

Republic of the Philippines  
Province of Zamboanga del Sur  
MUNICIPALITY OF BAYOG  
-7011-  
OFFICE OF THE SANGGUNIANG BAYAN

**MUNICIPAL ORDINANCE NO. 13-191-16**  
**AN ORDINANCE ENACTING THE MUNICIPAL ENVIRONMENT CODE  
OF BAYOG, ZAMBOANGA DEL SUR**

**WHEREAS**, presented for consideration before the Sangguniang Bayan is the Municipal Environment Code of Bayog, Zamboanga del Sur;

**WHEREAS**, Section 16 of RA 7160 known as the General Welfare Clause explicitly provides that every local government units shall exercise the powers expressly granted, those necessarily implied therefrom for its efficient and effective governance, and shall ensure and support, among other things, the preservation and enrichment of culture, promote health and safety and enhance the rights of the people to a balanced ecology;

**WHEREAS**, this august Body believes that environmental management is one of the fundamental keys towards the attainment of socio-economic progress in every locality;

**WHEREAS**, the enactment of this Code is a timely call to all to manifest a serious and sincere concern for our environment;

***NOW, THEREFORE, BE IT ENACTED BY THE 13<sup>TH</sup> SANGGUNIANG BAYAN ON ITS 6<sup>TH</sup> REGULAR SESSION ASSEMBLED THAT:***

**CHAPTER I BASIC POLICIES**

**Article I. GENERAL PROVISIONS**

SECTION 1. **Title and Scope**. This Code shall be known as the “Municipal Environment Code of Bayog, Zamboanga del Sur”. It covers all general and administrative ordinances and resolutions enacted over the years by the Sangguniang Bayan and approved by the local chief executive including provisions from executive orders and new policies, which are relevant to the protection, conservation, utilization and management of the environment as well as provisions from national environmental laws upon which implementation is devolved to the local government units.

SECTION 2. **Statement of Purpose**. The purpose of the Code is to protect, conserve, utilize and manage the environment by integrating, planning, implementing,

monitoring and evaluating programs, projects and activities on local environmental management.

SECTION 3. **Form and Style**. The provisions of this Code preserve the context of legal documents when they were passed, while other provisions have been rewritten for the purpose of consolidation or simplified for the sake of clarity and style. There are new provisions included in this Code.

SECTION 4. **Reference to Code**. Whenever reference is made to any portion of the Code, the reference applies to all amendments and additions now or hereafter.

SECTION 5. **Relation of Code to Prior Ordinances**. Some of the provisions of this Code which bear substantially the same subject matter as the ordinances included in the codification shall be construed as restatement, continuations and amendments and not as new enactments. The rest of the provisions shall, otherwise, be regarded as new enactments.

SECTION 6. **Conflict within Different Sections**. Should the provisions of the different sections in this Code conflict or contravene with one another, the provision, with the highest penalty clause shall govern.

SECTION 7. **Existing Rights**. No action or proceeding intended before this Code takes effect, and no right accrued shall be affected by this Code and procedures thereafter taken shall conform to the provisions of this Code insofar as possible. The chapter and section headings do not in any manner affect the scope, meaning, or intent of the provisions of this Code.

SECTION 8. **Rules in Interpreting the Code**.

- 1) **General Rule**. All words and phrases shall be constructed and understood according to the common and approved usage of the language; but technical words and phrases and such others that may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to the peculiar and appropriate meaning.
- 2) **Person**. The word "person" shall extend and be applied to natural and juridical persons such as firms, corporations, or voluntary association, unless plainly inapplicable.
- 3) **Tenses**. The use of any verb in the present tense shall include the future when applicable.
- 4) **Shall Have Been**. The words "shall have been" include past and future cases.

- 5) **Shall.** “Shall” is mandatory.
- 6) **May.** “May” is permissive.
- 7) **Reasonable Time or Notice.** In all cases where any provision of this Code shall require any act to be done in a reasonable notice to be given, that reasonable time or notice shall mean such time only as maybe necessary for the prompt performance of the duty, or compliance with the notice.
- 8) **Computation of Time.** When the Code refers to a day that means a working day for government offices beginning from 8:00 in the morning up to 5:00 in the afternoon. A month consists of 30 days except when the particular month is mentioned where the number of days within the month shall be basis of counting time.

In computing any period of time, the day of the act or event from which the designated period of time begins to run is to be excluded. If the last day of the period, as thus computed, falls on a Saturday, a Sunday, or a legal holiday in the Municipality, the time shall not run until the next working day. (Adopted from Rule 22, Section I, Supreme Court Rule of Civil Procedure).

#### SECTION 9. Specific Aspects:

1. **Commitment.** The Municipality hereby commits to effectively and efficiently implement this Code and in support thereof, to make available adequate human resources, funding, equipment, machineries and other resources.
2. **Basic Principles.** The Principles involved hereon are the following:
  - a) **Integration.** This is characterized by comprehensive scope, coherent and consistent strategies and cost-effectiveness of results of the policy-making and implementation process to be undertaken. Integration is the principle behind the mandate for the Municipality to implement and translate into its development initiatives the national policies, plans and programs.
  - b) **Interdisciplinary.** This refers to the recognition of the need to a diverse field of knowledge to include natural, social, and engineering sciences aside from available traditional knowledge.
  - c) **Precautionary Principle.** Where the Municipal Government will take immediate preventive action, using the best available knowledge, in situations where there is reason that something is causing a potentially

severe or irreparable environmental harm, even in the absence of conclusive scientific evidence establishing a causal link. This principle also applies in the formulation of predictive policies in Local Environment Management.

- d) ***Polluter Pay Principle.*** Polluters assume the costs of pollution upon the community and the environment.
- e) ***Intergenerational Equity.*** This means ensuring equal access to goods and resources for people in the present and future generations.
- f) ***Public Participation.*** The general public shall have appropriate access to information held by public authorities and shall participate in the decision making process. This is necessary for stakeholders to gain a sense of ownership of the issues sought to be addressed, and of the interventions and solutions, which are decided upon and ultimately empower communities without using the coercive power of the State.

SECTION 10. **Environmental Assessment Policies.** The Municipality of Bayog hereby adopts policies that will promote the environment-friendly activities of business, industry, and settlements in the urban areas and suburbs as far as infrastructure and social services are concerned. It should be ascertained that any proposed/existing project needing the approval of the Municipal Government requiring the issuance of a permit would not cause significant negative environmental impact on the physical, biological, and socio-economic environment. The MENRO shall conduct a yearly inspection of business sites and premises to monitor their compliance. The conduct of an inspection with or without due notice and shall be provided access/entry whenever it deemed necessary especially in the course of determining pollution source with or without a complaint. Should there be findings of the degradation, destructions or violations of the environment, appropriate and immediate actions shall be instituted to mitigate or control the effects of such environmental degradation and the full force of the law shall be applied to the violators.

SECTION 11. **Annual Environmental Assessments.** The operations, premises facilities and systems of all industrial, manufacturing and similar business establishments shall be subject to an annual environmental assessment (Environmental Compliance Monitoring Activity) which shall be conducted by the Municipal Environment and Natural Resources Office (MENRO) other than those periodically conducted by the Department of Environment and Natural Resources (DENR), the Philippine Economic Zone Authority and all other environmental authorities.

SECTION 12. **Environmental and Other Requirements.** Environmental Impact Assessment or Statement shall be required only from those industries and major construction development activities as determined by Housing Land Use Regulatory Board (HLURB). The Municipal Environment and Natural Resources Officer shall require Environmental Compliance Certificate or a Certificate of Non

Coverage, Discharge Permit, Permit to operate and all other pertinent permits and may impose additional requirements to development/business permit applicants depending on the scale of proposed/existing business operation and its corresponding environmental aspects and impacts.

SECTION 13. **Basis for Action.** Considering the extent and complexity of environmental initiatives, the following local and international policy measurements and action programs are hereby considered to ensure an efficient, equitable and sustainable allocation, utilization, management and development of the municipality's environment natural resources, to wit:

- 1) **The Constitution of the Philippines.** The Constitution provides that: Article II, Section 16 "The State shall protect and advance the right of the people to a balanced and healthful ecology in accordance with the rhythm and harmony of nature".
- 2) **Section 16 of R.A. 7160 otherwise known as the Local Government Code of 1991.** The LGU shall promote health and safety, and enhance the right of the people to a balanced ecology and preserve the comfort and convenience of their inhabitants.
- 3) **Section 17 (2, vi) of R.A. 7160.** The LGUs shall exercise powers and discharge functions and responsibilities for the efficient and effective provision of the basic services and facilities, which include solid waste disposal system or environmental management system and services or facilities related to general hygiene and sanitation.
- 4) **Section 444 (3) vii of R.A. 7160.** Municipal Mayor to act as Ecology Protector by adopting adequate measures to safeguard and conserve land, mineral, marine forest and other resources of the Municipality.
- 5) **Sections 443(b) and 484 of R.A. 7160** provides for the appointment of an Environment and Natural Resources Officer (although optional) for the municipality, whose tasks include, among others, the formulation of measures and provision of technical assistance to the Mayor in carrying out measures to ensure the delivery of basic services and provisions of adequate facilities relative to environment and natural resources services, and develop plans and strategies and implement the same, particularly those which have to do with environment and natural resource programs which the governor or the mayor is empowered to implement.
- 6) **Section 458 (a)(1)(vi), R.A. 7160,** directs the Sangguniang Bayan to enact ordinances that will "protect the environment and impose the appropriate penalties for acts which endanger the environment and impose the appropriate penalties, such as dynamite fishing and other forms of destructive fishing, illegal logging and smuggling of logs, smuggling of natural resources products and of endangered species of flora and fauna, slash and burn farming, and such other

activities which result in pollution, acceleration of eutrophication of rivers and lakes or of ecological imbalance”.

- 7) **National Integrated Protected Areas System (NIPAS) Law (R.A. 7586)**. This shall encompass outstanding remarkable areas and biologically important public lands that are habitats of rare and endangered species of plants and animals, bio-geographic zones and related ecosystems, whether terrestrial, wetland or marine, all of which shall be designated as protected areas.
- 8) **Toxic and Hazardous Wastes Act, (R.A. 6969)**. The State shall regulate, restrict or prohibit the importation, manufacture, processing, sale, distribution, use and disposal of chemical substances and mixtures that present unreasonable risk and/or injury to health or the environment; to prohibit the entry, even in transit, of hazardous and nuclear wastes and their disposal into the Philippine territorial limits for whatever purpose; and to provide advancement and facilitate research and studies on toxic chemicals.
- 9) **Clean Air Act of 1999 (R.A. 8749) which states that:** The State shall promote and protect the global environment to attain sustainable development while recognizing the primary responsibility of local government units to deal with environmental problems. The State recognizes that the responsibility of cleaning the habitat and environment is primarily area-based. Finally, the State recognizes that the clean and healthy environment is for the good of all and should therefore, be the concern of all.
- 10) **The Ecological Solid Waste Management Act of 2000 (R.A. 9003)**, which declares the policy of the State to adopt a systematic, comprehensive and ecological solid waste management program.
- 11) **Clean Water Act (R.A. 9275)**, which provides for a comprehensive water quality management and for other purposes and pursue a policy of economic growth in a manner consistent with the protection, preservation and revival of the quality of our fresh, brackish and marine waters.
- 12) **National Water Crisis Act (R.A. 8041)**, which declares policy to adopt urgent and effective measures to address the nationwide water crisis which adversely allocate the health and well-being of the population, food production and industrialization process.
- 13) **R.A. 3571**, which prohibits the cutting, destroying or injuring of planted or growing trees, flowering plants and shrubs or plants of scenic value along public roads, in plazas, parks and school premises or in any other public ground.
- 14) **Meat Inspection Code of the Philippines (R.A. 9296)**, which strengthens the meat inspection system in the country.

- 15) Philippine Environment Code (P.D. 1152)
- 16) **Code on Sanitation of the Philippines (P.D. 856)** with relevant provisions on Chapter XX: "Pollution of the Environment"
- 17) **Rio de Janeiro Declaration (U.N. Conference of Environment and Development) Local Authorities Initiatives in Support of Agenda 21.** Local authorities shall construct operate and maintain economic and social environmental infrastructures, oversee planning processes, establish local environmental policies and regulations and assist in implementing national and sub-national environmental policies. As the local government is close to the people, it plays a pivotal role in educating and mobilizing them to promote sustainable development.

## **Article II DEFINITION OF TERMS**

SECTION 14. **Terms Used in Land Resources Management.** The following terms are conceptually and or operationally defined as follows:

1. **Agricultural Lands-** lands of public domain which are neither forest, nor mineral lands and national parks and primarily used for farming or production of crops, livestock or poultry.
2. **Alienation, Disposition or Concession-** any of the modes authorized by the Land Code of the Philippines for the acquisition, lease or use of the lands of the public domain other than forests, mineral lands or national parks.
3. **Buffer Zones-** identified areas outside the boundaries of and immediately adjacent to designated protected areas that need special development control in order to avoid or minimize harm to the protected area.
4. **Clean and Green Campaign-** deals with the massive cleaning of the municipality and the planting and maintenance of trees as well as intensive beautification drive in consonance with the national government's goals and objectives.
5. **Commercial Lands-** portion of alienable and disposable lands of the public domain classified as sustainable and intended for trading of goods and services by competent authority.
6. **Cover Crop Planting-** process of conditioning denuded areas which are highly cogonal or rocky by planting erodible calopognium, stylosanthes, desmodium, lablab, bean, psophocarpus, patani, or by planting suitable non-legumes such as morning glory vine, wild sunflower and kikuyu grass, in order to improve soil fertility, organic matter, and water holding capacity prior to or concurrent with the planting of trees and other perennials in such areas.

