389(b)(9), 444(b)(3)(vii), 4559b(3)(v), and 465(b)(3)(x), respectively, other specific powers of Local Government Units in the Management of Water Resources are enumerated in Section are enumerated in Section 17, R.A 7160 as follows:

- a) **For a Barangay:** Pursuant to Section 17(b)(l)(iii) and (v) services related to general hygiene and sanitation and maintenance of water supply system, respectively;
- b) **For a Municipality:** Water and soil resource utilization and conservation projects, and inter-barangay irrigation system, (ii) communal irrigation, small water impounding projects and other similar projects, artesian wells, dikes, spring development, rain water collectors and water supply system, seawalls, dikes, drainage, and sewerage, and flood control pursuant to Section 17(b) (2)(i) and (viii) respectively; and management, protection, rehabilitation and maintenance of small watershed areas which are sources of local water supply as identified or to be identified by the DENR, pursuant to Section 3.1.(c), DAO 30, series 1992.

SECTION 28. GOVERNING LAWS. The water Resources provisions under this Code shall be governed by, but not limited to the following national laws:

- a) RA 7160 (Local Government Code of 1991)
- b) Presidential Decree No. 1967 (Water Code of the Philippines of 1976)
- c) DENR Administrative Order 34, Series 1990 (Revised Water usage and Classification/Water quality criteria Amending Section Nos. 68 and 69, Chapter II of the 1978 NPCC Rules and Regulations.)
- d) DENR Administrative Order No. 35, Series 1991 (Revised Effluent Regulations of 1990 revising and amending the Effluent Regulations of 1982)
- e) Republic Act No. 6969 (Toxic Substances and hazardous and Nuclear Water Control Act of 1990)
- f) Presidential Decree No. 984 (national Pollution Control Decree of 1876)
- g) Presidential Decree No. 825 (Providing Penalty for Improper Disposal of Garbage and other forms of uncleanliness and for other purposes)
- h) Presidential Decree No. 1198 (Requiring all individuals, Partnerships, or Corporations Engaged in the Exploration, Development and Exploration of Natural or in the construction of infrastructure projects to restore or rehabilitation areas subject thereof or affected thereby to their original condition)

SECTION 29. OPERATIVE PRINCIPLES. Water resources in the town shall be managed: (a) for the primary purpose of meeting indefinitely the basic requirements for potable water of all residents of Jagna and for sustained agricultural production and (b) for the secondary purpose of securing the availability of adequate supplies of water for the growing industrial, recreational and commercial development activities through water resources. It is hereby declared the policy of the Municipal Government that water resources in the Municipality shall be equitably shared and that no Barangay shall be deprived of sage and clean water.

SECTION 30. ESTABLISHMENT OF A WATER RESOURCES TRUST FUND. There is hereby created a Water Resources Trust Fund for the sole purpose of supporting municipal programs or projects for the rehabilitation of water production areas within the Bohol Network of Watershed (BNW) as provided in Section 33 of this Code. The Trust Fund which shall comprise all amounts denominated as "share of National Wealth" from the operation of by National Government agencies and instrumentalities, shall be managed and administered by the Mayor upon recommendation of the Multi-sectoral Water Resources Advisory Committee, as provided under Section 33 of this Code.

Henceforth, all such unexpected amounts and future allocation shall accrue to the Water Resources Trust Fund.

SECTION 31. DESIGNATION OF PRIORITY WATERSHEDS FOR PROTECTION. Pursuant to Par. 2 (b) Section 9 of this Code, within one (1) year upon effectivity of this Code the Municipality shall establish and designate a priority watershed area to be identified by the Mun. Mayor in close collaboration with the DENR and concerned Barangay Governments, Barangay Councils and Protected Area Management Board (PAMB) as the case maybe, who will make study and review each Watershed initially composing the watershed area as to the suitability or non-suitability for the purpose of determining the specific areas.

Upon completion of the study and review, the Mayor shall submit to the Sangguniang Bayan a Map and legal description or boundaries of each of the water protection areas in each watershed together with his recommendation for the Sangguniang Panlalawigan to declare, set aside and maintain the aforesaid areas as strict protection zone for the purpose of water production.

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In areas identified as watershed areas also within the protected area proclaimed by virtue of the National Integrated Protected Area System (NIPAS Act of 1992), the Municipal Government shall closely coordinate with Protected Area Management Board (PAMB) concerned to synchronized their efforts in protecting the designated water production areas of the Municipality.

a) **Disestablishment of Watersheds.** When upon the recommendation of the majority of the concerned Sangguniang Barangay, and if applicable, the members of the Protected Area Management Board, a certain watershed within the identified Water Production Areas or portion thereof should be withdrawn or disestablishment thereof shall take effect pursuant to an act of the Sangguniang Bayan concerned.

SECTION 32. WATER RESOURCES MANAGEMENT PLAN. The Mayor shall together with the Barangay Captains concerned, Protected Area Management Board, National Government Agencies, Local Water Districts, and private sectors, groups, formulate a strategic management plan of the Jagna Watershed Establishments.

The Plan shall be based among others, on the following:

- a) Inventory and classification of water resources in accordance with Presidential Decree 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 watersheds in terms of water producing capacity, water quantity, water quality and use;
- c) The measures to be implemented to be improve water quality and production capacity of the watershed;
- d) The appropriate institutional arrangements to be established for managing the watershed;
- e) Investment requirements, duration and revenue generating measures to be implemented; and
- f) Appropriate policy incentives and regulations to ensure that the watershed is managed in a sustainable manner;

SECTION 33. WATER QUALITY MONITORING. Within nine (9) months upon effectivity of this code, the Mun. Mayor shall organize and maintain the continuous and effective operation of a 9-member multi-sectoral Water Resources Committee (WRC) to be composed of the Mayor, as chairman and NIA, DENR, NAPOCOR, PAG-ASA, DA, and PHO as members, including two (2) representatives of non-government organizations as appointed by the Mayor. The committee shall be vested the following duties and responsibilities:

- a) Establish the number and location of Municipal-wide water sampling stations based on proximity to human settlements and possible sources of pollution. The sampling stations shall include coastal areas, estuaries, rivers, community deep wells, aquifers and similar bodies of water as determined by the committees;
- b) Conduct regular sampling and cause the analysis of samples collected using parameters, standards, and procedures established by National laws; The priority parameters to be measured shall include Biological Oxygen Demand (BOD), Total Suspended Solids (TSS) and total coliform.
- c) Release of the monitoring result to the public particularly to the Municipality and Barangay concerned;
- d) In coordination with the Provincial Mining Regulatory Board, monitor the impact on water resources of all mining operations in the Municipality, if any;

- e) Assist national Government Agencies in the enforcement of anti-pollution laws, including Presidential Decree No. 984, DENR Administrative Order No. 34 (Revised Water Usage and Classification Water Quality Criteria) and DENR Adm. Order No. 35 (Revised Effluent Regulations of 1990) and R.A. No. 6969 (Toxic substances and hazardous and Nuclear Control Act of 1990);
- f) Organize industrial firms and tourism establishments in the Municipality so that they can share water pollution reduction techniques, work as a group with the Government and Non-government organization on pollution reduction.
- g) Advise the Mayor on policy requirements to safeguard water resources in the Municipality of Jagna;
- h) Recommend to the Mayor budget allocation for Water Resources Development as provided under Section 30 of this Code;
- i) Prepare and recommend to the Mayor annual work and financial plan for the operation of the committee.

SECTION 34. PROTECTION OF PUBLIC WATER INFRASTRUCTURE. The Mayor shall identify the components watershed of the Protected Area, which are presently supporting small water system projects inter-Barangay waterworks and irrigation systems as well as those which are potential sites of similar projects and assist Barangay government prepare management plans thereof. The Mayor shall ensure that engineering works and infrastructure projects within the Municipality do not adversely impact on water quality.

SECTION 35. PROTECTION OF RIVERBANKS, EASEMENTS, RIGHT-OF-WAY AND GREENBELTS. The mayor upon one (1) year of the effectivity of this code shall adopt adequate measures for establishing clearance and greenbelts along river banks and seashore areas as prescribed by laws to recover easements as provided in DENR Adm. Order No. 5, series of 1997 and Presidential Decree No. 1067 which provide that banks of rivers and streams and the shores of the seas throughout their entire length and within the a zone of three (3) meters in urban areas, twenty (20) meters in Agricultural areas and forty (40) meters in forest areas, along margins are subject to easement for public use in the interest of recreation, navigation, floatage, fishing and salvages

SECTION 36. DRAINAGE SYSTEMS. The Mayor shall adopt necessary measures to ensure that adequate municipal and barangay drainage systems are established and maintained to prevent the negative effects of all types of effluents on both surface and underground water quality. The Mayor shall also provide assistance to Barangays for the purpose of ensuring that solid wastes are properly disposed for the protection of water resources

SECTION 37. ORGANIC FARMING AND SOIL AND WATER CONSERVATION. The Mayor shall assist Barangays in the implementation of Community based Forestry projects for the purpose of instituting improved soil and water conservation techniques and generate resources to implement the measures. Likewise, the Mayor shall promote the application of organic farming techniques among farmers and use all its powers to enforce the laws governing the use of prohibited Agricultural chemicals.

SECTION 38. HEALTH AND SANITATION MEASURES. The Mun. Mayor shall adopt appropriate measures to assist Barangay Governments to improve environmental sanitation by expanding the use of sanitary toilets for waste disposal. Such assistance shall if necessary include, but not limited to, direct investments to public health education and strict enforcement of the Building Code.

SECTION 39. PROHIBITED AND PUNISHABLE ACTS. The Sangguniang Bayan, in consultation with various Barangay Sanggunians of Jagna and the ADENR, shall within one(1) year upon effectivity of this Code, enact a unified ordinance for the purpose of defining the penalties and/or sanctions for acts in violation of the provisions of this Code, such, as but not limited to the following:

- a) No person shall operate and maintain any collection system, sewage disposal system, treatment facility or waste water treatment unless the same is provided with adequate and effective treatment and covered by a current and valid permit issued by the Mun. Mayor;
- b) No industrial or domestic sewage shall be discharged into class AA and class S A waters, as defined under DENR Adm. Order No. 34, Series of 1990;
- c) In order to avoid deterioration of the quality of a Receiving Water Body (RWB), no industrial plant with high waste load potential shall discharge into a body of water where the dilution or assimilative capacity of said water body during dry water condition is insufficient to maintain its prescribed water quality according to its usage and classification.
- d) No person shall discharge, wholly or partially, untreated or inadequately treated industrial effluents directly into bodies of water or through the use of bypass cards and/or pumps and other unauthorized means;
- e) No industrial or manufacturing plant shall be operated without control facilities of wastewater treatment system in great order or in proper operation.
- f) No industrial or Manufacturing plant or source of pollution shall be operated at capacities beyond the limits of operation or capability of wastewater treatment facilities in order to maintain the effluent quality within the standards or pertinent conditions required by law and/or as stipulated in the permit to operate;
- g) No person shall build, erect, install or use any equipment, contrivance or any means the sue of which will conceal and/or dilute an effluent discharge and which otherwise constitute a violation of the provisions of this Code;
- h) The construction of houses and other physical structure within the seashore or banks of rivers shall be governed by existing laws;
- i) No person shall develop a streams, lake, marshland, or pond for recreational or commercial purpose without first securing a permit from the Mun. Mayor and DENR, in addition to Environmental Compliance certificate (ECC) issued by the DENR or the Governor in accordance with existing laws;
- j) No person shall raise or lower or cause the raising or lowering of the water level of a stream, river, lake, marsh or pond, nor drain the same without the necessary government clearances and/or permits;
- k) Impounding of water in large amounts such as to prejudice of own stream or upstream users shall be prohibited;
- l) No person shall drill a well without a permit from the local government chief executive and the Governor in the case of subterranean waters, provided, that in no case shall surface waters, provided further, that the Mayor through the proper National Government Agency shall reserve the right to revoke or cancel any permit fore the extraction of groundwater if this is found to be detrimental to its sustainability of inimical to other higher priority water uses;
- m) The construction or setting up of nay structure, temporary or otherwise, that would destroy the scenic value of natural waterways or result to the disruption of water flows shall be prohibited;
- n) Dumping of tailings and sediments from mining and quarrying operations, as well as water carrying pesticide residues, is hereby banned and therefore prohibited;

ARTICLE VI

INTEGRATED WASTE MANAGEMENT

SECTION 40. SCOPE OF POWERS. In addition to the powers, duties and functions of the Mun. Mayor, to adopt adequate measures to safeguard and conserve lands, minerals, marine, forest and other resources, as provided under Sections 389(b)(3)(vii), 455(b)(3)(v), and 465(b)(3)(v), respectively, the government unit shall also provide the following services and facilities on waste management:

- a) For Barangays, services and facilities related to general hygiene and sanitation, beautification and waste collection, pursuant to Section 17(b)(1)(v), R.A. 7160;
- b) For the Barangay Government of Jagna, waste disposal system or environmental management system and services related to general hygiene and sanitation, pursuant to Section 17(b)(2)(vi), R.A. 7160;
- c) For the Municipality of Jagna, enforcement of pollution control laws and other laws on the protection of the environment pursuant to section 17(b)(3)(iii).

The type of wastes covered under this Code, include household wastes, commercial-industrial wastes, such as residues of sewage treatment plants, ash from incinerators, residues from combustion, street sweepings, debris caused by disasters and dead animals;

SECTION 41. GOVERNING LAWS. The initiative of the Municipal Government on integrated waste management (IWM) shall be consistent with existing national laws, namely:

- a) Presidential Decree 925, otherwise known as the Garbage Disposal law of 1875, prohibiting littering in public places and making it the responsibility of residents, institutions, and commercial and industrial establishments to clean their surroundings, including streets and canals adjacent to their property.
- b) Presidential Decree 856, otherwise known as the Code of Sanitation of the Philippines, prescribing requirements for refuse collection and disposal systems by food establishments.
- c) Presidential Decree 1152, entitled "Consolidating the Philippine Environment Code." It requires the preparation and implementation of a waste management program in all cities and Municipalities. Specifically, it provides that waste disposal shall be by Sanitary Landfill, incineration, composting and other methods as maybe approved by a competent Government Authority;
- d) Republic Act 6969, also known as the Toxic Substances and hazardous and Nuclear Waste Control Act of 1990.
- e) Republic Act 7160-also known as the Local Government code of 1991 which provides for the devolution of certain environmental powers and responsibilities in the LGU, including and enforcement of their respective waste management program;
- f) Section 2238 of the Revised Philippine Environment Code which stipulates the general powers of cities and Municipal councils to enact ordinances and make such regulations or health and safety for the comfort and convenience of the community and the protection of property thereon.
- g) Republic Act 6957, as amended by RA 7718 (Build-Operate Transfer Law) which provides that infrastructure and development projects normally financial and operated by the public sector, such as that for waste management, maybe wholly or partially implemented by the private sector.

SECTION 43. OPERATIVE PRINCIPLES. The Municipal Government of Jagna recognizes that the steadily increasing level of economic activities and population growth in the urban and rural areas could lead to an increase in the volume of wastes and adverse impact on the health of our population and Jagna's fragile ecosystems. Pursuant to Section 3(1), Republic Act No. 7160, respectively, and in consideration of ecotourism and agro-industrialization as our key development strategy, it is therefore our declared policy to encourage and support Integrated Waste Management (IWM) program of the Municipal Government and Barangay Council.

SECTION 44. INTEGRATED WASTE MANAGEMENT SYSTEM. As guide for interventions, the Municipal Government hereby adopts the IWM system as recommended by the Presidential Task Force for Waste Management (c.f. Memorandum Circular dated No. 30, 1987) Accordingly; the system shall be composed of the following functional elements:

- a) *Waste Generation* – Includes activities that lead to the identification and understanding of the sources, amounts, nature, type and characteristics of wastes generated. This component covers the Reduction, Reuse, and Recycling (3 R's) of waste at source;
- b) *Handling and on-site storage* – handling of wastes after generation includes sorting, shredding, composting, bailing and compaction and placement of waste materials into their corresponding storage containers and the movement of those stored waste to the collection points;
- c) *Collection, transfer and transport* – this involves gathering of wastes and hauling them to transfer stations or to final disposal sites;
- d) *Processing and Recovery* –Includes size reduction, magnetic separation, density separation, using air classifier and other processes and operations designed to recover and produce usable materials like compost or energy such as electricity;
- e) *Disposal* - this is the final step of the IWM system. The most common and widely accepted final disposal is the use of Sanitary Landfill.

SECTION 45. ROLE OF THE MUNICIPALITY. The Municipal Government shall promote the practice of waste segregation and waste minimization at source. Specifically, it shall perform the following functions:

- a) Assist Barangay governments in the preparation of a multi-year IWM program, including information, education and communication materials;
- b) Facilitate establishment of supportive linkages between Barangay Government units and other government and private sector organizations;
- c) Assist Barangay who may decide to group themselves, consolidate or coordinate their efforts, services, and resources for the purpose of establishing a common IWM system or facilities;
- d) Train Municipal personnel to provide technical assistance services, particularly in IWM and EIA (Environmental Impact Assessment) to Barangay Governments;
- e) Install an operational monitoring system to ensure sustainability of the IWM program.