7. **Farm Lands**- lands intended for or actually devoted to the production of food, including plantations, except fishponds and other adjoining bodies of water.
8. **Industrial Lands**- public lands within the zone established by the Municipality for the manufacture and production of large quantities of goods and commodities.
9. **Land Classification**- assessment, appraisal, and determination of land potentials, which include survey and classification of land resource and the study and mapping of the soil.
10. **Land Reclassification**- subsequent classification, allocation, and disposition of alienable and disposable lands of the public domain into specific uses.
11. **Land Resource** – all terrestrial, subterranean, and all geological features and land masses of the public domain and private domain of the State, within the respective geographical jurisdiction of the Municipality, including all flora and fauna, minerals and aquatic resources that dwell or exist upon it.
12. **Land Use Planning** – act of defining the allocation, utilization, development and management of all lands within a given territory or jurisdiction according to the inherent qualities of the land itself and supportive of economic, demographic, socio-cultural and environmental objectives as in decision-making and legislation.
13. **Population, Resources and Environmental Balance** – a condition where there is a harmonious interaction between and among population, resources and environment towards sustainable development. This means that population factors such as size growth, age-sex structure, distribution, as well as their activities do not compromise the replenishment and conservation of resources and the preservation of the environment and vice versa.
14. **Population and Development Planning Approach** – the development of a mind-set to look at all important socio-economic and demographic interrelationships in formulating, implementing, monitoring and evaluating plans and programs.
15. **Protected Areas** – identified portions of land and water set aside by reason of their unique physical and biological significance, managed to enhance biodiversity and protected against destructive human exploitation.



16. **Public Domain** – lands which belong to the State, province and municipality in its proprietary capacity.
17. **Residential Lands** – public lands intended to or devoted to the construction and establishment of dwellings.
18. **Zoning** – refers to the delineation or division of a Municipality into a functional zone where only specific land uses are allowed. It directs and regulates the use of all in the community in accordance with an approved or adopted land use plan for the municipality. It regulates land uses and prescribes limitations on structures and infrastructures thereon.
19. **Zoning Ordinance** – an ordinance which classifies, delineates, defines, and designates different land uses in the municipality, requiring fees and imposing penalties.

SECTION 15. **Terms Used in Solid Waste Management.** The following terms are conceptually and or operationally defined as follows:

1. ***Agricultural waste*** shall refer to waste generated from planting or harvesting of crops, trimming or pruning of plants and wastes or run-off materials from farms or fields;
2. ***Bulky wastes*** shall refer to waste materials which cannot be appropriately placed in separate containers because of either its bulky size, shape or other physical attributes. These include large worn-out or broken household, commercial, and industrial items such as furniture, lamps, bookcases, filing cabinets, and other similar items;
3. ***Buy-back center*** shall refer to a recycling center that purchases or otherwise accepts recyclable materials from the public for the purpose of recycling such materials;
4. ***Collection*** shall refer to the act of removing solid waste from the source or from a communal storage point;
5. ***Composting*** shall refer to the controlled decomposition of organic matter by micro-organisms, mainly bacteria and fungi, into a humus-like product;
6. ***Controlled dump*** shall refer to a disposal site at which solid waste is deposited in accordance with the minimum prescribed standards of site operation;
7. ***Disposal*** shall refer to the discharge, deposit, dumping, spilling, leaking or placing of any solid waste into or in any land;

8. **Disposal site** shall refer to a site where solid waste is finally discharged and deposited;
9. **Ecological solid waste management** shall refer to the systematic administration of activities which provide for segregation at source, segregated transportation, storage, transfer, processing, treatment, and disposal of solid waste and all other waste management activities which do not harm the environment;
10. **Hazardous waste** shall refer to solid waste or combination of solid waste which because of its quantity, concentration, or physical, chemical or infectious characteristics may:
  - a) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or
  - b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed;
11. **Leachate** shall refer to the liquid produced when waste undergo decomposition, and when water percolate through solid waste undergoing decomposition. It is a contaminated liquid that contains dissolved and suspended materials;
12. **Materials recovery facility** – includes a solid waste transfer station or sorting station, drop-off center, a composting facility, and a recycling facility;
13. **Municipal waste** shall refer to wastes produced from activities within local government units which include a combination of domestic, commercial, institutional and industrial wastes and street litters;
14. **Non-Biodegradable Objects** – anything that is not capable of decaying and not absorbed by the environment such as cellophane, plastics, rubber, metal and the likes.
15. **Open dump** shall refer to a disposal area wherein the solid wastes are indiscriminately thrown or disposed of without due planning and consideration for environmental and health standards;
16. **Receptacles** shall refer to individual containers used for the source separation and the collection of recyclable materials;
17. **Recyclable material** shall refer to any waste material retrieved from the waste stream and free from contamination that can still be converted into suitable beneficial use or for other purposes, including, but not limited to, newspaper,

ferrous scrap metal, non-ferrous scrap metal, used oil, corrugated cardboard, aluminum, glass, office paper, tin cans and other materials;

18. **Recycling** shall refer to the treating of used or waste materials through a process of making them suitable for beneficial use and for other purposes, and includes any process by which solid waste materials are transformed into new products in such a manner that the original products may lose their identity, and which may be used as raw materials for the production of other goods or services: Provided, That the collection, segregation and re-use of previously used packaging material shall be deemed recycling;
19. **Sanitary landfill** shall refer to a waste disposal site designed, constructed, operated and maintained in a manner that exerts engineering control over significant potential environmental impacts arising from the development and operation of the facility;
20. **Segregation at source** shall refer to a solid waste management practice of separating, at the point of origin, different materials found in solid waste in order to promote recycling and re-use of resources and to reduce the volume of waste for collection and disposal;
21. **Solid waste** shall refer to all discarded household, commercial waste, non-hazardous institutional and industrial waste, street sweepings, construction debris, agriculture waste, and other non-hazardous/non-toxic solid waste.
22. **Solid waste management facility** shall refer to any resource recovery system or component thereof; any system, program, or facility for resource conservation; any facility for the collection, source separation, storage, transportation, transfer, processing, treatment, or disposal of solid waste;
23. **Special wastes** shall refer to household hazardous wastes such as paints, thinners, household batteries, lead-acid batteries, spray canisters and the like. These include wastes from residential and commercial sources that comprise of bulky wastes, consumer electronics, white goods, yard wastes that are collected separately, batteries, oil, and tires. These wastes are usually handled separately from other residential and commercial wastes;
24. **Transfer stations** shall refer to those facilities utilized to receive solid wastes, temporarily store, separate, convert, or otherwise process the materials in the solid wastes, or to transfer the solid wastes directly from smaller to larger vehicles for transport.

SECTION 16. **Terms Used in Water Resource Management.** The following terms are operationally and or conceptually defined:

1. **Aquatic Pollution.** The introduction by man or machine into the grounds or waters, of substance or energy which results or is likely to result in such deleterious effects as to harm living and non-living aquatic resources and posing as hazard to human health. It may be a direct or indirect action, or in or out of particular local government jurisdictions. It includes dumping or disposal of waste or other matter, carbonaceous materials or substances, oil, coal, coal tar, lampblack, aniline, asphalt, bitumen, mining and mill tailings, molasses, garbage, refuse, and other noxious or harmful liquid and gaseous or solid substances.
2. **Aquatic Resources.** Living resources of the aquatic environment including fishes, aquatic flora and fauna, corals, seals, and mangroves.
3. **Municipal Waters.** Include streams, lakes, subterranean and tidal water within the territorial jurisdiction of a municipality that are not the subject of private ownership and not included within national parks, public forests, timberland, forest reserves or fishery reserves.
4. **Philippine Waters.** All bodies of water within the Philippine territory such as lakes, rivers, creeks, brooks, ponds, swamps, lagoons, gulfs, bays, seas and other bodies of water now existing or which may hereafter exist in the provinces, cities and municipalities, municipal districts, and barangays, and the sea of freshwater around between and connecting each of the islands of the Philippine archipelago irrespective of its depth, breadth, length and dimensions, and all other waters belonging to the Philippines including the territorial sea, exclusive economic zone, and the sea bed, the insular shelves, and other submarine areas over which the Philippines has sovereignty or jurisdiction.
5. **Subterranean Waters.** Streams, creeks, brooks, springs, and associated ground water not subject to private ownership and not comprised within national parks, forest lands, timberland or forest reserves, that are found beneath the terrestrial features of a municipality irrespective of depth or breadth but extending only up to the limits of the municipality's geographical boundaries.

SECTION 17. **Terms Used in Air and Noise Quality Management.** The following terms are operationally and or conceptually defined:

1. **Air Pollutant.** Any particle or substance found in the atmosphere other than oxygen, nitrogen, water vapor, carbon dioxide, and the inert gases all in their natural or normal concentrations, that is detrimental to health or the environment, which includes but not limited to smoke, dust, soot, cinder, fly ash, solid particles of any kind, gases, fumes, chemical mists, odors, contaminated steam and radioactive substances.

2. **Air Pollution.** Any alteration of the physical, chemical, and biological properties of the atmosphere, or any discharge thereto of any liquid, gaseous or solid substances that will or is likely to create or to render the air resources harmful, detrimental, or injurious to public health safety or welfare or which will adversely affect their utilization for domestic, commercial, industrial, agricultural, recreational, or other legitimate purpose.
3. **Airborne Dust or Dust.** Minute solid particles released into or carried into the atmosphere by natural forces or by any fuel burning, combustion, or process equipment or device, or by construction works, or by mechanical or industrial processes.
4. **Airshed.** Areas with common weather or meteorological conditions and sources of pollution which affect the interchange and diffusion of pollution in the surrounding atmosphere.
5. **Ambient Air Quality.** The average atmospheric purity in a broad area as distinguished from discharge measurements taken at the source of pollution or the present characteristic or nature of the surrounding atmosphere.
6. **Ambient Air Quality Guideline Values.** The concentration of air over specified periods classified as short term and/or long term which are intended to serve as goals or objectives for the protection of health and/or public welfare. These values shall be used for air quality management purposes such as determining time trends, evaluating stages of deterioration or enhancement of the air quality. In general, used as a basis for taking positive action in preventing, controlling, or abating health impacts from air pollution.
7. **Ambient Air Quality Standard.** The concentration of an air pollutant which, in order to protect public health and/or public welfare, shall not be exceeded in the breathing zone, at any time. Standards are enforceable and must be complied with by the owner or person in-charge of an industrial operation, process or trade.
8. **Best Available Control Technology.** The approaches, techniques or equipment which when used, result in lower air emission but in a cost-effective manner. BACT results in lower emission rates than those specified in the National Emission Standards for Source Specific Air Pollutants.
9. **Bio-medical Waste.** Pathological wastes, pharmaceutical wastes, chemical wastes and sharps defined as follows: Pathological wastes. Includes all human tissue (whether infected or not) such as limbs, organs, fetuses

and body fluid; animal carcasses and tissue from laboratories, together with all related swabs and dressings. Pharmaceutical wastes. Includes pharmaceutical products, drugs, and chemicals that have been returned from wards, have been spilled or soiled, are expired or contaminated, or are to be discarded or any reason.

10. **Chemical Wastes.** Include discarded solid, liquid or gaseous chemicals from housekeeping and disinfecting procedures.
11. **Emission.** Any measureable air contaminant, pollutant, gas stream or unwanted sound from a known source which is passed into the atmosphere.
12. **Effluent Standards.** Restrictions established to limit levels of concentration, physical, chemical and biological constituents, which are discharged from point sources.
13. **Fuel-Burning Equipment.** Any equipment, device, or contrivance, and all appurtenances thereto, including ducts, breechings, fuel-feeding equipment, ash removal equipment, controls, stacks, and chimneys, used primarily, not exclusively, to burn any fuel for the purpose of direct applications or indirect heating such as the production of hot air or hot water.
14. **Fugitive Particulate.** The particulate matter, which escapes and becomes airborne from unenclosed industrial operation, or that which escapes from incompletely or partially enclosed operation into the outside atmosphere without passing or being conducted through a flue pipe stack or other structure.
15. **Greenhouse Effect.** A warming occurs on the earth's surface when the earth's atmosphere traps the sun's heat. The greenhouse effect received its name because the earth's atmosphere acts much like the glass or plastic roof and walls of a greenhouse. The earth's atmosphere allows most of the sunlight that reaches it to pass through and heat the earth's surface. The earth sends the heat energy back into the atmosphere as infrared radiation. Much of this radiation does not pass freely into space because certain gasses in the atmosphere absorb in.
16. **Greenhouse Gases.** Those gases such as carbon dioxide, methane, and oxides of nitrogen, chlorofluorocarbons, and the others that can potentially or can reasonably be expected to induce global warming.

17. **Guideline.** An official recommendation or guidance on the protection of human beings or receptors in the environment from the adverse effect of air pollutants.
18. **Hazardous Substances.** Those substances which present either: (1) short term acute hazards such as acute toxicity by ingestion, inhalation, or skin absorption, corrosivity or other skin or eye contact hazard or the risk of fire explosion; or (2) long term toxicity upon repeated exposure, including carcinogenicity (which in some cases may result in acute exposure but with a long latent period), resistance to the detoxification process, or the potential to pollute underground or surface water.
19. **Incinerator.** A facility, equipment, furnace or other similar structure which burns municipal, bio-medical, or hazardous wastes, which process emits toxic and poisonous fumes.
20. **Infectious waste.** Surgical dressings, swabs and other contaminated waste from treatment areas; materials which have been in contact with persons or animals suffering from infectious diseases; cultures and stocks of infectious agents from laboratory works; dialysis equipment; apparatus and disposable gowns, aprons, gowns, gloves, towels, etc; waste from dialysis treatment area; waste from patients in isolation wards; all materials which may contain pathogens in sufficient concentration or quality that exposure to could result in disease.
21. **Installation.** Any structure, equipment, facility or appurtenances thereto, operation of which may be a source of pollution or a means to control the same.
22. **Medical waste.** Any solid waste that is generated in the diagnosis, treatment or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals.
23. **Mobile source.** Any vehicle/machine propelled by or through oxidation or reduction reactions, including combustion of carbon-based or other fuel, constructed or operated principally for the conveyance of persons or the transportation of property or goods that emit air pollutants as a reaction product.
24. **Ozone depleting substances.** Those substances that significantly deplete or otherwise modify the ozone layer in a manner that is likely to result in adverse effects on human health and the environment such as, but not limited to, chlorofluorocarbons, halons, and the like.
25. **Particulate Matter or Suspended Particulates.** Any material other than uncombined water, which exists in a finely divided form as a liquid or solid.