SECTION 46. THE ROLE OF THE BARANGAYS. Pursuant to Section 17, R.A. 7160, the Municipality and Barangay shall be responsible in providing services related to waste and garbage disposal. Accordingly, the Barangay Government shall consider the following processes for the establishment of their own IWM system:

- a) Establish waste stream through the conduct of a baseline survey on current Waste Management Practices;
- b) Conduct consensus building with communities in order to generate support and participation from the private sector;
- c) Prepare an IWM program based on the review of options identified with the community;
- d) Promulgate an IWM Ordinance. The Ordinance shall contain the following parts, namely: Definition of Terms, Waste Generation and Storage, Waste Processing and Resource Recovery, Collection and Transportation of Waste, Disposal of Solid Wastes, User Fees for Waste Management, Violation and Penalty and Penal Provisions;

- e) Appoint an IWM Manager/Coordinator to oversee integrated approach versus the conventional collection and disposal efforts.

SECTION 47. WATER MANAGEMENT BODIES. In addition to the services of Water Resources Committee as provided in Section 33 of this Code, the Mayor shall establish an IWM Section under the Office of the Mayor thru the MPDC pursuant to Section 114 of this Code. The unit shall be composed of IWM specialist whose primary task is to extend technical assistance to the Barangay of the Municipality in devising approaches to enhance their waste management capability

- a) Municipal IWM Units. If necessary, the Municipality shall organize their waste management units. Their funding poses major constraints existing departments such as General Services Officers, Mun. Health Office or the Municipal Planning and Development Coordinating Office may be designated to perform IWM responsibilities on a concurrent capacity. Otherwise the Municipality shall form a Multi-sectoral Municipal Action Team for Waste Management that will be headed by a permanent staff from any of the above-stated Municipal Officers. The WM Unit or Action Team shall be under the direct supervision of the Office of the Mayor;
- b) Access. The Mayor or his duly authorized representative shall have access to observe and inspect waste treatment and in-plant waste control facilities and to collect samples for analysis.

SECTION 48. PROHIBITED ACTS. The Sangguniang Bayan in consultation with the various Barangay Sanggunian of Jagna and the DENR shall within one (1) year upon effectivity of this Code, enact a unified ordinance for the purpose of defining the penalties and/or sanctions for acts in violation of the provisions of this Code, such as but not limited to the following:

- a) The disposal of non-biodegradable debris, dredge materials if such are contaminated with industrial wastes, as well as the disposal for plastics and litter in beaches and the sea itself is prohibited. Dumping of plastic debris such as discarded fishing nets and lies of nylon materials, packing bands, straps, synthetic ropes, plastic bags, bottles, sheets, other containers and even medical equipments shall likewise be prohibited for it will not only reduce amenity of the marine environment but also poses threats to the safety of many marine mammals and birds that are prone to ingest such debris;
- b) Pursuant to existing laws, construction of local dump sites or industrial settlement pits and wastes treatments plants less than one (1) kilometer away from the sea and/or rivers shall be banned and therefore prohibited;
- c) No person shall dump or dispose wastes into the sea and any body of water, including shorelines and river banks, where wastes are likely to be washed into the water; provided that dumping of water and other materials into the sea, or any navigable waters shall be permitted in case only of immediate or illuminant danger to life and property, subject to existing national laws and regulations.

ARTICLE VII

COASTAL RESOURCES

SECTION 49. SCOPE OF POWERS. In addition to the powers, duties and functions of the Mun. Mayor, to adopt adequate measures to safeguard and conserve land, minerals, marine, forest and other resources, as provided under Section 389(b)(9), 444(b)(3)(vii), and 465(b)(3)(v), respectively, the local government with applicable provisions of RA 8550 and implementing rules and regulations, shall also provide the following coastal resources management services and facilities

- a) For Coastal Municipalities, pursuant to RA 7160:
 - 1.0 Enforcement of fishery laws in Municipal waters, both national and locally promulgated, including the conservation of mangroves, extension and on site research services and facilities related to fishery activities which include disposal of fingerlings and other seeding materials for aquaculture pursuant to Section 17(b)(2)(v)
 - 2.0 Provision of fish ports, seawalls, dikes, drainage and sewerage and flood control services pursuant to Section 17(b)(2)(viii), and
 - 3.0 Implementation of community-based forestry projects such as integrated social forestry, establishment of new regular reforestation projects, except those located in protected areas (e.g. marine park, mangrove forest reserves) and critical watershed completed family and community-based contract reforestation projects, subject to policies and procedures prescribed by the DENR, Forest Land Management Agreement in accordance with Section DAO 71, series of 1990 and other guidelines that the DENR may adopt, and Community Forestry Projects subject to concurrence of financing institutions, if foreign assisted pursuant to Section 3.1(a);
 - 4.0 Management and control of communal forest with an area not exceeding 5,000 hectares, provided that the concerned coastal Municipality shall endeavor to convert said areas into community forestry projects pursuant to Section 3.1. (b);
 - 5.0 Establishment and maintenance of tree parks, greenbelts and other tourist attractions in areas identified and delineated by the DENR; except those in protected areas, and the collection of fees for their services and the use of facilities established therein pursuant to Section 3.2. (a);
 - 6.0 Except import and export, regulation of flora outside protected area including industries and business engaged in their propagation and development, such as orchid aria and nurseries provided such businesses and industries are registered with the DENR for monitoring purposes pursuant to Section 3.2.(b);
 - 7.0 Implementation in the Rehabilitation in Conservation Hotspots (RICH) and the Conservation of Rare and Endangered Species (CARE) activities in areas identified and delineated by the DENR pursuant to Section 3.2(c);
 - 8.0 Implementation of waste disposal and other environmental management system and services related to general hygiene and sanitation, such as sea wage and household waste disposal.

SECTION 50. GOVERNING LAWS. The provisions of this Code shall be governed but not limited to the following national laws:

- a) RA. 7160 (Local Government Code of 1991);
- b) Presidential Executive Order No. 240, series of 1995 (Creation of FARMC);
- c) RA 8550 otherwise known as the Philippine Fisheries Code of 1998 with its implementing rules and regulations;
- d) Presidential Decree No. 705 (Forestry Decree of 1975 as amended);
- e) Presidential Decree No. 601 (Tasking the Phil. Coast Guard in Marine Environmental Protection);
- f) Republic Act 6975 (Local Government Act of 1990, creating the PNP, MARICOM under the DILG);
- g) Republic Act 5173 (Phil. Coast Guard Act of 1957);
- h) EO 247 series of 1995 entitled "Prescribing Guidelines and establishing a regulatory framework for the prospecting of biological and genetic, resources, their by-products and derivatives for scientific and commercial purposes, and for other purposes.

SECTION 51. OPERATIVE PRINCIPLES. The Municipal Government recognizes that our Municipal Waters, which contain valuable productive habitats wherein more than one-third of the people of Jagna are directly dependent fro livelihood, income and nutrition is presently under "de facto" open access condition which threaten the food security, long-term livelihood, use and enjoyment of our fishing population in particular and the people of Jagna in general. The Municipal Government also hereby affirms the provisions of Article XIII, Section 2 of the Philippine Constitution, which provides that the state, through the component coastal municipalities; shall respect the rights of subsistence fishermen, especially of local communities, in the preferential use of communal marine and fishing resources, both inland and offshore. It shall also protect its marine wealth and exclusive economic zone, and reserve its use and enjoyment exclusively to Filipino citizens.

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

SECTION 52. A) DELINEATION OF MUNICIPAL WATER. Within one (1) year upon effectivity of this Code, the Mayor shall adopt all measures to encourage the Barangay Captains coastal in habitants, and concern national government agencies to complete the delineation, establishment, management and maintenance and protection of their Municipal Waters pursuant to Section 131©, RA 7160.

It shall be incumbent upon the Municipal Mayor to measure, delineate, demarcate, zonify, and produce maps of its territorial boundaries, employing in the process a certified engineer, provided, that the delineation of municipal territorial waters shall be undertaken jointly by contiguous municipalities to avoid future controversies in boundaries, provided further, that the amicable settlement of boundary disputes between municipal waters be governed by Sec. 110 an Section 119, RA 7160, provided finally that two (2) years upon effectivity of this Code, no fishery privileges shall be issued pursuant to Section 149, RA 7160, until the measurement, delineation, demarcation, zonification and mapping of municipal waters has been dully completed. The Mayor is hereby authorized to issue appropriate implementing rules and regulations, circulars, directives, and memoranda, including sanctions for the purpose of implementing the provisions of this section.

SECTION 53. CONSERVATION OF BIOLOGICAL DIVERSITY AND PRESERVATION OF HERITAGE ITEMS. Biological Diversity and heritage items shall not be jeopardized in the utilization, development and management of our Municipal Waters. Unique marine features and productive habitats such as but not limited to potential bathing water like, Pangdan, Can-upao, and Can-uba shall not be hampered or destroyed.

SECITON 54. COMMUNITY PARTICIPATION AND INTEGRATION OF NATIONAL GOVERNMENT AGENCIES. Management of our coastal resources and municipal waters shall be undertaken by communities in close collaboration with their municipal barangay government and national government agencies and instrumentalities, peoples organization, non-government organizations and the private sector in general in order to engage their active participation and cooperation.

In particular the Mayor shall adopt adequate measures to directly engage the Phil. Coast Guard (PCG) of the Department of National Defense pursuant to RA 5173 and Pres. Decree 601 (PCG Act of 1957) and tasking the PCG in Marine Environmental Protection, respectively) Maritime Command (MARICOM) of the Phil. National Police pursuant to Section 24, RA 9675 (Local Government Act of 1990) Creating the PNP under the DILG) Marine Industry Authority (MARINA), and the Phil. Ports Authority of the Department of Transportation and Communication pursuant to Executive order 125, the Bureau of Fisheries and Aquatic Resources (BFAR), Dept. of Science and Technology, Dept. of Education, Culture and Sports, Dept. of Public Works and High Ways and the DENR in the implementation of Coastal Resources Management (CRM) laws, programs and/or projects in the Municipality.

SECTION 55. COASTAL ZONING AND MANAGEMENT GUIDELINES. The Mayor in addition to above Sections, shall formulate a Municipal Coastal Zoning and Management Planning guidelines which will serve as basis in formulating municipal coastal zoning and management plans. The plan shall be based on co-management approach where the Municipal Government and Barangay Government shall work with resource users and build upon existing laws, particularly in the institutionalization of the Fisheries and Aquatic Resources Management Councils. (FARMC) pursuant to Pres. Executive Order No. 240, series of 1995.

a) *Zoning.*- The zoning component of the plan shall classify municipal waters according to four (4) zones, namely: Strict Protection Zones, Recreational Ecotourism Zones, Rehabilitation or Care Zones, and Sustainable Production Use Zone, The zoning plan shall achieve the following purposes:

- 1.0 Provide basis for the provision of tenure to qualified coastal zone residents as means to prevent incidence of squatting and/or unplanned settlements.
- 2.0 Allocate, delineate and set aside appropriate areas for industries to secure the environmental requirements for the growth and development of coastal communities, such as but not limited to the identification of areas for settlements, reclamation areas, institution, infrastructure, commerce, recreation tourism, and area of cultural and historical significance
- 3.0 Delineate area as sanctuaries, no fishing-zones, fishing gear restriction zones, and critical breeding and feeding areas of ecologically and economically important organizations.
- 4.0 Delineate natural areas for the exclusive use of specific user groups such as, but not limited areas for recreations tourism, research and education;
- 5.0 Delineate areas where construction is prohibited pursuant to existing ordinance and DENR Administrative Order No. 05, series of 1997.

b) *Management Planning.* The management component of the plan shall compliment the zoning plan. To be holistic, the management plan shall incorporate the following strategies:

- 1.0 Assessment of type, status, quality and quantity of coastal resources;

- 1.0 Develop a community-based coastal resources management (CB-CRM) approach for each coastal Barangay and provide active and continuing support to CRM activities at the barangay and household levels;
- 3.0 Develop clear resource protection strategies and active law enforcement activities as provided for in RA 8550 and other existing policies;
- 4.0 Create territorial use rights in fisheries and develop those to the organized users for management;
- 5.0 Develop sources of alternative and/or supplemental livelihood particularly micro-enterprise development while technical and financial support is obtained for plan implementation;
- 6.0 Conduct information and education campaign to build awareness on CRM related issues, government regulations on coastal resources and inculcates, environmentally sound resource extraction practices among coastal communities.
- 7.0 Develop a research framework and installation of a Municipal Database for costal resources;
- 8.0 To develop Community-base Coastal Resource Management techniques fitted and suitable in the Barangay;
- 9.0 Undertake Community organizing and social preparation measures in implementing CRM Activities;
- 10.0 Provide Guidelines and procedures in identifying resource "hot spots" and areas with unique characteristics, unspoiled natural state, resources or requiring immediate protection to maintain economic, cultural, historical, social and ecological importance;
- 11.0 Provide a workable institutional arrangement to rationalize the authorities and activities of various government and non-government organizations involved in coastal management.

The Municipal Government shall coordinate with the Department of Education and the Technical Education and Skills Development Authority (TESDA) and any appropriate institution to undertake skills inventory of coastal barangays and implement a Municipal-wide Non Formal Education (NFE) and skills training program among the deserving members of the fishing households to enhance their employment potential in non-fishing but gainful occupation.

SECTION 56. ENVIRONMENTAL IMPACT ASSESSMENT. The Coastal zoning and Management plans shall be subjected to an Environmental Impact Assessment (EIA). The Sangguniang Bayan without an EIA shall not authorize appropriation of public funds for this purpose.

SECTION 57. PROVISION OF TENURIAL SECURITY OF MANAGEMENT RIGHTS. All Zones within the Municipal Waters or portion thereof shall be covered by applicable tenurial and/or management rights and the issuance thereof shall be in accordance with laws, provided, that the Municipal Mayor and concerned national Agencies shall provide adequate measures for the recognition of customary management use rights. Pursuant to Article XIII- Section 2 of the Philippine Constitution, the State through the component coastal cities and municipalities shall protect the rights subsistence fisherman, especially of local communities to the preferential use of communal marine and fishing resources, both inland and offshore. It shall also protect its marine wealth and exclusive economic zone, and reserve its use an enjoyment exclusively to Filipino citizens. Commercial Fishing in Municipal waters shall be governed by Section 18 of RA 8550. As such, the Municipal Government may through its Local Chief Executive and pursuant to an appropriate ordinance ban commercial fishing provided prior consultations thru public hearing with the MFARMC has been conducted.

SECTION 58. WATER QUALITY MONITORING. The Mayor through the Multi-Sectoral Water Resources Advisory Board as provided in Section 33 of this Code, shall monitor the quality of its waters in coastal zones.

SECTION 59. PROMOTION OF CONDUCTIVE POLICY AND COMPLEMENTARY MUNICIPAL-WIDE FISHERY ORDINANCE. The Mun. Mayor shall assist the Barangay Government in reviewing and systematizing the ordinances pertaining to the Coastal zone to identify the ordinances needed, reconcile conflicting provisions in the existing ordinances and attain rational complementation of ordinance among coastal Barangays, provided that the Mun. Mayor shall initiate measures toward the promulgation of a complementary Municipal-wide fishery ordinance in consideration of the fugitive nature of marine resources and trans-boundary character of the issues and problems on coastal resources management.

SECTION 60. PUBLIC BEACHES. The Municipal Mayor shall conduct an inventory of beach areas and in coordination with the DENR, set aside sites for public beach purposes.

SECTION 61. GATHERING, EXTRACTION, AND/OR REMOVAL OF BEACH SAND AND CORALS. The gathering, extraction, and/or removal of Beach resources, pebbles, sand and gravel, and boulders for whatever purpose is hereby prohibited except those expressly allowed by laws.

SECTION 62. COASTAL RESOURCES MANAGEMENT FUND. The Municipal Government shall allocate funds every year from its Internal Revenue allotment to support multi-year coastal management activities; provided, that such investments are in accordance with the duly validated and approved Municipal Coastal Resource Management Plans and Programs pursuant to Section 56, of this Code.

SECTION 63. FISHERY AND AQUATIC RESOURCES MANAGEMENT COUNCILS (FARMC). Pursuant to Presidential Executive No. 240, Series of 1995 and R.A. 8550 the Municipal Mayors shall adopt all measures for the purposes of organizing a Municipal-wide FARMC within one (1) year upon effectivity of the Bohol Environment Code of 1998, which shall be under the guidance of the JEMO pursuant to Section 114 of this code, to assume the responsibility of coordinating the enforcement of fishery laws, rules and regulations.

SECTION 64. ORGANIZATION. There is hereby created a Coastal Resources Management Section (CRMS) under the Office of the Mayor.

SECTION 65. FUNCTION OF THE CRM SECTION. The CRMS shall:

- a) Assist the Municipal Government in the formulation and implementation of their Municipal Coastal Resource Management Plans including the organization and federation of FARMC;
- b) Assist in the physical delineation and legislation of the boundaries of municipal waters;
- c) Provide technical, logistic and training support to concerned coastal resources management planning, monitoring, community organizing and law enforcement;
- d) Formulate incentive system to enforce coastal management policies to complement community-based incentives;
- e) Help Barangays formulate strategies which will enable communities manage their coastal resources;
- f) Review, modify or amend policies based on the lessons gained from the implementation of coastal resource management projects by local communities;
- g) Develop participatory and replicable strategies in planning for coastal management
- h) Integrate coastal management programs with other environmental programs;
- i) Assist Barangay Government set up a permitting system for use of resources within Municipal waters, including a rationalized revenue generation system;

- j) Through the One-Stop-Shop scheme provided under Section 109(h) of this Code, facilitate issuances of applicable tenorial instruments to qualified resources users or managers.