26. **Permit.** The legal authorization to engage in or conduct any construction, operation, modification or expansion of any installation, operation or activity which will be reasonably be expected to be a source of pollution.
27. **Permit to Operate.** The legal authorization granted by the Environmental Management Bureau of the Department of Environment and Natural Resources to operate or maintain any installation for a specified period of time.
28. **Permit Condition.** A statement or stipulation issued with a permit, compliance with which is necessary for continued validity of the permit.
29. **Persistent Organic Pollutants (POPs).** Organic compounds that persist in the environment, bio-accumulative through the food web, and pose a risk of causing adverse effects to human health and the environments. These compounds resist photolytic, chemical and biological degradation, and include but are not limited to dioxin, furan, Polychlorinated Biphenyls (PCBs), organochlorine pesticides, such as aldrin, dieldrin, DDT, hexachlorobenzene, lindane, toxaphene and chlordane.
30. **Poisonous and toxic fumes.** Any emission and fumes which do not conform to internationally accepted standards, including but not limited to World Health Organization (WHO) guideline values.
31. **Pollution Control Device.** Any device or apparatus that is used to prevent, control, or abate the pollution of air caused by emissions from identified sources at levels within the air pollution standards established by the Department of Environment and Natural Resources.
32. **Pollution Control Technology.** Pollution control devices, production processes, fuel combustion processes or other means that effectively prevent or reduce emissions or effluents.
33. **Ringelmann Chart.** The chart described in the U.S. Bureau of Mines, information Circular No. 8333 and No. 7718, and used for measuring smoke opacity.
34. **Siga.** The traditional small scale method of burning of wastes resulting from cleaning the backyard such as fallen leaves, twigs, stems, and other similar matter from plants and trees in the backyard where the burning is done.
35. **Smoke.** Gas-borne particulates resulting from incomplete combustion, consisting predominantly, but not exclusively, of carbon, ashes or other combustion material.



36. **Standard or Limit.** The concentration of any air contaminant which, in order to protect the public health and welfare, shall not be exceeded at a particular region or zone, and at a specified period of time. Standards are enforceable and must be complied with by the owner or person in charge of an industrial operation process or trade.
37. **Stationary Source.** Any building or fixed structure, facility or installation that emits or may emit any air pollutant.
38. **Volatile Organic Compound.** Any compound containing carbon and hydrogen in combination with any other element which has an absolute vapor pressure of 0.10 kg./cm<sup>2</sup> equivalent to 77.6 mm. Hg. or greater under actual storage conditions. Organic solvents include diluents and thinners and are defined as chemical compounds of carbon which are liquids at standard conditions and which are used as solvers viscosity reducers or cleaning agents.

## CHAPTER II INSTITUTIONAL MECHANISMS

### Article I LOCAL IMPLEMENTING UNITS

SECTION 18. **Municipal Mayor.** The Municipal Mayor as the chief executive of the municipal government in consonance with the local government code shall:

- (1) Exercise general supervision and control over all environment and natural resources programs, projects, services, and activities of the municipality, and in this connection shall:
- i. determine the guidelines of municipal policies and be responsible to the Sangguniang Bayan for the program of government vis a vis management of the municipality's environment and natural resources
  - ii. appoint a Municipal Environment and Natural Resources Officer (MENRO) as among the mandatory appointive municipal officials satisfying the minimum requirements set forth in the Local Government Code; establish as one of the regular departments in the municipality a Municipal Environment and Natural Resources Office with support staff and employees; and allocate to the said office required resources necessary to

implement the code including institutional strengthening and capacity building

- iii. ensure that the MENRO, staff and employees under the office and other implementing units faithfully discharge their duties and functions as provided for by law and the Code. All actions and decisions of the Code's implementing units are subject to review *moto proprio* by the Municipal Mayor or upon appeal of any person on which the decision of the Municipal Mayor shall be final and executory.
- iv. carry out such emergency measures as may be necessary during and in the aftermath of man-made and natural disasters and calamities

(2) Enforce the code and other environmental ordinances thru the Municipal Environment and Natural Resources Officer:

- i. ensure that the acts of the municipality's barangays and of their officials and employees are within the scope of their powers, functions, duties and responsibilities as provided for by the Code and laws on environment and natural resources and corresponding rules and regulations;
- ii. issue executive orders necessary for the proper enforcement and execution of the code;
- iii. to call upon the Philippine National Police and other law enforcement agencies to apprehend violators and execute other actions deemed necessary to enforce the code; and
- iv. ensure that incentives are provided to apprehending officer/s and concerned citizen/s as provided by the Code.

(3) Initiate and maximize the generation of resources and revenues and apply the same to implement the code and corresponding programs, projects, services, activities and necessary facilities and capacity building of the implementing units and relative thereto shall:

- i. ensure that the environment and natural resource taxes and revenues such as environmental protection fee, registration of hazardous waste transporter, fines and penalties among others are collected and funds are applied to include payment of expenses and settlement of obligations of the municipality to ensure environmental services in accordance with the code and other environmental ordinances;
- ii. issue licenses and permits with due regard to environmental protection, pollution prevention and conservation of natural resources and suspend or

revoke the same for any violation of the conditions upon which such licenses or permits were issued; and

- iii. adopt adequate measures to safeguard and conserve the natural resources of the municipality.
- (4) Ensure the delivery of environmental services and the provision of adequate facilities and equipment consistent with the local autonomy and decentralization such as:
- i. implementation of water and soil resource utilization and conservation projects
  - ii. establishment of tree parks, greenbelts, and other applicable forest development projects
  - iii. provision of waste management or environmental management systems and services or facilities related to general hygiene and sanitation
  - iv. construction and maintenance of infrastructure facilities funded by the municipality to serve the needs of the residents including but not limited to: (1) artesian wells, spring development, rainwater collectors, and water supply systems; (2) dikes, drainage and sewerage and flood control (3)

waste management facilities such as ecology center, composting facilities, transfer stations, sanitary landfill, material recovery facilities, etc. (5) exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance

SECTION 19. **Sangguniang Bayan**. The Sangguniang Bayan as the legislative body of the municipality shall enact ordinances, approve resolutions and appropriate funds to manage the municipality's environment and natural resources and relative thereto shall:

- a. maintain as a permanent committee within the Sangguniang Bayan, the Environment Committee, composed of a Chairman and at least two members. The committee shall be responsible to spearhead on all matters concerning environment and natural resources management that requires action by the Sangguniang Bayan;
- b. approve ordinances and pass resolutions necessary to strengthen the implementation of the Code or when the code or portions thereof requires amendment or addendum;

- c. provide legal assistance to barangay officials, who in the performance of their official duties or on the occasion thereof to implement the Code, have to initiate judicial proceedings or defend themselves against legal actions;
- d. when the finances of the municipality allows, provide for additional allowances and other benefits to national government officials stationed in or assigned to the municipality in the performance of functions and responsibilities as required by the Code such as but not limited to the Philippine National Police;
- e. adopt a comprehensive land use plan and enact an integrated zoning ordinance for the municipality with utmost regard on environmental considerations such as environmental hazards, pollution, ecological balance etc..

The Sangguniang Bayan shall also initiate “Mandatory review of the Code” every three years. It shall create an Oversight Committee who shall consolidate all proposed amendments and new provisions for consideration in the mandatory review of this Code, without prejudice to individual amendments for exigency purposes. The committee shall be composed of:

Head: Chairperson, Committee on Environment and Health

Members:

Chairperson, Committee on Trade and Industry  
 Chairperson, Committee on Housing and Land-Use  
 Chairperson, Committee on Ways and Means  
 Chairperson, Committee on Agriculture  
 ABC President

SECTION 20. **Municipal Environment and Natural Resources Officer.** The MENRO shall be the Municipality’s chief operations officer on all matters concerning the Municipality’s environment and natural resources and will take the lead to implement the Code, and related ordinances as well as other environment and natural resources laws rules and regulations and relative thereto shall:

- 1) take charge of the office on environment and natural resources
- 2) provide technical assistance to the mayor in carrying out measures to ensure delivery of basic services and provision of adequate facilities relative to environment and natural resources services

- 3) develop plans and strategies on environment and natural resources consistent with the provisions of the Code and implement them upon the approval of the mayor
- 4) formulate measures for the consideration of the Sangguniang Bayan necessary to strengthen the implementation of the Code or when the code or portions thereof requires amendment or addendum and all matters relative to the protection, conservation, utilization, application of appropriate technology and other matters related to environment and natural resources
- 5) provide technical assistance to the Sangguniang Bayan in enacting ordinances and passing resolutions that requires environmental considerations such as but not limited to adoption of a comprehensive land use plan and enactment of an integrated zoning ordinance for the municipality
- 6) coordinate with government agencies and NGOs in the implementation of measures to prevent and control land, air and water pollution with the assistance of the DENR
- 7) be in the frontline of the delivery of services concerning environment and natural resources, particularly in the renewal and rehabilitation of the environment during and in the aftermath of man-made and natural calamities and disasters
- 8) inspect, monitor and evaluate compliance of establishments, issue notice of non-compliance and recommend to the Mayor revocation or non-renewal of their municipal permit/s and cessation of their activities on the basis of their failure to comply
- 9) exercise such other powers and perform such other duties and functions as prescribed by the law or ordinance

The Municipal Environment and Natural Resources Office (MENRO) shall allocate budget for activities envisioned in this Code.

## **Article II National-Local Government Relations**

SECTION 21. **Compliance and Cooperation with National Government Agencies and Government Owned and Controlled Corporations.** The Local Government Unit of Bayog as required by laws on environment and natural resources shall comply and cooperate with National Government Agencies mandated to implement the

law. The LGU of Bayog shall also cooperate with Government Owned and Controlled Corporations in the efforts to protect the environment and manage the municipality's natural resources.

SECTION 22. **Devolution/Decentralization.** All NGAs and other government instrumentalities including government owned and controlled corporation (GOCCs) to the extent provided in the Local Government Code shall gradually devolve to the LGUs the authority to administer some aspects of environment and natural resource management and regulations, including, but not limited to, permit issuance, monitoring and imposition of administrative penalties, whenever the LGU has demonstrated readiness and technical capability to undertake such functions. In cases where such authority are not devolved to the LGU of Bayog, there shall be no permit/clearances issued to any project by any NGA or GOCC such as but not limited to Environmental Compliance Certificates, Quarry Permit etc. without any certificate of no objection from the host barangay/s and from the Municipality of Bayog as proof of social acceptability of the project be it existing or proposed.

SECTION 23. **Mandatory Consultations and Coordination with LGUs.** All NGAs or GOCCs authorizing or involved in planning or with implementation functions of any project or program shall conduct periodic consultations with the LGU, Peoples organizations, NGOs and other concerned sectors before any program or project is implemented.

### **Article III. Inter Local Government Relations**

SECTION 24. **General Supervision of the Province of Zamboanga del Sur to the Municipality of Bayog.** The scope of supervision by Zamboanga del Sur over Bayog relative to environment and natural resource management shall include coordination of plans, measures and developmental activities with the Municipality of Bayog to adopt adequate measures to safeguard and conserve land, mineral, marine, forest, and other resources of Bayog in coordination with its Mayor.

The province shall share its collections from the tax on sand, gravel, and other quarry resources derived from Bayog to the Municipality and the barangay where said resources were extracted.

SECTION 25. **Inter-Municipal Cooperation.** The Municipality of Bayog shall strive to enlist the cooperation of neighbouring municipalities for them to enact their respective Environmental Codes to optimize the benefits derived thereon.

**Article IV. Relations with Peoples Organization, Non-Governmental Organizations and the Private Sector**

SECTION 26. International Cooperation on Environmental Protection. The Municipality of Bayog shall commit its available resources, technical expertise, and manpower to compliment and cooperate with various international institutions.

SECTION 27. Emphasis on the Role of the Private Sector. The participation of the private sector in local governance, particularly in the implementation of environment projects and programs, shall be encouraged to ensure the visibility of local autonomy as an alternative strategy for sustainable development.

The Municipal Government, in consultation with the business and industrial sectors including commerce, shall formulate appropriate incentives for the adoption procedures that will preserve and protect environment through the introduction of innovative equipment and processes that reduce if totally eliminate discharge of pollutants unto the environment.

SECTION 28. The Role of Citizens, Non-Governmental Organizations and Peoples' Organizations. Municipal residents and organized groups shall take an active role in the planning and implementation of public information, education and communication projects and activities as well as enforcement of relevant provisions of this Code pertaining to environmental stewardship.

SECTION 29. Establishment of Multi-Purpose Environment Cooperatives or Associations. Multi-purpose cooperatives and associations that shall undertake activities to promote the implementation and/or directly undertake projects in compliance with the provisions of this Code shall be encouraged, promoted and supported by the LGU of Bayog.

**CHAPTER III LAND RESOURCE MANAGEMENT**

**Article I General Environment**

SECTION 30. Statement of Policy and Management Directions. It is the policy of the Municipality to provide a rational, orderly and efficient acquisition, utilization and management of land resources for the attainment of a better quality of life.