SECTION 66. PROHIBITED AND PUNISHABLE ACTS. The Sangguniang Bayan shall within one (1) year upon effectivity of this Code, develop model fishery and aquatic resources ordinance of the Barangays to enact appropriate ordinances within their jurisdiction for the purpose of defining the penalties and/or sanctions for acts in violation of the fishery provisions of this code, such as but not limited to the following:

- a) The gathering taking, or transporting of corals, giant clams, spawning fishes, and the capture of Dolphins, whales, sea turtles (pawikan), Manta Rays (Sanga), whale sharks (Balilan), mother Bangus (Awa), seahorses, starfishes and such other marine flora and fauna as identified in the Convention on International Trade and Endangered Species (CITES) of wild fauna and flora for commercial, educational, scientific research or private purposes shall be banned and therefore prohibited;
- b) The construction of tourist facilities directly in the water's edge where such would result to the loss or alteration of breeding and nursery grounds of fishes shall be prohibited.
- c) Conversion of wetlands into fish/prawn farms, and the extraction of freshwater in coastal areas that may result in the intrusion of saline water into the freshwater table shall be regulated through a system of permits issued by the local government chief executive having territorial jurisdiction thereto, subject to existing national laws, rules and regulations;
- d) The use of the following fishing gears or methods shall be banned and prohibited, air compressor, electric light shiners, sagiwsiw, baby trawl (likom-likom or palakaya) liba-liba or bulhotbulhot, beach seine and fishing through the use of poisonous substances and explosives.
- e) It shall be prohibited and punishable for any officer, member of crew or passenger of any ship, boat or sea craft of any kind coming to dispose, dump or throw away garbage or wastes at any part and waters within the territorial jurisdiction of the Municipality of Jagna, particularly within its Municipal Waters. Likewise, it shall be punishable under this code for owners, and masters of shipping companies who dispose or tolerate any personnel under his/her supervision and control to throw garbage and other wastes into the sea within the jurisdiction of the Municipality of Jagna.

ARTICLE VIII

AIR AND NOISE POLLUTION MANAGEMENT

SECTION 67. SCOPE OF POWERS. The powers or air and noise pollution control are vested on the Municipal Government, pursuant to Section 17(b)(3)(iii) and Section 17(b)(4), respectively and refer to enforcement of pollution control laws and other laws on the protection of the environment. Section 3.3. DENR Administrative Order No. 30, Series of 1992, also provides specific powers, as follows:

- a) Enforcement of the following pollution control and environmental laws, rules and regulations: (1) Issuance of Environmental Compliance Certificate (ECC) for project and businesses under Kalakalan 20 adjudication of cases involving complaints against business under Kalakala 20, and apprehension and testing of smoke belching vehicles and collection of appropriate fees and charges;
- b) Abatement of Noise and other forms of nuisances and
- c) Implementation of Cease and Desist Orders issued by the Pollution Adjudication Board.

SECTION 68. GOVENRING LAWS. The portion of this Code shall be governed by, but not limited to the following national laws:

- a) Republic Act No. 7160 (Local Government Code of 1991)
- b) Presidential Decree No. 1181 entitled "Providing for the Prevention, Control and Abatement of Air Pollution from motor vehicles and for other purposes.

SECTION 69. OPERATIVE PRINCIPLES. The Municipal Government recognizes that, unless appropriate proactive measures are in place, the Agro0industrial development of the Municipality will be associated with the production of increased amount of air and noise pollutants thereby in evitable threatening the health and well-being of the people of Jagna, particularly from the increased utilization of fossil fuels by automotive vehicles and industries. Pursuant to section 17, RA 7160, the Municipal Government reaffirms its authority to enforce laws and take over the testing and apprehension of smoke belching vehicles and abatement of noise and nuisance in accordance with laws.

SECTION 70. VEHICLE EMISSION CONTROL. The Mayor, in coordination with the Land Transportation Commission (LTC) and the DENR, shall establish a permitting system to ensure that the emission of vehicles and industries operating within the Municipality are in accordance with standards provided under Presidential Decree NO. 1181, entitled "Providing for the Prevention, Control, and Abatement of Air Pollution form Motor Vehicles and for other Purposes." If necessary, the Mayor shall allocate funds for the acquisition and maintenance of emission testing equipment.

SECTION 71. INDUSTRIAL POLLUTION CONTROL. The Mayor, in close coordination with the DENR, shall ensure that the industrial firms operating within the Municipality comply with the air quality standards, periodically test the emission of industrial firms, and establish adequate capability to respond positively to related citizen complaints on air and noise pollution.

SECTION 72. ZONING CLEARANCE AND BUILDING PERMITS. The Municipal Government shall be responsible in evaluating the noise generating potential of infrastructure projects as part of the processing of zoning clearance and building permits. All projects which generate potential noise and vibration levels contrary to ambient noise level standards established by the Department of health, shall be required to install sound proofing devices and eliminate vibration.

SECTION 73. AMBIENT AIR QUALITY AND NOISE LEVEL MONITORING. The Mayor, when necessary, in close collaboration with the DENR shall establish, operate and maintain noise and ambient air quality sampling and monitoring stations, the result of which shall be released to the public particularly to communities living near and around emission sources.

SECTION 74. INFORMATION AND EDUCATION. The Mayor shall implement a continuing program of education and information dissemination on air and noise pollution as an integral part of the pollution control policy of the Municipal Government.

SECTION 75. INDUSTRY GROUP. Pursuant to Section 32(e) of this code, the Multi-Sectoral Water Resources Advisory Board shall organize industries for the purpose of sharing air pollution reduction and noise abatement techniques, work as a group with government organizations on pollution and noise minimization and advice the Mayor on the policy requirements to promote clear air in the Municipality.

SECTION 76. ACTS PROHIBITED AND PUNISHABLE UNDER THIS CODE. Shall include but not limited to the following:

- a) Causing, permitting, suffering or allowing the emission of particulate matter from any source whatsoever, including but not limited to, vehicular movement, exportation of materials, construction, alteration, demolition or wrecking or industry related activities as loading, storing or handling without giving reasonable precautions to prevent the occurrence of such condition. Neither shall such person cause or permit the discharge of visible dust emissions beyond the boundary line of the property from which the emission originates;
- b) Storing, dumping, handling, processing unloading or using in any process or installation, volatile compounds or organic solvents without applying known vapor emission control devices or systems deemed necessary and approved and ordered by the Mayor and the appropriate national government agency;
- c) Operating plant or source at capacities that exceed the limit of operation or capability of a control device to maintain air emission within the standard limitation as provided under existing laws, rules and regulations;
- d) Building, erecting, installing or using any article, machines, equipments or other contrivance, the use of which will conceal emission which would otherwise constitute a violation of any of the provision of this Code;
- e) Any person intending to build, erect, install or later any chimney, from or through which air impurities maybe emitted, shall obtain a prior approval form the Mayor. This requirement shall not apply for a chimney serving a private residence;
- f) It shall be unlawful for any operator of a vehicle to allow it to discharge air pollutants at levels greater than acceptable concentration standard prescribed by DENR;
- g) Causing, allowing or permitting the discharge of air pollutants that cause or contribute to an objectionable odor;
- h) Building, erecting, constructing, installing or implanting any new source, operate, modify, or rebuild an existing source or by any means cause or undertake any activity, which would result ambient noise level higher than the ambient standards. Neither shall such person emit or cause to emit or suffer to be emitted noise greater in volume intensity or quality than the levels prescribed by the DENR for tolerable noise without first securing a clearance from the Municipal Mayor;
- i) Causing or permitting the creation of any unnecessary noise through the use of any device on any street adjacent to any hospital, schools or court of justice.

ARTICLE IX

ECOTOURISM

SECTION 77. SCOPE OF POWERS. In addition to the powers, duties and functions of the Municipal Mayors to adopt adequate measures to safeguard, and conserve land, mineral, marine, forest and other resources, as provided under Section 339*b)(9), 444(b)(3)(vii), 455(b)(3)(v), and 465(b)(3)(v), respectively, of R.A. 7160 the local government shall also provide the following Ecotourism services and facilities:

- a) Ecotourism facilities and other tourist attractions, including acquisition of equipment, regulation and supervision of business concessions, and security services for such facilities pursuant to Section 17(b)(2)(xi), RA 7160;

SECTION 78. GOVENRING LAWS. The provision of this portion of the code shall be governed by, but not limited to the following national laws:

- a) Article II, Section 16 and Article XII, Section 1 of the Constitution;

- b) Presidential Executive Order No. 120;
- c) EO 247 Series of 1995 entitled "Prescribing Guidelines and Establishing a regulatory framework for the prospecting of biological and genetic resources, their by-products and derivatives for scientific and commercial purposes, and for other purposes;

SECTION 79. OPERATIVE PRINCIPLES. Pursuant to Article II, Section 16 and Article XII, Section 1 of the Constitution and Presidential Executive Order No. 120, Local Government Units shall adopt Ecological Tourism as a major strategy for the conservation of biological diversity and preservation of the unique natural and cultural heritage of the Jagna-anons, creation of local employment opportunities and generation of Municipal Revenues. It shall be the priority of the Municipal Government to insure equitable distribution of benefits from the utilization of our heritage and as such, there is hereby established a system of Local Communities Entrepreneurship in the operation and management of Ecotourism sites.