SECTION 31. State of the Resource. The Municipality of Bayog has a total land area of 36,021.37 hectares. Presently, the Municipality has the following land uses:

| LAND USES           | AREA IN HECTARES | PERCENT TO TOTAL |
|---------------------|------------------|------------------|
| A. General Land Use | 35,463.623       | 100.00%          |
| A & D               | 2,457.201        |                  |

|                          |                   |                |
|--------------------------|-------------------|----------------|
| Settlements              | 188.511           | 0.53%          |
| Agricultural             | 2,257.880         | 6.37%          |
| <i>Production</i>        | 636.375           |                |
| <i>Protection</i>        | 1,621.506         |                |
| Forest                   | 33,006.422        | 93.07%         |
| <i>Production</i>        | 25,600.218        |                |
| <i>Protection</i>        | 7,406.204         |                |
| Agro-Industrial          | 7.521             | 0.02%          |
| Mining                   | 7,556.614         | 21.31%         |
| Tourism                  | 53.052            | 0.15%          |
| Water Bodies             | 413.252           | 1.17%          |
| Roads                    | 355.097           | 1.00%          |
| Special Uses             | 3.000             |                |
| Cemetery                 | 3.000             | 0.01%          |
|                          | <b>35,463.623</b> |                |
| <b>B. Urban Land Use</b> | <b>343.052</b>    | <b>100.00%</b> |
| Agricultural             | 83.724            | 42.41%         |
| Residential              | 181.076           | 52.78%         |
| Commercial               | 12.717            | 3.71%          |
| Institutional            | 8.051             | 2.35%          |
| Industrial               | 7.521             | 2.35%          |
| Park & Open Spaces       | 1.332             | 0.39%          |
| Roads                    | 38.043            | 11.09%         |
| Creeks                   | 0.915             | 0.27%          |
| River and Easement       | 9.673             | 2.82%          |

SECTION 32. **Comprehensive Land Use Plan and Municipal Zoning Ordinance.** The Comprehensive Land Use Plan and its accompanying Zoning Ordinance which were prepared before the enactment of this Code is hereby adopted as part of the implementing guidelines of this Code. Its publication is a separate document that does not affect its effectivity in relation to this Code. In the event of development of a new comprehensive land use plan and municipal zoning ordinance, such plan and ordinance should give utmost consideration to environmental issues and concerns at Bayog.

SECTION 33. **Reclassification of Agricultural Lands.** Bayog, being a growing town, shall limit the reclassification of agricultural lands into other uses to 15 percent (15%). Such reclassification shall only be permitted provided that:

- a) the subject of reclassification is not a prime agricultural land;
- b) provided that the Department of Agriculture issues a certification as to the agricultural marginability of the land; and
- c) the Committee on Land Use of the Sangguniang Bayan endorses a favourable recommendation on the matter.



SECTION 34. **Parks for Tourism**. The Municipal Land Use and Zoning Ordinance shall designate park areas for tourism development. Measures shall be instituted to maintain the ecological asset as the basis of the tourism industry. Littering in tourism areas and any public areas shall be strictly prohibited.

SECTION 35. **Prohibited Acts on Parks**. No person shall destroy to include but not limited to the picking of flowers, cutting of trees, vandalistic and other detrimental acts in order to preserve the aesthetic beauty and structures of parks as well as the general serenity.

SECTION 36. **Tourism Areas**. Identified eco-tourism areas shall be properly declared by the Sangguniang Bayan in consultation with the Department of Environment and Natural Resources (DENR). Such areas include tree parks necessary to maintain the quality of watershed areas and improve water recharging potential of underground aquifers.

Designated areas for tourism development shall become part of the land use plan and zoning ordinance of the Municipality. In developing these areas, a policy of ecological awareness and maintenance of ecological assets shall be promulgated by the Municipality of Bayog. It shall vigorously enforce the anti-littering policy.

SECTION 37. **Inventory of Trees in the Municipality**. There shall be an inventory of trees that shall be classified by species, age, location, ownership and other related data to be entrusted to the Municipal Environment and Natural Resources Office (MENRO). All trees shall be numbered and entered into the registry for monitoring and management purposes.

SECTION 38. **Beautification and Greening Projects/Program/Activities**. All barangays shall implement beautification and greening projects/programs/activities in their respective jurisdictions to include but not limited to the planting of green grasses on street shoulders, ornamental plants along the highways and flower plants in front of residential and commercial houses.

The Clean and Green Program shall be institutionalized and shall have the following purpose:

- a) Promoting and maintaining the good health of the people and sanitation of the community;

- b) Instilling values of sanitation, cooperation, environmental stewardship, and concern for the welfare of all;
- c) Instituting sustainable development, environmental protection and regeneration.

The Clean and Green Program shall cover regular programs such as inspection of household drainages, toilets and waste disposal system, market places, planting of vegetables and trees, and special programs on the Search for the Cleanest and Greenest Barangay. It shall be a regular year-round program. The MENRO may create other categories of competitions under the special program.

The Clean and Green Program of the Municipality of Bayog shall incorporate other matters contained in the guidelines of the national Search for Cleanest and Greenest Municipalities. Urban gardening and natural farming in coordination with the Municipal Agricultural Office may also be considered as an alternative project.

SECTION 39. **Land Uses**. It shall be the policy of the Municipality to restrict activities, development or establishments detrimental to the quality of the environment in the area for all land uses adopted through the Comprehensive Land Use Plan. Measures shall be taken to minimize environmental impacts of any land use in the agricultural, industrial, commercial, residential and institutional zones.

SECTION 40. **Green, open and other land uses for environmental enhancement**. "Green Areas" shall be established as essential measures to reduce pollution, absorb excessive carbon dioxide and areas for human resource and cultural endeavors. Greenbelt areas normally designated as parks should be situated between industrial and commercial areas and human settlements in order to serve as buffer zone and as noise breaker. The Municipality of Bayog shall adhere to the National Building Code and Urban Development and Housing Act of 1992 that require proposed subdivision to reserve an area to be designated as open space. The area to be designated as open space shall be in conformity with the existing land use plan. Other land uses promoting ecological protection shall be encouraged.

## **Article II. Municipal Permits**

SECTION 41. **Issuance of Development, Business or Mayor's Permit**. The issuance of a Development Permit for any proposed project or land use shall require an Initial Environmental Examination (IEE) or Environmental Impact Assessment (EIA).

It shall be the policy of the Municipal Government to require business proprietors to secure a Locational Clearance from the Deputized Zoning Administrator, Certificate of No Objection from the host barangay. No business shall be allowed to operate without passing through the usual licensing procedure whereby environmental concerns through the MENRO, among others, shall be assessed and addressed prior to approval by the Municipal Mayor. Industrial estates are also required to secure business permits.

Charging of Environmental Protection Fee as mandated in the Revised Revenue Code, Municipal Ordinance No. 11-93-11, shall continue to be enforced for all businesses operating within the Municipality.

SECTION 42. **Renewal of Business Permits.** The inspection/audit conducted by MENRO shall serve as the basis for renewal of business permits, pending commitments/agreements required by MENRO may be used to deny renewal of business permit.

SECTION 43. **Revocation/Denial of Business Permit,** The Mayor upon the recommendation of the MENRO may revoke or cancel a business permit should the permittee failed to comply with the requirements set forth and in the event

that allowing the permittee to continue its operation may lead to adverse effect on the environment; the MHO may also recommend cancellation of a business permit should the permittee's operation poses a grave health hazard to its workers or to the general public.

Disregard of the visitorial power of the MENRO or denial of access/entry in the course of inspection regardless of prior notice shall be considered sufficient ground to revoke or deny permit application/renewal.

SECTION 44. **Building and Occupancy Permits.** No permit of occupancy shall be issued by the Municipal Government for buildings and the like unless there are provisions for planting of trees and flowers and installation of plant boxes in the development plan duly implemented with the exemption for meritorious cases when there is no area available for such requirements.

SECTION 45. **Permit to Cut.** Prior to any cutting of a tree with ten (10) centimeters in diameter at breast height (DBH) and higher, a permit from the MENRO shall be secured. No permit shall be issued without any replacement of 5 seedlings/saplings per tree cut.

### **Article III. Special Areas of Concern**

SECTION 46. **Abandoned Buildings and Idle Lands.** Owners or administrators of old and abandoned buildings and idle lands are required to maintain their cleanliness and free them from squatters or totally demolish them to eliminate eye sores and to safeguard against accidents and other hazards. The owners and administrators of idle lands shall be required to plant trees and vegetables in order to make these green and productive.

At a certain period after the effectivity of this Code and after inventory and proper identification of condemned buildings and structures, the same shall be demolished as per provision of the National Building Code P.D. 1096.

SECTION 47. **Prevention of Soil Erosion.** Infrastructure support in the form of “riprapping” or the construction of creek, river, and shore protection walls shall be implemented to prevent soil erosion. For projects requiring such infrastructure support, these should be included in their development plans.

SECTION 48. **Quarry Sites And Quarry Operations.** One of the major thrusts of the local government in this Municipality is the implementation of environmental management programs which include, among others, the rehabilitation of denuded forests and highlands. The negative impact of rampant quarrying is quite evident in flash floods during heavy downpours which may worsen as these earthwork activities are further intensified.

On a very limited case, quarrying may be allowed if and only if the quarried materials will be used solely for projects of the Municipality of Bayog. In such a case, the quarry operator shall submit to the MENRO all pertinent permits and clearances from the different government agencies such as but not limited to ECC and PMRB, a quarry plan to include the total volume of materials to be quarried vis a vis the total volume of materials needed by the project and length of time or duration that the quarry shall be operated and corresponding progressive rehabilitation plan. All the trucks that shall be used for hauling the quarry materials to the project site shall be registered at the MENRO and shall comply with the guidelines that will be set by the MENRO.

SECTION 49. **Banning of Open Burning.** The slash-and-burn system of farming shall be banned. Any other form of open burning of wastes, including agricultural such as “dayami” and the like shall be banned in addition to those already covered by Municipal Ordinance No. 12-142-14 which states the prohibitions in the burning of garbage within the jurisdiction of the Municipality of Bayog, Zamboanga del Sur.

SECTION 50. **Squatting.** The Municipal Government while recognizing its role in the alleviation of poverty, equitable and sustainable land use, further recognizes its social and moral responsibility towards maintaining a sanitary and hygienic condition in human settlements in order to achieve effective environmental management. It shall be the policy of the Municipality to contain and prevent the

aggravation of squatter settlements within the Municipality. The squatting in roadsides, flood prone waterways and similar areas such as riverbanks, excess lots and easements is banned. The Barangay Officials shall be primarily responsible to implement this provision.

SECTION 51. **Municipal Canals and Drainage Systems.** The canals and drainage systems within the Municipality should be properly maintained to allow efficient flow of water and effluent for sanitation purposes. The canals and drainage systems should be regularly desilted, declogged and dredged. Dumping of solid wastes and garbage is punishable. Any person causing the obstruction of flow shall be penalized.

SECTION 52. **Piggeries & Poultry Farms.**

1. All piggery and poultry farms operating within Bayog shall be subjected to the usual business permitting procedures, particularly the securing of locational clearance and environmental permits.
2. The structure of a piggery or poultry farm shall be situated with an area of good drainage system. Flood prone areas and other environmentally critical areas shall be avoided.
3. The structure of a piggery or poultry shall be at least 500 to 1000 meters away from the built up areas and 200 meters away from major roads or highways.
4. Backyard piggery shall be regulated in the rural residential area with a maximum of three (3) heads but totally banned in the urban areas. Any person who wanted to or has already established a piggery or poultry farm and the like in an area of two (2) hectares and above are required to allot 10% of his or her total land area for growing trees and fruit bearing trees.
5. The Office of the Mayor through the MENRO shall be in charge of fulfilling the provisions of this Section. Any piggery or poultry farm, be it in a backyard, shall be subjected to inspection by the MENRO at anytime it deems necessary.

SECTION 53. **Commercial – Backyard Scale Hog Farms.** Existing and still to be established commercial-backyard scale piggeries/hog farms shall be required to submit mitigating measures or waste treatment options before Sanitary and Business Permits can be issued by the Municipal Health Office and the Office of the Mayor respectively, identified herein:

- (1) Waste water reduction/minimization such as: use of drums or storage water tanks during cleaning operation; installation of mechanical drinkers to minimize consumption and wastage of water; Feed and water trough modification;

- (2) Waste treatment options such as: installation of biogas digester, lagoon system, drying of manure, establishment of a pelleting plant (organic fertilizer) and/or common treatment facilities.

SECTION 54. **Tree Planting.**

- 1) The months from May to September shall be declared as Tree Planting Months following the provisions of Municipal Resolution No. 310, s. 2005. All commercial, industrial, institutional establishments and residential subdivisions including the barangays shall have a yearly tree planting activity in areas either inside or outside their jurisdiction as approved by the MENRO and shall submit a monitoring report of surviving trees/plants to the same office.
- 2) There shall be an urban architectural design that seeks to recommend the trees and other planting materials to be planted along major roads and highways and in public places. The planting of timber and fruit-bearing trees shall be encouraged to get returns on investment.
- 3) In order to promote and conserve the beauty of objects of scenic and ornamental value along public places and help preserve a cool, fresh and healthy climate, it is the policy of the government to cherish, protect, and conserve planted or growing trees, flowering plants and shrubs, or plants of ornamental value along public roads, in plazas, parks, school premises, or in any other public ground, including street islands as well as shoulders of all roads or streets in the town proper, barangays, subdivisions, compounds. These areas shall be planted with shade or ornamental trees in a manner that is scientifically and agriculturally acceptable, or at intervals sufficient to provide the healthy growth of such flora.
- 4) No development permit or any favorable endorsement shall be issued by the Municipality for subdivisions or housing projects and business establishments unless there are provisions for the planting of trees in their development plan.
- 5) An "Adopt a Tree" campaign shall be undertaken to preserve and maintain the aesthetic outlook of trees in all public lands drawing participation from the private sector. The MENRO shall formulate appropriate guidelines for sectoral participation in adopting the trees.
- 6) All commercial, industrial and residential areas shall be required to plant and adopt the trees and plants drawn from the urban architectural design. Such design will consider existing trees and plants stably standing along major roads and highways.

- 7) All incoming pre-school, elementary, high school and college students in all schools shall be required to donate, plant and adopt a tree or shrub upon enrolment as directed by their respective school administrators.

**SECTION 55. Prohibiting the Unauthorized Cutting, Gathering or Removing of Trees for Firewood and Charcoal Making and for Other Purposes within the Territorial Jurisdiction of the Municipality.**

- 1) In consonance with the program and thrust of the National Government, it shall be the policy of the Municipal Government of Bayog, Zamboanga del Sur to preserve and protect the trees, forest land, watershed areas, alienable and disposable lands, and private lands to ensure the prevention of floods, drought, hot weather condition, drying up of water sources and control of pollution.
- 2) The Municipality, through the MENRO, shall have the power to implement the rules and regulations issued by the Director of Parks and Wildlife under the provisions of R.A. 3571, an Act which, "prohibit the cutting, destroying or injuring of planted or growing trees, flowering plants and shrubs or plants of scenic value along public roads, in plazas, parks, school premises or in any other public ground" and DENR Administrative Order No. 79-90, "Prescribing Rules on the Deregulation of Tree Harvesting, Transporting and Sale of Firewood, Pulpwood or Timber Planted in Private Lands".
- 3) No cutting, destroying, or injuring or planted or growing trees, flowering plants and shrubs, or plants of scenic value along public roads, in plazas, parks, school premises, or in any other public ground shall be permitted save when the cutting, destroying, or injuring of same is necessary for public safety, or such pruning of same is necessary to enhance its beauty and only upon the recommendation of the MENRO and the Engineering Office. A Permit to Cut, Destroy or Injure Trees shall be issued by the MENRO prior to the activity, only after an inspection was made.
- 4) Any person who shall cut, gather or remove trees from any forest land, watershed areas, alienable and disposable lands, without any authority under a license agreement, lease, license or permit, shall be guilty of qualified theft as defined and punished under article 309 and 310 of the Revised Penal Code.
- 5) Any person who shall engage in cutting, gathering or removing of trees from his own land, for firewood and charcoal making, and other purposes for sale shall secure permit from the office of the Mayor through the MENRO before applying for permit from the Department of Environment and Natural Resources.
- 6) For purposes of personal and household consumption, member or members of the same household may be allowed to cut, gather and remove

trees from his or their own land without the necessity of the permit; provided that the same shall not be sold or bartered.

- 7) Firewood or charcoal obtained in violation of the above provisions shall be confiscated in favor of the government.
- 8) Any person given the authority to cut, destroy or injure a tree shall plant no less than five (5) tree seedlings for every single tree cut, destroyed or injured in a watershed or area designated.

## CHAPTER IV SOLID WASTE MANAGEMENT

### Article I. General Provisions

SECTION 56. **Statement of Policies.** Consistent with Department of Environment and Natural Resources (DENR) framework of promoting a sustainable urban environment, the Municipal Government hereby adopts a systematic, comprehensive and ecological solid waste management program as provided in R.A. 9003, otherwise known as "Ecological Solid Waste Management Act of 2000":

- (1) Ensure the protection of public health and environment;
- (2) Utilize environmentally-sound methods that maximize the utilization of valuable resources and encourage resources conservation and recovery;
- (3) Set guidelines and targets for solid waste avoidance and volume reduction through source reduction and waste minimization measures, including composing, recycling, re-use, recovery, green charcoal process, and others, before collection, treatment and disposal in appropriate and environmentally- sound solid waste management facilities in accordance with ecologically sustainable development principles;
- (4) Ensure the proper segregation, collection, transport, storage, treatment and disposal of solid waste through the formulation and adoption of the best environmental practices in ecological waste management excluding incineration;
- (5) Encourage greater private sector participation in solid waste management;
- (6) Encourage cooperation and self-regulation among waste generators through the application of market-based instruments;



- (7) Institutionalize public participation in the development and implementation of national and local integrated, comprehensive and ecological waste management programs; and
- (8) Strengthen the integration of ecological solid waste management and resource conservation and recovery topics into the academic curricula of formal and non-formal education in order to promote environmental awareness and action among the citizenry.

SECTION 57. **Municipal Solid Waste Management Board**. The Municipal Government shall create a Municipal Solid Waste Management Board (MSWMB) that shall prepare, submit and implement a plan for the safe and sanitary management of solid waste generated within the territorial jurisdiction of the Municipality of Bayog.

The MSWMB shall be composed of the Municipal Mayor as head with the following as members:

9. The Municipal Environment and Natural Resources Officer
10. One (1) representative of the Sangguniang Bayan, preferably chairperson of the Committees on Environment or Health, who will be designated by the presiding officer;
11. President of the Association of Barangay Councils in the municipality;
12. Municipal Planning & Development Coordinator;
13. A representative from the Business sector;
14. A representative of each concerned government agency possessing relevant technical and marketing expertise as may be determined by the Board.

The MSWMB may, from time to time, call on any concerned agencies or sectors as it may deem necessary.

SECTION 58. **Duties and Responsibilities of the MSWMB**. The MSWMB shall have the following duties and responsibilities:

- (1) Develop the Municipal Solid Waste Management Plan that shall ensure the long-term management of solid waste, as well as integrate the various solid waste management plans and strategies of the barangays in its area of jurisdiction. In the development of the Solid Waste Management Plan, it shall conduct consultations with the various sectors of the community;

- (2) Adopt measures to promote and ensure the viability and effective implementation of solid waste management programs in its component barangays;
- (3) Monitor the implementation of the Municipal Solid Waste Management Plan through its various political subdivisions and in cooperation with the private sector and the NGOs;
- (4) Adopt specific revenue-generating measures to promote the viability of its Solid Waste Management Plan;
- (5) Convene regular meetings for purposes of planning and coordinating the implementation of the solid waste management plans of the respective component barangays;
- (6) Review every two (2) years or as the need arises the Municipal Solid Waste Management Plan for purposes of ensuring its sustainability, viability, effectiveness and relevance in relation to local and international developments in the field of solid waste management;
- (7) Coordinate the efforts of component barangays in the implementation of the Municipal Solid Waste Management Plan.

SECTION 59. **Barangay Solid Waste Management Board.** The barangay government may create the same Solid Waste Management Board in their respective jurisdictions as it deems necessary.

SECTION 60. **Solid Waste Management Plan.** The Municipal Government through its Solid Waste Management Board shall prepare its 10-year solid waste management plan consistent with the national solid waste management framework and components of which are provided in R.A. 9003. The waste management plan shall be for re-use, recycling, and composting of wastes, generated in the municipality. The solid waste management plan shall place primary emphasis on implementation of all feasible re-use, recycling and composting while identifying the amount of landfill and transformation capacity that will be needed for solid waste which cannot be re-used, recycled, or composted. The municipal solid waste management plan shall be reviewed and updated every year by the MSWMB.

SECTION 61. **Institutional Roles in Solid Waste Management.** Pursuant to the relevant provisions of R.A. 7160, otherwise known as the Local Government Code of 1991, the LGUs shall be primarily responsible for the implementation and enforcement of the provisions of R.A. 9003 and this Code within their respective jurisdictions. Specifically, cooperation from the following institutions shall be encouraged in undertaking certain roles:

- (1) The church shall be used as venue for public campaigns focusing on moral obligations to protect the ecological assets of their respective communities;
- (2) The schools shall be required to devote at least thirty minutes (30 minutes) each week to touch-base on the concepts of Ecological Waste Management through various strategies such as inclusion in the local curricula, setting-up of material recovery facilities for practical applications to the learning process and implementing school-wide waste recycling program.
- (3) The MENRO shall devote at least one day in a week to conduct public campaigns on waste segregation in various forms such as focused-group discussions, sectoral consultations, site visitations and other organized fora until such time that compliance to segregation reaches substantial level of at least 80%.
- (4) The non-government organizations shall be mobilized to participate in partnership programs with either the barangay or municipal government in the implementation of ecological waste management.

## **Article II. Implementation**

SECTION 62. **Mandatory Segregation of Solid Wastes.** Mandatory segregation of wastes shall primarily be conducted at the source, to include household, institutional, industrial, commercial and agricultural sources. The following shall be the minimum standard for segregation and storage of solid waste pending collection:

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

The MSWB shall recommend strategies and explore means to facilitate segregation at source, e.g. scheduled collection of each type of waste, color-coded collection, etc.

Intensive campaign shall be undertaken to promote segregation-at-source. The "no segregation, no collection" policy shall be enforced.

SECTION 63. **Collection of Biodegradable and Recyclable Wastes.** The barangay governments shall be mainly responsible for implementing the mandatory segregation of solid wastes, particularly the biodegradables and recyclables. Initiatives shall be taken to seek technical assistance from the MENRO for the implementation of this provision.

In cooperation with non-government organizations, the barangay government shall implement a waste recycling program intended to:

- (1) Reduce the volume of garbage for disposal;
- (2) Prevent health and environmental risks associated with uncollected mixed wastes; and
- (3) Enable interested groups to pursue a waste business venture.

Barangay Monitoring Teams shall be set-up to provide a Feedback Mechanism on the program. The said Team will undergo the necessary training to be conducted by the MENRO. Feedback centers will be set-up in each barangay hall and/or barangay health center focusing on social pressure for non-compliant sectors.

SECTION 64. **Collection and Transport of Residual Wastes.** The collection of non-recyclable materials/residual wastes and special wastes shall be the responsibility of the Municipal Government. Complaints of any uncollected garbage may be reported to the MENRO for appropriate action. Garbage intended for collection and disposal by municipal garbage trucks shall follow these conditions.

- 1) There shall be a scheduled collection of trash to be prepared by the MENRO and no person shall bring such trash outside his establishment except on the day designated for the collection. This collection schedule may be changed with prior notice depending on certain circumstances. Under uncontrollable circumstances, the MENRO shall be directed to give at least one-day notice of interruption in collection schedule to the barangay officials for proper information dissemination.
- 2) The use of separate collection schedules and/or separate trucks or haulers shall be required for specific types of wastes. Otherwise, vehicles used for the collection and transport of solid wastes shall have the appropriate compartments to facilitate efficient storing of sorted wastes while in transit.
- 3) Wastes shall be placed inside plastic bags or sacks. These bags or sacks shall be brought out in front of the gates of the residential houses and commercial establishments thirty (30) minutes before the collection schedule. Households in the interior should deposit their wastes along the main streets accessible to municipal garbage trucks thirty minutes (30

min.) before the collection schedule. Under no circumstance will uncontained and scattered wastes be collected.

- 4) Trees, shrubs and grass cuttings should not be mixed with the above-cited wastes. They should be placed inside a separate plastic bag or sack.

For premises containing three (3) or more residential units, the local government unit shall promulgate regulations requiring the owner or person in charge of such premises to:

- a. provide for the residents a designated area and containers in which to accumulate source separated wastes to be collected by the barangay, municipality or private groups; and
- b. notify the occupants of such buildings of the requirements of this Code and the regulations promulgated pursuant thereto.

SECTION 65. **Responsibilities of Solid Waste Personnel.** The solid waste personnel shall include the street sweepers, garbage collectors and transporters, garbage processors at the Bayog Ecology Center and transfer station, and workers at the Integrated Solid Waste Management Facility under the supervision of the MENRO. These personnel shall ensure that:

- (1) Collection of solid waste shall be done in a manner which prevents damage to the container and spillage or scattering of solid waste within the collection vicinity.
- (2) Proper segregation of solid wastes is done at the source;
- (3) The workplaces or area of assignments are kept sanitary as possible.

SECTION 66. **Health Care of Solid Waste Personnel.** All personnel directly dealing with collection of solid waste shall be equipped with personal protective equipment to protect them from the hazards of handling solid waste. Necessary training shall be given to the collectors and personnel to ensure that the solid wastes are handled properly. These personnel shall be subjected to periodical medical tests.

SECTION 67. **Transport of Wastes.** In order to prevent any health and environmental hazards on the community, the garbage trucks shall undergo deodorization and disinfection in a wash bay area to be set-up in the transfer station and waste disposal facility. These processes shall be done before and after filling up the

trucks with garbage both during collection and transferring to the bigger dump trucks intended for disposal.

The waste compartment of transport vehicles shall have a durable cover to ensure the containment of solid wastes while in transit. Vehicles shall be designed to consider road size, condition and capacity to ensure the safe and efficient collection and transport of solid wastes.

SECTION 68. **Establishment of Material Recovery Facilities.** There shall be established Material Recovery Facilities (MRFs) in every barangay or cluster of barangays or areas deemed suitable within the municipality. The MRFs shall be located in areas approved by the barangay government or heads of homeowners associations and institutions. The MRF shall be designed to receive collected reusable wastes for final sorting, processing, storage, and selling recyclable material efficiently and in an environmentally sound manner. It is the responsibility of the association or group managing the MRF to maintain its sanitary condition.

SECTION 69. **Composting.** Composting of agricultural wastes and other compostable materials including but not limited to garden wastes, shall be encouraged. Residential houses with available yards shall be required to make their compost pits within their lots for biodegradable wastes. Households with no spaces available for the above-cited pits shall deposit such wastes in covered leak-proof containers for pick-up and transport to a designated area for such type of wastes.

SECTION 70. **Guidelines for Compost Quality.** The compost products shall conform-with the standards for organic fertilizers set by the DA. The DA shall assist the compost producers to ensure that the compost products conform to such standards. The compost products shall be either used to grow organic crops by the municipal or barangay governments or sold to farmers and horticulture enthusiasts.

SECTION 71. **Destination of Collected Wastes.** There shall be facilities set-up for the different types of wastes collected. A waste stream or flow duly approved by the MSWMB shall be strictly followed:

- a. Biodegradable wastes shall be brought either to the Bayog Ecology Center (CEC) or a composting facility to be set-up within the Integrated Solid Waste Management Facility. These wastes shall be processed to produce organic fertilizers.
- b. Recyclable wastes shall be brought either to the Centralized Material Recovery Facility (MRF) at the CEC or to the different MRFs installed in different areas within Bayog.
- c. Non-recyclable wastes or residual wastes shall be picked up by municipal garbage trucks and brought to the transfer station for second handling and

transferred to bigger dump trucks which will, in turn, dump the same to a designated controlled or sanitary landfill.

SECTION 72. **Illegal Dumping and Throwing of Wastes.** Dumping or throwing or placing of wastes in areas not designated for such purpose is strictly prohibited pursuant to Municipal Ordinance No. 10-72-10. For illegal dumping on water bodies, the household/s, lot owner or operator of a business establishment adjacent or nearest to the dump waste shall be held liable for illegal dumping.