SECTION 80. COMMUNITY-BASED ECOTOURISM. The Municipal Mayor and the Barangay Captains shall adopt adequate measures to ensure that local communities within ecotourism sites are not deprived of opportunities for gainful livelihood and generation of Barangay revenues. For this purpose, the Municipal Mayor and Barangay councils are hereby encouraged to enact appropriate legislations such as but not limited to, the regulation and control of the number and frequency of visitors, on-site pollution control measures, provision of proper visitor services, amenities and facilities, site protection, and law enforcement.

SECTION 81. AUTHORIZED AND UNAUTHORIZED SITES. In order to regulate the ecotourism industry in Jagna, protect heritage resources and site determination from adverse impacts, maintain favorable visitor services and facilities, and secure the well-being of local residents and visitors, the Mayor, In coordination with the concerned Barangay Captains, Department of Tourism. Department of Environment and Natural Resources, and other concerned national government agencies and instrumentalities, shall from time to determine, authorize and prescribe Ecotourism sites for visitation and/or development within one (1) year from effectivity of this code Therefore, access, visitation and/or development as the case maybe to any unauthorized sites shall be prohibited and penalized. The Mayor shall, in the same manner as ecotourism sites are determined, submit to the Sangguniang Bayan his legislative agenda for the purposes.

SECTION 82. ECOTOURISM PLAN REVIEW. Within one (1) year from effectivity of this Code, the Mun Mayor shall, together with concerned Barangay Captains, National Government Agencies, Non-Government Organization and private sector representatives, review the old or existing Municipal Ecotourism Development Plan for the following purposes:

- a) Prioritize Ecotourism zones and areas for development inconsideration of market potential, infrastructure investments requirement, economic viability, strategic position for tourism expansion, community participation and environmental rehabilitation advantage. Such prioritize zones shall be subject to the approval of the Mayor, who in turn shall issue the appropriate directive of the purpose.

- b) Determine the appropriate type of development and management for each of the prioritized areas. The community, private sector, local government or a combination of two or three entities operating in a corporate manner may manage the development. Such development prescription shall thereby issue the appropriate directive for the purpose; provided that prior consultation with the written endorsement of the concerned Barangay Chairman have been satisfactorily complied; provided further that in case the Ecotourism site extends in area coverage to other Barangay, the same shall be approved in writing by all Barangay Captains having jurisdiction of the area, subject to the written endorsement of the concerned Barangay chairman;
- c) Regulate and control the growth of ecotourism activities in the Municipality through the establishment of site-specific framework plan.

SECTION 83. PREPARATION OF ECOTOURISM FRAMEWORK PLAN. No ecotourism site shall be authorized for operation, development or visitation without the prior approval of the framework plan thereof by the concerned Municipal Mayor, provided that said plan shall be disapproved if and when the potential municipal revenues to be generated amounts to be less than ten (10%) percent over and above the total estimated Municipal Investments.

SECTION 84. INCENTIVES. The Mayor shall work with Barangay Captains in promulgating a range of tax and non-tax incentives to investors on ecotourism projects. Priority shall be given to those incentive structures for the development of authorized ecotourism sites that require sizeable investments in supportive infrastructure, services, and amenities.

SECTION 85. ENVIRONMENTAL STANDARDS. The Mayor shall issue the appropriate circulars establishing the environmental standards for ecotourism in accordance with law. The standard will take into consideration the following:

- a) Standard on water and air quality, noise, operating quality efficiency, and sanitation as established by the DENR, DOH, DOT and Municipal Government, respectively;
- b) Environmental Aspect critical to the sustainable operation of ecotourism projects such as waste management, energy and water conservation, maintenance of air quality and noise minimization, and the use of fossil fuels, polychlorinated biphenyl (PCB), pesticides and herbicides and hazardous materials;
- c) Measures that minimize the use of energy, water and on-site materials;
- d) Measures that minimize the generation of wastes, including reduction, reuse, and recycling of resources being used.

SECTION 86. SENSITIVE AREAS. The Mayor shall issue appropriate directives, circulars, and advisories for the purpose of regulating visitor behavior in environmentally and culturally sensitive areas, particularly native forest, caves, dive sites, mangrove areas, marine sanctuaries, ancestral houses, and other sites as determined by the Mayor from time to time.

SECTION 87. PROVISIONS FOR ACCREDITATION. The Mayor shall institute a system of accreditation of tourist guides, drivers, escorts, promoters, service providers, and coaches and conveyances, including a system of rules and regulations governing the issuance and renewal of licenses, and the related fees and charges therefore, for the purpose of establishing and maintaining a high degree of professionalism, quality service, and Boholano hospitality to visitors. After one (1) year from the effectivity of this Code, unaccredited and unlicensed guides, drivers, escorts, promoters, service providers, coaches and conveyances shall be subject to prosecution for violation of a Municipal Ordinance, which shall be recommended by the Mayor and enacted by the Sangguniang Bayan.

SECTION 88. MUNICIPAL TOURISM BOARD. The Mayor shall create a Municipal Tourism Board by recommending to the Sangguniang Bayan for a Municipal Resolution to this effect.

SECTION 89. FUNCTION OF THE MUNICIPAL TOURISM BOARD. The following are the functions of the Municipal Tourism Board:

- a) Coordinate ecotourism promotion, investments, and development activities in the Municipality;
- b) Establish ecotourism performance, development, accreditation, planning, investment, and environmental criteria and standards;
- c) Monitor compliance to ecotourism standards, laws and regulations;
- d) Recommend Ecotourism related legislative agenda to the Sangguniang Bayan;
- e) Submit regular quarterly written status report to the Sangguniang Bayan;

SECTION 90. ACTS PROHIBITED AND PUNISHABLE UNDER THIS CODE.

Shall include, but not limited to the following:

- a) Developing a stream, lake, shorelines for recreational or commercial purposes, without first securing a permit from the Local Government Chief Executives and the DENR in addition to Environmental Compliance Certificate (ECC) issued by the DENR in accordance with existing laws;

ARTICLE X

ENVIRONMENTAL IMPACT ASSESSMENT

SECTION 91. SCOPE OF POWERS. The implementation of environmental Impact Assessment by Local Government Units refers to the powers, duties and functions of the Municipal Mayors to adopt adequate measures to safeguard and conserve land, minerals, marine, forest and other resources as provided under Section 389(b)(9), 444(b)(3)(vii), 455 (b)(3)(v), and 465 (b)(3)(v), respectively. Likewise the power to enforce laws for the protection of the environment is provided in RA 7160, Section 179b)(3)(iii).

SECTION 92. GOVERNING LAWS. Pertinent laws governing Environmental Impact Assessment are:

- a) Presidential Decree 1152, entitled "Consolidating the Philippine Environment Code;
- b) RA 7160, otherwise known as the Local Government Code of 1991;
- c) Presidential Decree No. 1586 known as Environmental Impact Assessment System.

SECTION 93. OPERATIVE PRINCIPLES. The Municipal Government of Jagna recognizes the need for an effective instrument for ensuring environmental soundness of Agro-industrial and ecotourism projects by maintaining a rational and orderly balance between economic growth and community development in the Municipality and as such, hereby adopts the Environmental Impact Assessment (EIA) 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 Section 6(gg) of 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 method to clarify key issue and concerns, characterize the environmental setting of the project predict the impact of the project on the setting, and measure the social acceptability of the project.

The resulting EIA document will be reviewed by DENR EIA Review Committee and their comments will serve as basis in reviewing the application for an Environmental Compliance Certificate(ECC). The ECC may be granted under certain conditions and includes the implementation of an environmental management plan.

As a matter of Municipal Government policy and in order to validate the extent of social acceptability of the project as provided in DENR Administrative Order (DAO), 37, series of 1996, the Mayor shall fully exercise his powers to ensure that a public hearing shall be conducted for all projects defined under PD 1586, as condition precedent to ECC issuance.

- c) EIA Monitoring – There is hereby created a seven member multipartite EIA Monitoring Team, which shall be organized and headed by the Mayor or his duly authorized representative and whose permanent members include one representative each from the host Municipal government, DENR 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 specified basis.

SECTION 94. FUNCTIONS OF EIS MONITORING TEAM. The team shall monitor compliance of project Environment Management Plans, conditions set by the ECC and permits by DENR to the project, gather relevant information to determine cause of damage and respond to public complaints about the project, prepare, integrate and disseminate monitoring status reports, and undertake community information and education dissemination. Further, the team shall:

- a) Participate in scoping activities;
- b) Validate scoping sessions, as provided in Section 90 of this Code;
- c) Participate in the preparation of EIS document, Pursuant to Section 93 of this Code;
- d) Review the EIA and IEE documents as provided in Section 91 of this Code
- e) Participate in public consultation and hearing as provided in Section 92 of this Code;
- f) Participate in Law Enforcement as provided in Section 96 of this Code;
- g) Conduct regular inventory of establishments as provided in Section 94 of this Code;
- h) Submit written monthly status report to the Mayor.

SECTION 95. VALIDATION OF SCOPING SESSIONS. The Mun. Mayor through the EIA Monitoring Team as provided in Section 91 of this Code, shall review the documentation of the scoping session and as required by law, validate its authenticity the stakeholders who should be involved in the scoping sessions.

SECTION 96. PARTICIPATION IN THE PREPARATION OF EIS DOCUMENTS. The Mayor, through the EIA Monitoring Team as provided in Section 91(c) of this Code, shall participate in the preparation of the EIS document by identifying the potentially affected population, assessing the demand and needs of the affected population, providing the EIA prepares, articulating the potential impact which may affect public interest, and ensuring that the proposal project is consistent with the Municipal policies and plans.

SECTION 97. REVIEW OF EIA AND IEE. The Mayor, through the EIA Monitoring Team as provided in Section 91(d) of this Code, shall review all the EIA and IEE done n the municipality. Upon recommendation of the team, the Mayor may procure the services of experts to validate the findings of the study or conduct another EIA.

SECTION 98. PARTICIPATION IN THE PUBLIC CONSULTATION AND HEARING. The Mayor, through the EIA Monitoring Team as provided in SECTION 91 of this Code, shall attend public consultation and public hearing on the conduct of the EIA, be informed of new issues which arise and articulate the views and concerns of the Municipal Government.

SECTION 99. LAW ENFORCEMENT. The Mayor, through the EIA Monitoring Team as provided in Section 93 of this Code, and the DENR shall work together to enforce the law, including the closure of the establishment and projects and the prosecution of offenders.

SECTION 100. ENVENTORY OF ESTABLISHMENT. The Mayor, through the EIA Monitoring Team as provided in SECTION 91(9) of this Code, and he DENR shall conduct an annual inventory of existing establishments and projects within the Municipality to ascertain whether these have complied with IEE as required under this Code, and the EIA and ECC requirements as defined by law.

SECTION 101. IEE COMPLIANCE FOR PROJECTS NOT COVERED BY EIA SYSTEM. All projects defined under PD 1586 which are proposed to be undertaken in Jagna, including those not required by national law to secure ECC and therefore not covered by the EIA system, which shall subject to IEE in accordance with this provision; Provided, further that the Mayor shall also submit his proposed measures for legislative enactment to the Sangguniang Bayan including recommendation for sanctions, penalties, and/or charges for violation of this provision, within nine (9) months upon effectivity of this Code.

SECTION 102. ENVIRONMENTENVIRONMENTALLY CRITICAL AREAS. Within nine (9) months upon effectivity of this Code, the Mayor, In close collaboration 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.

SECTION 103. TRAINING. The members of the EIA Monitoring Team shall be required to undergo training on the different aspect of monitoring work as prescribed by law.

SECTION 104. ENVIRONMENTAL QUARANTEE FUND. The Mayor, through the EIA Monitoring Team as provided in Section 91 of this Code, shall participate in the negotiation and review of the Memorandum of Agreement (MOA) between the Project Developer and concerned parties as prescribed by law for the establishment of an Environmental Guarantee Fund (EGF) for projects creating significant public risk.

ARTICLE XI

LAND USE PLANNING

SECTION 105. SCOPE OF POWER. In addition to the powers, duties and function of the Municipal Mayor, to adopt adequate measures to safeguard and conserve lands, mineral, marine, forestland other resources, as provided under RA 7160, Section 389(b)(9), 444(b)(3)(vii), in Sections 447(b)(2)(vii to ix), 458(a)(2)(vii to ix), and 467(a)(2)(vii), RA 7160 for the Sangguniang Bayan, Sangguniang Panlungsod, and Sangguniang Panlalawigan, respectively.

The provisions contained herein present the extent to which provincial Government can influence the preparation of Municipal Comprehensive Land Use Plans (CLUP) at the Provincial and Municipal Levels.

SECTION 106. GOVERNING LAWS. The legal basis for undertaking the preparation of CLUPs at the Provincial, City and Municipal levels stems primarily from the specific provisions of the following national laws:

- a) R.A. 7160, the Local Government Code of 1991;
- b) Executive Order No. 72, series of 1993 which reaffirms the specific provision of RA 7160 on the need of LGUs to prepare the CLUPs and prescribed the review and approval process therefore;
- c) Proclamation No. 2146, which declares certain areas and types of projects as environmentally critical and therefore within the scope of the environmental impact statement system established under Presidential Decree 1586;

SECTION 107. OPERATIVE PRINCIPLES. It is hereby required that the preparation of CLUPs shall, as far as practicable, utilize watershed planning approaches. IN order to arrest further degradation of environmental and natural resources in the Municipality, the Mayor and Barangay Captains of Jagna shall formulate their CLUPs on the basis of compatibilities between land capabilities and land uses. In particular, land classes shall be allocated for specific land use guidelines formulated thereby, primarily on the basis of land conservation, constraints but not on the basis of their productivity or non-productivity in order to prevent or minimize the recurrence and adverse effect of, among others:

- a) Soil erosion, siltation and sedimentation and destruction of critical habitats;
- b) Reduction or less of productivity of agricultural lands;
- c) Destruction of Municipal Fishery grounds and decline in fish catches per capita;
- d) Unauthorized appropriation of riverbanks and public easements for residential, commercial and industrial uses; and Destruction of Natural heritage assets due to mining and quarrying activities in authorized areas.

SECTION 108. BASIC POLICIES. In consideration of the provisions of (a) Republic Act 7586, or NIPAS Act of 1992, (b) the need to improve the forest cover, and (c) the conservation of mangroves forest and coastal areas of the Municipalities, the Mayor shall issue CLUPs the corresponding forest and coastal land use plans, including municipal waters, for the management of productivity of Municipal Waters and Coastal Zones, and protected areas for the production of water, conservation of wildlife, provision of livelihood opportunities, conservation of biological diversity and natural heritage areas, and maintenance of forest cover, respectively. As such, the Mayor shall actively engage the cooperation of the DENR in the preparation of CLUP.

SECTION 109. CLUP FORMULATION. Henceforth, the preparation and formulation of comprehensive Land use Plan shall be undertaken with the full participation of community residents. To achieve this end, No CLUP whatsoever shall be given due course by the Sangguniang Panlalawigan unless such plans are endorsed in writing through a Resolution of each Barangay Council and Municipal Development Council of the Municipality before being acted upon by the concerned Sangguniang Bayan. The Mayor, upon recommendation of Municipal Planning and Development Coordinator (MPDC), shall include a budget request in the Annual Investment Plan as may deemed necessary for the provision of technical Assistance to Barangay in order to accomplish this provision of the Code.

SECTION 110. COMPATIBILITY OF PROVINCIAL AND MUNICIPAL LAND USE PLAN. The Mayor, upon recommendation of the Municipal Planning and Development Coordinator and the Bohol Environmental Management Officer shall issue pertinent guidelines for the purpose of rationalizing provincial and Municipal Land Use Plans.

ARTICLE XII

ORGANIZATION

SECTION 111. CREATION OF THE JAGNA ENVIRONMENT MANAGEMENT OFFICE (JEMO). For the purpose of implementing the provisions of this Code and pursuant to Section 463 and 484, RA 7160, the Coastal, mineral, forestry and water resources management, solid and liquid wastes management, air and noise pollution control, environmental impact assessment, and ecotourism functions of the various offices and departments under the office of the Municipal Mayor, including applicable appropriations, records, equipments, property, and such personnel as maybe necessary are hereby merged into a single office to be known as the Jagna Environmental Management Office herein, referred to as the "JEMO".

SECTION 112. JURISDICTION OF JEMO. The JEMO shall have jurisdiction and authority over all environmental and natural resources in the Municipality, subject to the provisions of RA 7160 and all other applicable national laws, rules and regulations.