SECTION 73. **Garbage Fees.** Garbage fees shall be charged for all residential, commercial, industrial and institutional establishments. The garbage fees shall be placed in a trust fund. The following fee schedule shall be followed:

| TYPE OF ESTABLISHMENT                             | GARBAGE FEE (PESOS) | QUANTITY          | FEE COVERAGE | TIME OF FEE COLLECTION                  |
|---|---------------------|-------------------|--------------|---|
| Residential Household<br>(w/ 1 - 9 members)       |                     | Per Household     | Per annum    | Monthly, Quarterly, Semi-annual, Annual |
| Residential Household<br>(w/ 10 & above members)  |                     | Per Household     | Per annum    | Monthly, Quarterly, Semi-annual, Annual |
| Small-scale commercial<br>(outside Public Market) |                     | Per establishment | Per month    | Monthly, Quarterly, Semi-annual, Annual |
| Small-scale commercial<br>(w/in Public Market)    |                     | Per Stall         | Per Annum    | Monthly, Quarterly, Semi-annual, Annual |
| Large-scale commercial                            |                     | Per establishment | Per month    | Monthly, Quarterly, Semi-annual, Annual |
| Institutional                                     |                     | Per institution   | Per month    | monthly                                 |

SECTION 74. **Method of Collection of Garbage Fees.** The Municipal Treasury Office shall commission persons to act as garbage fee collectors. The sticker system shall be

designed by the MENRO as guide in fee collection. This system shall be subjected to the approval of the MSWMB.

SECTION 75. **Appropriation of Garbage Fees.** Certain percentage of the garbage fees collected shall be appropriated for barangay SWM operations. The remaining percentage shall be used for waste transport and operation of the BEC, transfer station and Integrated Solid Waste Management Facility. Such appropriation shall be subjected to the approval of the MSWMB.

SECTION 76. **Guidelines for Transfer Station.** The transfer station located at the Bayog Ecology Center shall be designed and operated for efficient waste handling capacity and in compliance with environmental standards and guidelines set pursuant to R.A.9003 and other sanitary regulations. No waste shall be stored in such station beyond twenty-four (24) hours. Under no circumstance shall the transfer station be used as disposal site.

SECTION 77. **Guidelines for Solid Waste Disposal.** The collection and disposal of non-recyclable materials and special wastes shall be the responsibility of the Municipal Government of Bayog. In undertaking these tasks, the following conditions shall be taken into consideration:

- 1) No open or controlled dump facility shall be established and operated within Bayog whether private or public in compliance to RA 9003,
- 2) Prior to commencing operation, including site preparation and construction of a new solid waste management facility or the expansion of an existing facility, the LGU of Bayog shall first secure an Environmental Compliance Certificate from the Department of Environment and Natural Resources (DENR) pursuant to P.D. 1586 and other permits and clearances from concerned agencies.
- 3) There shall be an Integrated Solid Waste Management Facility (ISWMF) to be established which shall basically include a composting facility, a material recovery facility, a livelihood center, and a sanitary landfill for deposition of residual wastes.
- 4) The design of the ISWMF, particularly the sanitary landfill shall not detrimentally affect environmentally sensitive resources such as aquifer, groundwater reservoir or watershed area. The important components of a sanitary landfill must be present in the design, to wit: liners, leachate collection and treatment system, gas control recovery system, groundwater monitoring well system, cover consisting of soil and geosynthetic materials, daily cover, and final cover or cap over a completed landfill.
- 5) The ISWMF and its operation shall be designed to accommodate the municipality's waste for a minimum period of ten (10) years.



- 6) If possible, there shall be a separate containment area in the ISWMF for household and clinical hazardous wastes.
- 7) Proper closure and post-closure care procedure shall be prepared to ensure post-use sanitary condition and minimal environmental and health risks.
- 8) The minimum operating requirements for the operation of a sanitary landfill pursuant to Section 42 of R.A. 9003 shall be strictly followed.

SECTION 78. **Handling of Industrial Wastes.** All manufacturing and industrial establishments and similar business firms and institutions shall install acceptable solid waste storage facilities prior to collection and disposal in accordance with national standards. Such facilities shall be inspected by the MENRO to ensure compliance to sanitary and hygiene rules.

Special wastes shall be required special storage, handling and transport. The containers for such special waste shall be properly and appropriately labelled.

SECTION 79. **Prohibited Acts on Solid Waste Management.** – The following acts are prohibited:

- (1) Littering, throwing, dumping of waste matters in public places, such as roads, sidewalks, canals, esteros or parks, and establishment, or causing or permitting the same;
- (2) Undertaking activities or operating, collecting or transporting equipment in violation of sanitation operation and other requirements or permits set forth in or established pursuant to R.A.9003;
- (3) The open burning of solid waste;
- (4) Causing or permitting the collection of non-segregated or unsorted waste;
- (5) Squatting in landfills;
- (6) Open dumping, burying of biodegradable or non-biodegradable materials in flood-prone areas;
- (7) Unauthorized removal of recyclable material intended for collection by authorized persons;

- (8) The mixing of source-separated recyclable material with other solid waste in any vehicle, box, container or receptacle used in solid waste collection or disposal;
- (9) The construction of any establishment within two hundred (200) meters from sanitary landfills; and
- (10) The construction or operation of landfills or any waste disposal facility on any aquifer, groundwater reservoir or watershed area and or any portions thereof;

SECTION 80. **Fines and Penalties on Prohibited Acts in Solid Waste Management.**

Corresponding fines and penalties shall be charged based on Sec. 49 of the penal provisions of R.A.9003.

SECTION 81. **Alternative Technologies.** The MENRO may adopt alternative technologies to address the solid waste of Bayog in coordination with the National Solid Waste Management Commission and provided that such technologies are verified by the Department of Science and Technology. The MENRO in cooperation with academic and technology providers may also explore emerging technologies that may be suitable to the needs of Bayog.

## CHAPTER V HAZARDOUS AND TOXIC MATERIALS

### Article I. Regulated Acts

SECTION 82. **Operation of Motor Repair Shops, Public Utility Vehicle Terminals, Car Wash Centers and Gasoline Stations.**

- 1) All business establishments under this classification in the Municipality of Bayog shall install oil and water separation facility including facilities in the storage of used oil and grease into sealed receptacles. These are mandatory pre-conditions for the issuance of business permits by the Municipal Government.
- 2) Gasoline stations shall ensure that their underground storage tanks are always in good condition by undertaking periodic maintenance and monitoring of fugitive effluents.
- 3) All operators of these businesses shall ensure safety from fire and explosion hazards of their respective facilities by installing appropriate signages for the general public and by attaching proper gadgets and devices to prevent gaseous or fume emissions.

- 4) They shall provide for an easement or buffer zone of at least fifty meters (50m) from actual or potential ground water resources, banks of rivers or other bodies of water traversing or adjoining their gasoline stations.
- 5) Adequate drainage system should be provided for liquid run-off.
- 6) Shrubs and trees should be planted around the site, on open space and on buffer strip to preserve ecological balance.
- 7) They shall not adversely affect the appropriate or profitable uses of the other properties in the area.

SECTION 83. **Fuel Gas Retail Operation.** The owner of the fuel gas retail stall shall provide safe storage for flammable substances for sale. No retailing shall be allowed in congested areas.

SECTION 84. **Toxic Substances and Hazardous Waste Control.** The Municipal Government shall require all persons and entities dealing with toxic substances and hazardous materials to comply with full disclosure procedures in the following manner:

- (1) Manufacturers are required to present material fact sheet, which should explain or describe the quantity, toxicity, ignitability, flammability and leaching potentials of the chemicals manufactured.
- (2) Transporters are required to submit to the Municipal Government ahead of time a manifest, which will contain the material fact sheet, the origin and destination of the material in transport, the transit time and the route where the hazardous or toxic material will traverse.
- (3) Primary users are required to present to the Municipal Government and maintain for periodic inspection by competent authorities, a disclosure document which will contain the quantity of the chemicals, type of use, storage facilities and safety measures.
- (4) Secondary users shall likewise be required to submit to the Municipal Government and maintain for periodic inspection by competent authorities, a disclosure document similar to that required of the primary users.

SECTION 85. **Manufacturer of Toxic and Other Chemical Substances.** All industrial establishments engaged in the manufacture, processing, and utilization of chemical substances shall submit to Municipal authorities a comprehensive occupational safety and hazard mitigation program, which consider conditions within its complex and immediate vicinities. The Municipal Government through the Municipal Environment and Natural Resources Office shall promulgate the

necessary procedural guidelines and regulations in chemical handling within the Municipality.

SECTION 86. **Ban on Extremely Toxic Chemicals.** It shall ban the employment or utilization of extremely toxic and dangerous chemicals in any operational phase of factories, processing plants and agro-chemical establishments including transport or trans-shipment within the boarder of the Municipality taking into account the provisions of R.A. 6969 otherwise known as the Toxic Substances and Hazardous and Nuclear Waste Control Act of 1990 and its implementing rules and regulations in DENR Department Administrative Order No. 29.

SECTION 87. **Quarterly Inspection of Entities Engaged in Chemical Manufacturing.** All businesses engaged in chemical use and manufacturing shall be subjected to a quarterly inspection by the Municipal Environment and Natural Resources Office to ensure compliance of safety measures and appropriate procedures. However, if public safety so requires, the Municipal authorities shall conduct unscheduled inspection.

SECTION 88. **Fire Extinguisher.** The manufacture, sale, refilling and repair, and distribution of yellow fire extinguishers containing halon are banned in the municipality. The municipality hereby encourages the use of environment friendly fire extinguisher such as those which use dry powder of CO<sub>2</sub>.

SECTION 89. **Pyrotechnics.** The sale, manufacture, distribution and use of pyrotechnics in the Municipality of Bayog shall be regulated in accordance with existing Municipal Ordinance No. 9-19-06. Only pyrotechnic devices, as enumerated in the above-mentioned ordinance, which does not explode or burn to produce noise or sound, shall be allowed.

SECTION 90. **Disposal of Clinical Wastes.** All hospitals and clinics, both private and public, and other health establishments shall dispose their clinical wastes in accordance with the duly approved practices and technologies by the Department of Health. Appropriate registration as hazardous waste handlers shall be made with the DENR.

SECTION 91. **Limitation of Production Capacity.** All industrial, manufacturing and similar business establishments shall operate only within the capacity limits of their respective waste treatment facilities in order to maintain the quality of the environment within the standards required by the Municipal Government.

SECTION 92. **Use of Farm Chemicals.** All users of fertilizers, pesticides and other farm chemicals in the farms, plantations and other places shall observe precautionary measure in handling, applying, storage and disposal as well as safety practices as indicated in the labels of the chemicals and instructions for farm technicians.

SECTION 93. **Sewerage and Septage Disposal.** No untreated sewer waste or septage dangerous to the public health safety and general welfare shall be discharged into any drainage channel or inland. There shall be appropriate septic tanks to process such waste prior to pumping out for acceptable disposal methods. A minimum of three chambered septic tanks shall be imposed, without any of which for leaching shall be allowed. It shall be siphoned every 5 years or earlier as designed.

SECTION 94. **Sludge and Effluent Disposal.** All industrial sludges shall be handled and treated as special wastes and all industrial effluents shall undergo proper treatment until such time that these conforms with the new water standards set by the Department of Environment and Natural Resources (DENR). Proper disposal of sludge and discharge of treated effluent shall be done accordingly. Indiscriminate dumping of sludge in any area not designated for such type of wastes shall be punishable. Discharge of untreated effluent shall likewise be punishable.

## CHAPTER VI. OTHER HEALTH AND SANITATION RELATED PROVISIONS

### Article I. Regulated Acts

SECTION 95. **Public Markets.** The Municipal Government of Bayog shall maintain the cleanliness and sanitation of the public market. A set of guidelines shall be formulated to support the sanitation drive within the premises of this establishment.

SECTION 96. **Operation of Slaughterhouse and Poultry Dressing Plant.** Slaughterhouses shall be equipped with appropriate and adequate treatment and disposal facilities for solid discards and wastewater, as well as, disinfection system for the maintenance of hygienic conditions within the premises. There shall be a separate area for holding pens and slaughtering operations as well as separate entry for live animals and exit of carcass.

The Municipal Government of Bayog , pursuant to the provisions of Republic Act 7160 otherwise known as the Local Government Code and Executive Order No. 137, shall regulate the construction, management and operation of slaughterhouses, meat inspection, meat transport and post-abattoir control, monitor and evaluate and collect fees and charges in accordance with the

national policies, procedures, guidelines, rules and regulations and quality and safety standards as promulgated in R.A. 9296 or the "Meat Inspection Code".

In the absence of a municipal slaughterhouse and for purposes of effective monitoring, there shall be a centralized privately-operated slaughterhouse whose franchise shall be granted by the Sangguniang Bayan based on recommendations by the National Meat Inspection Service.

The guidelines for operating a poultry dressing plant shall likewise follow the national standards. There shall also be a centralized poultry dressing plant whose franchise shall be granted by the Sangguniang Bayan based on rules set by the national government.

SECTION 97. **Operation of Funeral Parlors.** All funeral parlors performing embalming shall follow these guidelines:

- (1) The parlors should be constructed with concrete or semi-concrete materials with sufficient space to accommodate more than one body at one time;
- (2) The floors and walls should be made of concrete or other durable impervious materials;
- (3) Ventilation and lighting should be adequately provided;
- (4) Embalming shall be performed on a table made of a single marble slab or other equally impervious materials. It shall be constructed in such a way that all washings and body fluids shall flow to a drain connected to the waste piping system of the building;
- (5) Embalmers and assistants shall observe proper occupational hygiene such as use of rubber gloves when working;
- (6) Washing facilities with soaps, detergents and germicidal solutions shall be provided for the use of the working personnel.
- (7) Clinical wastes resulting from the embalming process shall be disposed through cremation in an accredited facility.

SECTION 98. **Cemeteries and Memorial Parks.** The public cemetery/memorial park is one of the basic facilities to be established for the general welfare of the communities in Bayog and the inhabitants thereof. The following guidelines shall be followed in establishing and operating this facility:

- (1) Adequate drainage system should be provided for liquid run off from decaying or degrading matter;

- (2) Pesticide and germicide control measures should be applied to prevent contamination of burial grounds and the surrounding areas.
- (3) Shrubs and trees shall be planted around the site and on an open space as buffer strip to preserve ecological balance.
- (4) Sanitary requirements of the Sanitation Code and other existing laws, particularly those referring to final procedures in case of the incidence of epidemic or communicable disease should be complied with.
- (5) It shall be unlawful for any person to bury remains in places other than those legally authorized
- (6) A burial ground shall be at least 25 meters distant from any dwelling house and no house shall be constructed within the same distance from any burial ground.
- (7) No burial ground shall be located within 50 meters from either side of a river or within 50 meters from any source of water supply.
- (8) They shall comply with other sanitary requirements prescribed by existing laws.

SECTION 99. Radio and Telecommunication Transmitting Stations.

- (1) They shall be located within commercial or institutional utility zones.
- (2) Their surrounding maintenance shall be the exclusive responsibility of the applicant and or persons running them.
- (3) Where the public welfare demands, however, they may be located in some residential zones provided the proceeding conditions is complied with; provided, however, that powerful or high voltage transmitter and antennae which may cause electric interference or excessive electromagnetic radiation, which would be hazardous to health, shall not be allowed.

## CHAPTER VII. WATER RESOURCE MANAGEMENT

### Article I. Water Resources

SECTION 100. **Policy Statements on Water Utilization**. In line with the provision of the Constitution and as embodied in the Water Code of the Philippines, all water belongs to the State. The ownership of water by the State means that water cannot be subjected to acquisitive prescription, however the State allows the use and development of water by administrative concession.

The Government, through the National Water Board, exercises control and regulation of the water resource pertaining to its utilization, exploitation, development, conservation and protection.

In the observance of the above-mentioned principle, the Municipality of Bayog shall ensure an equitable appropriation of water resources to its constituents consistent with the order of preference adopted by the State as follows;

- (1) Domestic and municipal use;
- (2) Irrigation;
- (3) Power generation;
- (4) Fisheries;
- (5) Livestock raising;
- (6) Industrial use;
- (7) Recreational; and
- (8) Other purposes.

SECTION 101. **Basis for Action**. With increasing population and intensification of economic activities, the use of water has overtaken its replenishment in the direction where, in some instances, the basic needs would no longer be satisfied. Timely preventive measures shall be taken to prevent water crisis. These concerns call for appropriate actions at the Municipal level, complementing the national effort of ensuring sustainable utilization of water resources.

SECTION 102. **Water Sources**. With the growing population and the expansion of economic activities the need of water has been increasing at a faster rate. This has brought a serious imbalance between supply and demand of potable and usable water. Cognizant of this condition it becomes imperative for the Municipal Government to provide and secure water for the current and future generations living in its territorial boundaries. To wit:

- (1) It shall be the responsibility of the Municipal Government to identify existing and potential water sources for domestic and municipal use within the territory of the Municipality to ensure that there shall be sources of water to satisfy the needs of the present and future. This calls for complete



inventory of river, creek, stream and spring sources along with subsurface aquifer systems. Databases shall be established for these water sources with adequate information on quantity and quality. Interim plans should be established on how these water sources shall be accessed, tapped and developed.

- (2) A data inventory of the water resources to include their physical characteristics, locations and types shall be maintained and updated by the Municipality for future assessment. These data inventory shall be the basis of municipal water resource policy and water resource system analysis. These data shall be stored and collated for easy access and updating through dynamic information system.
- (3) The Municipal Government shall likewise determine the contaminated water resource in the municipality such as the salt-intruded areas and chemical contaminated areas as part of the environmentally affected areas. These areas shall be restrained from utilization and exploitation and the Municipality shall provide an advisory notice to this effect. In the overall strategy, these areas shall be targeted for rehabilitation.
- (4) The Municipal Government shall regulate water consumption on a periodic basis to optimize its use. The approach shall be holistic enough to include all the major users of water and comprehensive enough to determine possible cause and effect scenario of the water utilization.
- (5) The Municipal Government shall identify the watersheds within its own territorial limits and incorporate them in its zoning plans. As a water unit, the municipality shall adopt important strategies of protection, conservation, utilization and enhancement in view of sustainable development. Land uses which threaten watersheds shall be minimized by instituting measures to curb human activities that damage the pristine nature of the water resources.
- (6) Apart from satisfying the immediate demand, the Municipal Government shall adopt long range planning for the water resources development to come up with adequate supply to meet increasing demand.

SECTION 103. **Water Consumption, Distribution and Monitoring.**

- (1) It shall the responsibility of the Municipality to ensure that the quality of water shall be within the limits of the National Standard for Drinking Water (NSDW) conforming to physical, chemical, biological and radiological requirements. The Bayog Water District and any other distribution agencies

operating within Bayog, Zamboanga del Sur may be summoned anytime should drinking water quality is in question.

- (2) Water for direct consumption shall conform to acceptable requirements of bacteriological quality. To this end, the Bayog Water District and any other distribution agencies shall be directed to employ appropriate disinfection or chlorination to ensure that the water shall be free from harmful bacteria or any micro-organisms.
- (3) The general public shall be notified in advance and shall be advised accordingly if water of sub-standard quality has entered the supply system. Remedial measures shall be instituted at once to correct any defect or damage in the system.
- (4) Since poor distribution systems can be a prime cause of water contamination, it shall be the priority of the Municipality to direct concerned agencies to maintain and perform repairs on the distribution system given such circumstances.
- (5) The Municipality shall come up with a program of monitoring wastewater in the community. Likewise, the Municipality shall institute measures to compel the private sectors to come up with treatment programs for domestic and industrial effluent before discharging to the environment.
- (6) The discharge of wastewater to the environment either by land spreading, injection or dilution in natural bodies of water shall be regulated by the Municipality of Bayog.
- (7) The use of nitrogenous fertilizers in farms, fields and golf courses have been pointed out as one of the sources of contamination for groundwater. In areas where important aquifers are located, the use of such fertilizers shall be limited if not prohibited by the Municipality.
- (8) Important point source pollution such as gas stations and petroleum product reservoirs should be identified and their locations mapped out in relation with the existing water resource. The Municipality shall come up with monitoring program for fugitive effluents and require business operators to submit mitigating measures in the event of accidental release of chemicals.
- (9) Along all natural watercourses such as streams, brooks, and rivers, the respect for easement shall be in accordance with the established easements of the National Water Resources Board (NWRB) and shall be adopted and enforced by the Municipality.

- (10) Intensive efforts shall be employed to avert water crisis. In extreme cases where the said occurrence is already inevitable, the Municipality shall dictate water appropriation based on order of preference stated above.
- (11) All rules on water sanitation provided in Chapter II – “Water Supply” of the Code on Sanitation of the Philippines (P.D. 856) pertaining to water supply shall apply in this Code.

SECTION 104. **Water Demand.**

- (1) Water Utilization. In reference to the Water Code of the Philippines, the development of water resources shall consider the security of the state, multiple use, beneficial use, adverse effects and cost of development. The Municipality shall adhere to this provision in the utilization of water resources within the Municipality.
- (2) Heavy Users of Water. Within its political boundary, the Municipality shall identify the heavy users of either surface water or groundwater and shall determine on a periodic basis the rate of extraction and utilization. In allowing water concessionaires and the user of water, the Municipality shall take the following actions:
- (a) Attach water meters to water conveyance facilities and compel the concessionaires to report their water use to the Municipality.
- (b) Assess the extraction of water on the basis of resource utilization and apply appropriate charges based on economic rent policy. The proceeds of this rent shall be used to support projects which provide adequate and safe water to the general public.

SECTION 105. **Regulated Acts.**

1. Users of water resources shall secure a permit before engaging in the use of water resources within the territorial boundaries of the Municipality. In addition, certification shall be required for renewal of business permit thru the MENRO,
2. The use of centralized overhead water tanks particularly in subdivisions shall be regulated.
3. In instances when there is an impending water crisis, the local government shall designate areas in which developmental undertakings are to be suspended.

SECTION 106. **Role of LGU in Water Quality Management.** The Municipal Government of Bayog shall share the responsibility in the management and improvement of water quality within its territorial jurisdictions. The LGU of Bayog shall actively take part in the National Sewerage and Septage Management Program. It shall appropriate the necessary land, including the required rights-of-way/road access to the land for the construction of the sewage and/or septage treatment facilities. It shall also raise funds to subsidize necessary expenses for the operation and maintenance of sewerage treatment or septage facility servicing their area of jurisdiction through local property taxes and enforcement of a service fee system.

Through the MENRO, the Municipal Government shall undertake:

- (1) Monitoring of water quality;
- (2) Emergency response;
- (3) Compliance with the framework of the Water Quality Management Action Plan;
- (4) To take active participation in all efforts concerning water quality protection and rehabilitation;
- (5) Coordination with other government agencies and civil society and the concerned sectors in the implementation of measures to prevent and control water pollution.

SECTION 107. **Illegal Construction along Waterways.** No person shall construct any building or introduce any improvement within 3 meters from the creek sides inside the municipal proper and residential areas and within 20 meters from riverbanks and creek sides and similar waterways in agricultural areas.

SECTION 108. **Well Drilling.** No person shall commence or start drilling without clearance from the MENRO. Certificates of no objection from host barangays and appropriate permit from the National Water Resources Board or its deputized agency shall have to be secured first. Barangay officials shall take the lead to prevent well drilling without the necessary permits.

SECTION 109. **Aquatic Resource Management.** All rivers, streams, aquifers and municipal waters including plants and animals living in these bodies of water within the Municipality are considered aquatic resources.

SECTION 110. **Measures to Mitigate Aquatic Pollution.** The following precautionary measures are hereby adopted:

- (1) Establishment of monitoring and regulatory system to control effluent discharges from the point sources
- (2) Formulation of community-based anti-littering programs.
- (3) Application of safety practices in the use of fertilizers in agricultural areas.

- (4) Riverbank stabilization and establishment of riparian vegetation to control soil erosion and minimize excessive sediment discharge from development activities.

SECTION 111. **Buffer Strips Easement**. In the utilization, development, conservation and protection of aquatic resources, the following setback and/or easement along the entire length of the banks of the rivers and creeks shall be observed:

- (1) Three (3) meter setback for all urban uses;
- (2) Twenty (20) meter easement for all agricultural uses; and
- (3) Forty (40) meter easement for all forest uses such as forest and ecological parks

The above setbacks or easements shall be subject for public use such as for recreation and other similar activities.

## **Article II. Effluent and Discharges**

SECTION 112. **Discharge of Wastewater**. Wastewater from manufacturing plants, industries, community, or domestic sources shall be treated either physically, biologically or chemically prior to disposal in accordance with the rules and regulations promulgated by competent authorities. The owners or operators of facilities that discharge regulated effluents pursuant to the Clean Water Act shall be required to secure a permit to discharge.

As part of the permitting procedure, the Municipal Government shall encourage the adoption of waste minimization and waste treatment technologies when such technologies are deemed cost effective.

SECTION 113. **Illegal Dumping of Solid Wastes**. The dumping or disposal of solid wastes into the rivers and creeks and any body of water in the Municipality, where the wastes are likely to be washed into the water is strictly prohibited. The offender shall be penalized according to the provisions in Chapter IV of this Code.

SECTION 114. **Prohibited Acts**. The following acts are prohibited:

- (1) Discharging, depositing or causing to be deposited material of any kind directly or indirectly into the water bodies or along the margins of any

surface water including sewage sludge or solid wastes, prohibited chemicals, substances or pollutants, potentially infectious medical wastes, where, the same shall be liable to be washed into such surface water, either by tide action or by storm, floods or otherwise, which could cause water pollution or impede natural flow in the water body;

- (2) Discharging, injecting or allowing to seep into the soil or sub-soil any substance in any form that would pollute groundwater;
- (3) Undertaking activities or development and expansion of projects, or operating wastewater/sewerage facilities and operating facilities that discharge regulated water pollutants without the valid required permits or after the permit was revoked for any violation of any condition therein;
- (4) Discharging regulated water pollutants without the valid required discharge permit pursuant to this Act or after the permit was revoked for any violation of conditions therein.

## CHAPTER VIII - AIR & NOISE QUALITY MANAGEMENT

### Article I. General Provisions

SECTION 115. **Policy Statement.** The basic intention of the Municipal Government of Bayog is to undertake the necessary precautionary and preventive measures to ensure the prevalence of ambient quality air. Given the complexity of clean air management and the insufficient technology and resource available for the conduct of atmospheric monitoring and evaluation, the Municipal Government of Bayog shall prevent to the greatest extent permissible, the continued degradation of air quality within its territorial jurisdiction.

As a general approach, the Municipal's effort shall be guided by Ambient Air Quality Guideline Values and Standards set under the Clean Air Act and the air quality indices set under DENR Administrative Order No. 14 and shall undertake the necessary precautionary and preventive measures to ensure that the maintenance of said indices are pursued. Any provision of the Clear Air Act of 1999 which is applicable to the Municipality of Bayog shall form part of this code.

SECTION 116. **Role of LGUs in Air Quality Management.** The Municipal Government of Bayog shall share the responsibility in the management and improvement of air quality within its territorial jurisdiction. Among other functions and responsibilities of the LGU:

- (1) It shall actively participate in the Governing Board of the airshed it rightfully belongs to ensure the protection of health and welfare of the residents

within potentially polluted areas. It shall implement air quality standards set by the Board which shall not exceed the maximum permissible standards set by national laws in areas within their jurisdiction.

- (2) It shall prepare and develop an action plan consistent with the Integrated Air Quality Improvement Framework to attain and maintain the ambient air quality standards within the airshed.
- (3) It shall prepare a compliance scheme in accordance with the Air Quality Management Area Plan subject to review and approval of the governing board. It shall also prepare and implement contingency plans and other measures including relocation when necessary.
- (4) It shall develop and submit to the DENR a procedure for carrying out the action plan for their jurisdiction. A multi-sectoral monitoring team from the Municipality of Bayog with broad public representation shall be convened by the DENR to conduct periodic inspections of air pollution sources to assess compliance with emission limitations contained in their permits.