Pursuant to Section 16, R.A. 7160 and insuring sustainable development and the proceedings of the Bohol Environmental Summit of 1997 are pursued, the Municipality shall share responsibility with the Department of Environment and Natural Resources and other cognizant national government agencies for the effective protection, development, management, rehabilitation, and conservation of environment and natural resources in the Municipality, the regulation and supervision of the operation of licenses, lessees and permittees for the taking or use of natural resources; the implementation of local government driven coastal, forest, mineral, ecotourism, and water resources management, including waste management and the control of air and noise pollution; and enforcement of

environment and natural resources laws, rules and regulations; and perform the functions prescribed in Section 484, RA 7160.

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Specifically, the JEMO shall undertake the following:

- a) *Organizational Development.* Assist Barangay Governments, including environmental organizations, through the provisions of technical assistance such as, but not limited to, development of environmental management organizational capability, participatory formulation of environmental programs, mobilization of local and external pool of environmental specialist, and guidance in the formulation and implementation of environmental laws.
- b) *Program Development.* Develop a multi-year environment management framework plan for the promotion of local government-driven community based on livelihood-oriented initiatives, particularly in tree enterprises, watershed management, ecotourism, coastal resources management, solid waste management and participatory land use planning.
- c) *Linkaging-* Establish an operational internal and external linkages and networking system that will maintain and expand local government –driven environmental initiatives;
- d) *Show casing.* –Develop and implement environmental programs through the promotion of best as of the moment methods, processes, and approaches by establishing showcase, within the Municipality for LGUs to adopt in their respective jurisdiction;
- e) *Fund Sourcing* – establish linkages with national and international institutions for purposes of fund sourcing network building, research and information/data generation;
- f) *Policy Advocacy-* Organize a network of lobby/advocacy groups by maintaining municipal networks of environmental organizations;
- g) *Management Review.* –Facilitate and coordinate the holding of Municipal Environmental Summit to be held in June and July of each year where a cross section of the Jagna-anon community will resolve issues with regards to natural resources utilization and management;
- h) *One-Stop-Shop.* Install a one-stop-shop and quick response desk that will be manned by an interdisciplinary, interagency and multi-sectoral team whose task will be to facilitate calls for fact finding missions, monitoring and investigation of controversial issues in the Municipality;
- i) *LGU clustering* - Encourage Barangays to group themselves into clusters to address common concern, such as law enforcement in Municipal water, protection of river systems, watershed management, and pollution control, as stipulated in Section 3(f), RA 7160;
- j) *IRR.* Recommend to the Mayor implementing rules and regulations (IRR) in the Jagna Environment Management Code
- k) *Perform such other Acts that are necessary to carry out its functions.*

SECTION 113. DEPARTMENT HEAD. The JEMO shall be headed by a Department Head who shall be appointed by the Mayor. No person shall be appointed JEM Officer unless he/she is natural born citizen of the Philippines, a resident of Jagna, of good moral character, a holder of a college degree preferably an environment forestry, agricultural or any related course form a recognized college or university, at least five (5) years experience in environmental management or related fields, and a first grade civil service eligible or its equivalent.

Department Head shall receive a minimum monthly compensation of corresponding to Salary Grade _____ prescribed under RA.6758 and the implementing guidelines issued pursuant thereto.

SECTION 114. SUPERVISION AND CONTROL. The JEMO shall be under the direct supervision and control of the Municipal Mayor of Jagna.

SECTION 115. REVIEW. All actions and decisions of the JEM Officer are subject to review, motu proprio, or upon appeal of any person aggrieved thereby, by the Mayor whose decision shall be final and executory after the lapse of thirty (30) calendar days from receipt of the aggrieved of said decision.

SECTION 116. REGULATIONS. The Mayor, in consultation with the Sangguniang Bayan and upon the recommendation of the JEM Officer shall promulgate the rules and regulations necessary to implement effectively the provisions of this Code.

SECTION 117. CREATING OF FUNCTIONAL DIVISION (JEMD). For the effective implementation of this Program of the JEMO, the following sections are hereby created:

<u>DIVISIONS</u>	<u>SECTIONS</u>
1. Administrative Services	
2. Ecotourism Management	
3. Natural Resources Management	a) Coastal/Water Resources Management b) Forest Resources Management c) Mineral Resources Management
4. Water Management and Pollution Control	a) Water management b) Air and Noise Pollution Control

The Mayor may, upon recommendation of the Department Head, recognize or create divisions or other sections or units as may be deemed necessary and appoint the personnel thereto.

SECTION 118. JAGNA SUSTAINABLE DEVELOPMENT COUNCIL (JSDC). There is hereby created the Jagna Sustainable Development Council, herein referred to as the Council, which shall establish policies guidelines and recommend policy reforms to the Sangguniang Bayan Committee on Environmental protection, tourism, Investments, Agriculture, Engineering, and Public Works, Department Heads of Offices under the Office of the Mayor, representative of Provincial Government –accredited environmental organizations; the Provincial Heads of Departments of Environment and Natural Resources, Agriculture, Agrarian Reform, Health, Tourism, Public Works and Highways, ABC President, SK President, Student Councils, Senior Citizen; Church Organization; Farmers and Fisherfolks, as permanent members which shall be appointed by the Mayor, provided, that gender parity shall be applied in the selection of members. The Mayor may appoint additional members.

A full council meeting shall be convened by the Mayor at least twice a year or upon request of majority of the members. The Council may adopt other mechanism such as the formation of an Executive Committee or other technical working group as it deem necessary. The Jagna Environmental Management Office (JEMO) shall serve as full time secretariat of the council.

ARTICLE XIII

PENALTIES AND MISCELLANEOUS PROVISIONS

SECTION 119. ALL VIOLATIONS OF ALL SECTIONS ON PROHIBITIVE ACTS ON ALL KINDS OF RESOURCES, FOREST, MINERAL, WATER INTEGRATED WASTE MANAGEMENT, COASTAL AND MARINE RESOURCES, AIR AND NOISE POLLUTION MANAGEMENT, ECOTOURISM AND ALL SECTIONS WITH PROHIBITED ACTS.

All persons, personal or juridical committed an act in violation in the utilization of all sections, Articles, Chapters, with prohibitive Acts of this code shall imposed a fine of not less than P 2,000.00 or not more than P 2,500.00 or an imprisonment of not less than two (2) months but not more than (3) months or both depending on the discretion of an competent court

However, this penalty provisions shall be subject to amendment/modification with the penalty sanctions of the Bohol Environment Code which will be finalized for a unified ordinances for the Municipal Level.

SECTION 120. THE PENALTY PROVIDED IN THIS CODE SHALL BE IN ADDITION TO THE PENALTY THAT MAY BE PROVIDED BY ANY OTHER LAW OR ORDINANCES, Provided However, that the prosecution on law enforcer shall charge the offender or violator with the law providing a heavier penalty in case it appears that a single act is punishable by two or more laws, ordinance and provisions thereof with different penalties or in case filing more than two charges may amount to double jeopardy.

SECTION 121. REPEALING CLAUSE. All Ordinances, Resolution, circulars, Memorandum or Rules and Regulations inconsistent with the provisions of this code are hereby repealed and modified accordingly.

SECTION 122. SEPARABILTIY CLAUSE. If, for any reason or reasons, any part of this provision or provisions of this Code shall be held unconstitutional or invalid, other parts hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 123. EFFECTIVITY CLAUSE. This Code shall take effect immediately upon approval.

ENACTED. May 3, 2005

AFFIRMATIVE:

SGD. JESUS B. ACEDILLO
Municipal Councilor

SGD. VICTORINO M. NAYGA, SR.
Municipal Councilor

SGD. PACHECO LL. RANCES
Municipal Councilor

SGD. GODOFREDO P. OKIT, SR.
Municipal Councilor

SGD. ALBERTO Y. CAFÉ
Municipal Councilor

SGD. SENEN C. LLOREN
Municipal Councilor

SGD. ALFONSO R. GALES, SR.
Municipal Councilor

SGD. ANDREW G. TADENA
Municipal Councilor (ABC Pres.)

SGD. DEXTER LITO N. RANIS
Municipal Councilor (SKMF Vice Pres.)

NEGATIVE: N O N E

ON LEAVE: ENGR. TEOFSITO C. PAGAR, SR. Municipal Vice Mayor

CERTIFIED CORRECT:

SGD. RENATO R. ACERA
MGDH I/SB Secretary

ATTESTED AND CERTIFIED
TO BE DULY ADOPTED:

NOTED:

SGD. BONIFACIO GO VIRTUDES, SR.
Presiding

SGD. ENGR. TEOFISTO C. PAGAR, SR.
Municipal Vice Mayor

APPROVED: May 30, 2005
Date Signed

SGD. HON. EXUPERIO C. LLOREN
Municipal Mayor