## **Article II. Implementation**

SECTION 117. **Industrial Location.** No industries or factories shall be constructed within 1 km radius from the town proper. Industrial location shall be governed by the existing ordinance on Comprehensive Land Use and Zoning Ordinance. For industries already established prior to this Code, strict compliance monitoring shall be undertaken.

SECTION 118. **Industrial Air Pollution.** The levels of air quality for suspended particulates, sulfur dioxide, photochemical oxidants or ozone, and carbon monoxide and the indices to compare whether such atmospheric parameters are within acceptable levels have been established by the DENR, (Administrative Order No. 14) for all areas. It shall be the duty of the Municipality of Bayog to ensure compliance to these standards by:

- (1) Coordinating with the DENR to conduct inspection of all industrial facilities, including all equipment emitting potentials air pollutants, to ensure that such establishments are complying with established standards.
- (2) Requiring all holders of business permit using fossil fuel on any part of their business operations to submit environmental compliance certificate and permit to operate issued by DENR – EMB as pre-requisite for the renewal of their business license permits.
- (3) Informing all other establishments of the Municipality's policy in adhering to the air quality standards.

- (4) Enforcing or implementing the environmental inspection, control and banning as may be appropriate, the erection, use, installation or operation of any article, machinery, or any contrivance which will release air pollutants into the atmosphere which, together with the concentrations of existing air pollutants in the Municipality, will result to ambient air concentration greater than the quality standards set by the DENR. To enforce such regulation, the Local Government shall periodically seek the assistance of the DENR in conducting emission tests for all such devices, equipments or plants.

SECTION 119. **Fugitive Particles.** No person shall allow the emission of fugitive particulate from any source whatsoever, including, but not limited to, vehicular movement, transportation of materials, construction, alteration, demolition or wrecking, or industry-related activities such as loading, storing or handling without taking reasonable precautions to prevent such emissions. In line with such precautions, the following are hereby adopted.

- (1) Covering of open loaded trucks transporting materials likely to give rise to airborne dust, odor and other fugitive particles.
- (2) Treatment or removal of all air pollutants e.g., dust, fumes, gases, mists, odorous matters or vapors or any combination thereof prior to discharge into the open air.
- (3) In case of building construction or demolition, quarrying operations or clearing of land, precautions shall be carried out to ensure that fugitive dusts remain within the premises of the activity conducted.
- (4) The emission of dust, dirt or fly ash from any source or activity which shall pollute the air and render it unclean, detrimental, un-healthful or hazardous or cause visibility to be impaired, shall not be permitted.

SECTION 120. **Reduction of Emissions of Carbon Dioxide (CO<sub>2</sub>) and Other Greenhouse Gases.** The Municipal Government of Bayog shall exert major efforts to contribute towards the minimization of global warming. As such, in coordination with the Environmental Management Bureau (EMB) of the DENR, the Municipal Government shall regulate the use of chemical fertilizers and burning of fossil fuels and crop residues within its territorial limits.

SECTION 121. **Reduction of Emissions of Substances That Depletes the Ozone Layer.** The depletion of the ozone layer (in the earth's atmosphere) caused by the use of chlorofluorocarbon (CFC) halon and other hydrochlorofluorocarbons poses extreme health hazards to mankind such as exposure to harmful ultraviolet rays of the sun.



Pursuant to the Montreal Protocol where the Philippines is a signatory, the Municipality of Bayog hereby adopts some of its relevant provisions:

- (1) All citizens in the Municipality are discouraged to use aerosols with CFC content e.g., spray nets, pesticides, fertilizers, etc.
- (2) Refrigeration and air-conditioning shops, including factories and manufacturing entities shall be required to institute measures to avoid the release of CFC's directly into the atmosphere.
- (3) The use of yellow fire extinguishers containing halons will not be allowed in the Municipality of Bayog.

SECTION 122. **Odors & Gases.** The emission of foul odors and gases harmful to public health, safety and general welfare shall not be permitted.

SECTION 123. **Smoke Belching.** It shall be the policy of the state to ensure that precautions are undertaken to prevent the emission of excessive carbon monoxide, particulates and sulfur dioxide from motor vehicles. Some primary considerations are the enforcement of the Anti-Smoke Belching Program, the intensification of coordination among concerned agencies on the use of unleaded gasoline and reduced number of vehicles to ensure the smooth flow of vehicles and the promotion of mass transport system.

A periodical road-side (on-site) anti-smoke belching test shall be conducted in cooperation with the Land Transportation Office. Exhaust emission limits shall be based on the provisions of the Clean Air Act. Fines and penalties thereof shall be determined by the Sangguniang Bayan through a separate revenue ordinance.

SECTION 124. **No Smoking.** It is strictly prohibited for any person to smoke in all public places, enclosed and air conditioned rooms in all public buildings and offices, public transport vehicles including buses, passenger jeeps, vans and tricycles or in any enclosed area outside of one's private residence or private place of work in the Municipality of Bayog, Zamboanga del Sur. However, smoking area may be allowed in specific and designated places as maybe determined by persons and/or authorities concerned.

SECTION 125. **Open Burning.** Open burning adds to global warming and poses hazards to health, properties and natural resources. Therefore, no person shall ignite, cause to be ignited or build any open fires except on the following activities:

- i. open fire cooking of food for human consumption;
- ii. fires for recreational or ceremonial purposes;
- iii. fires for the prevention and control of diseases and pests; and
- iv. fires for training personnel in the methods of fire fighting.

SECTION 126. **Glare and Heat.** Glare and heat from any operation or activity shall not be allowed to be radiated, seen or felt at any point beyond limit of the property.

SECTION 127. **Noise and Vibration.** To protect public health and welfare against nuisance caused by excessive noise, the Municipality of Bayog in coordination with the DENR and various sectors within the Municipal Government shall set standard for noise reduction at the sources which include but not limited to:

1. Construction;
2. Vehicles, mufflers, stereo system;
3. Pub houses, restaurants and karaoke bars; and
4. Public gatherings such as concerts, rallies, etc.

All noise and vibration-producing machineries shall be enclosed by a building and shall be provided with effective noise-absorbing materials, noise silencers and mufflers and an open yard of not less than twenty (20) meters from the nearest adjoining property planted to dense trees as buffers. To minimize vibrations, machineries should be mounted on shock-absorbing materials.

SECTION 128. **Tolerable Decibel Levels.** The Municipal Government shall limit sound within its territorial jurisdiction to only up to 60 decibels or as prescribed in the clean air act.

## CHAPTER IX MISCELLANEOUS PROVISIONS

Section 129. **Municipal Environmental Master Plan.** The Local Environment Code of Bayog shall be translated into an action plan through the Bayog Environmental Master Plan that will lay the ground work for the appropriate agencies to execute the provisions defined hereof.

Section 130. **Restatement of Municipal Ordinances.** The provisions and regulatory measures contained in various municipal ordinances are hereby restated, amplified and made part of this code.

Section 131. **Effective Evaluation.** There shall be installed in every level of responsibility a formal or informal monitoring scheme to determine the extent of accomplishment vis-à-vis the set goals.

Section 132. **Rights and Obligations Prior to Effectivity of This Code.** Rights and obligations existing on the date of effectivity of this Code and arising of contracts shall be governed by the original terms and conditions of said contracts or the law in force at the time such rights were vested.

Section 133. **Conflict Resolution.** In the resolution of controversies that may arise as a result of the implementation of this Code where no legal or codal provision or jurisprudence applies, resort may be had to the mediation principles under the Katarungang Pambarangay Law if applicable or to the traditions in the place where the controversies take place.

Section 134. **Liberal Interpretation of Code.** Any provision of this Code shall be liberally interpreted in favor of the Municipality in the exercise of devolved powers and the general welfare clause under Section 16 of the Local Government Code.

Section 135. **Barangay Environment Codes.** All barangays shall be required to formulate their respective barangay environment codes consistent with the provisions of this Code and other laws pertaining to the protection, conservation, maintenance of the environment. In that respect, barangays may group themselves, consolidate or coordinate their efforts, services and resources for purposes commonly beneficial to them. Further, the Municipality shall extend more adequate technical and material assistance to less developed and deserving barangays.

SECTION 136. **Rules and Regulations.** Whenever necessary, the Municipal Mayor may create an Implementing Rules and Regulations (IRR) Committee, in consultation with the Sangguniang Bayan and upon recommendation of the MENR Officer, to promulgate rules and regulations to implement more effectively certain provisions of the Code. Absence of rules and regulations should not in any case cause delay in implementing the code or portions thereof.

SECTION 137. **Responsibility for Information, Education and Communication.** The MENRO shall take primary responsibility in designing and implementing an Information, Education and Communication Program for public dissemination of all provisions of this Code.

SECTION 138. **Augmentation Scheme.** The Municipal Government may augment basic environmental services and facilities assigned to barangays where such service/s may not available or inadequate.

## CHAPTER X - FINAL PROVISIONS

SECTION 139. **Clean-Up Operations.** It shall be the responsibility of the polluter and every person privy to cause pollution to land, air, water and to people be it solid, liquid, toxic or hazardous material or waste to contain, remove and clean-up the affected areas at his own expense to restore said area to condition prior to the incident or better.

In the event of the polluter's failure to undertake the emergency clean-up operations, the Municipal Government shall undertake containment, removal and clean-up operations and expenses incurred in said operations shall be charged against the persons and/or entities responsible for such pollution.

An environmental damage fee of One Hundred Thousand pesos (Php 100,000.00) shall be charged by the Municipal Government to the polluter on top of the clean-up costs for every 24 hours of failure to remediate the pollution.

SECTION 140. **Penal Provisions.**

(1) Any person found guilty of violating sections 62, 68, 69, and 71 shall suffer the penalty of fine of not less THREE HUNDRED PESOS (Php 300.00) but not more than ONE THOUSAND PESOS (Php 1,000.00) and community service of not less than ONE (1) day or an imprisonment of not more than FIFTEEN (15) days or both fine and imprisonment at the discretion of the court without prejudice to administrative sanctions in case of business establishments, firms, corporations or the like.

(2) Any person found guilty of violating sections 34, 46, 51, 55, 35, 36, 122, and 124 shall be fined with FIVE HUNDRED PESOS (Php 500.00) to ONE THOUSAND FIVE HUNDRED PESOS (Php 1,500.00) and community service of not less than ONE (1) day or an imprisonment of FIFTEEN (15) to THIRTY (30) days or both fine and imprisonment at the discretion of the court without prejudice to administrative sanctions in case of business establishments, firms, corporations or the like.

(3) Any person found guilty of violating sections 53, 105 (1) and 105 (2) shall suffer the penalty of fine of not less than ONE THOUSAND PESOS (P1, 000.00) but not more than TWO THOUSAND PESOS (P2,000.00) or an imprisonment of not less than 30 days or both fine and imprisonment at the discretion of the court without prejudice to administrative sanctions in case of business establishments, firms, corporations or the like.

(4) Any person found guilty of violating sections 50, 52, 72, 78, 82, 83, 84, 85, 86, 88, 89, 90, 91, 93, 94, 96, 97, 98, 99, 107, 108, 112, 113, 114, 1117, 119, 120, 121, 123, 125, 126, 127, and 128 shall be fined not less than TWO THOUSAND FIVE HUNDRED PESOS (P2, 500.00) or imprisonment of not less than SIX (6) months or both at the discretion by the Court and shall be ordered to cease operation immediately after apprehension.

(5) All other violations in the provisions not mentioned in the preceding paragraphs of this section shall be penalized with administrative sanctions by the Municipal Mayor.

(6) Penalties provided by existing laws enacted prior to this Code shall apply unless other penalties are explicitly specified in this Code, in such case, the penal provisions of this Code shall apply.

SECTION 141. **Incentive Scheme.** Half of the penalty regardless of violation shall be given to the person/association/organization who reported the violation and/or to the apprehending officer/s as an incentive. The MENRO may launch a campaign “i-text mo huli ko, hati tayo” wherein texters without the need to identify themselves may claim their payment/reward thru load or other similar means for reporting violations.

As an incentive to environmental inspectors, an amount of Php 5.00 shall be given for each duly accomplished trip ticket (inspector’s copy) returned to the MENRO and shall be paid on a monthly basis.

The MENRO may come up with other incentive scheme to enhance enforcement of the Code.

SECTION 142. **Applicability Clause.** Provisions of such other laws and regulations as they pertain to the subject matters included in this Code, applicable in the Municipality are made integral parts of this Code.

SECTION 143. **Separability Clause.** If, for any reasons, any part or provisions of this Code shall be declared unconstitutional or invalid by the court, or suspended or revoked by competent authorities, other parts of the provisions thereof which are not affected thereby shall continue to be in full force and effect.

SECTION 144. **Repealing Clause.** All ordinances, executive orders, proclamations and administrative regulations, or parts thereof, which are inconsistent with any provisions of this Code, are hereby repealed or modified accordingly.

SECTION 145. **Effectivity.** This Code shall take effect after the lapse of ten (10) days from the date of publication in a newspaper of local circulation or after posting of the same in three (3) conspicuous places in the Municipality.

ADOPTED this 22<sup>nd</sup> day of August 2016, on motion of Hon. Horace Paul T. Anlap, duly seconded.

**AYES:** Hon. Horace Paul T. Anlap, Hon. Ernesto C. Yagos, Hon. Cerilo B. Carcueva, Hon. Junel P. Bacbac, Hon. Teofisto B. Deocades, Jr., Hon. Norelyn B. Rodriguez and Hon. Godofredo T. Compacion.

**NAYS:** NONE

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**CERTIFIED CORRECT:**

**ATTESTED:**

**(SGD) NORELYN B. RODRIGUEZ**  
SB Member-Secretary Designate

**(SGD) CELSO A. MATIAS**  
Municipal Vice Mayor-Presiding Officer

**VERIFIED CORRECT:**

**APPROVED:**

**(SGD) HORACE PAUL T. ANLAP**  
SB Member-Floor Leader

**(SGD) LEONARDO L. BABASA, JR.**  
Municipal Mayor