# MARINDUQUE ENVIRONMENT CODE

2	ARTICLE I
3	TITLE OF THE ORDINANCE
4	_SECTION 1. Title of the Ordinance This Ordinance shall be known as the "Marinduque
5	Environment Code of 2023" and shall hereinafter be referred to as the Code.
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7	ARTICLE II
8	AUTHORITY, PURPOSE AND OBJECTIVES
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10	<b>SECTION 2. Authority.</b> – The Sangguniang Panlalawigan, pursuant to Republic Act No. 7160
11	otherwise known as the Local Government Code of 1991, particularly Section 468(1)(vi) thereof
12	was mandated to adopt measures that will protect the environment and impose appropriate
13	penalties for the acts which endanger the environment, such as dynamite fishing and other forms
14	of destructive fishing, illegal logging, and smuggling of logs, smuggling of natural resources
15	products and endangered species of flora, fauna, slash and burn farming system and such other
16	activities which result in pollution, acceleration of eutrophication of rivers and lakes, or of
17	ecological imbalance. Likewise, the Provincial Governor was authorized under Section
18	465(b)(3)(v) of the same Act to adopt adequate measures that will safeguard and conserve land
19	mineral, marine forest, and other resources of the province, in coordination with the mayors of
20	component cities and municipalities.
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22	SECTION 3. Objectives and Purposes This Code is enacted for the following objectives and
23	purposes:
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## Objectives:

26	a.) To promote the principles of ecological sustainable development towards balancing the
27	protection of the rights of people and nature:
28	1. that the use, development, and protection of the environment should be managed
29	by the LGUs in a way that will enable people thrive and nature to grow, regenerate
30	and create the condition for economic, social, and physical well-being, health and
31	safety for all its constituents:
32	1.1 sustaining the potential of natural and physical resources to meet the
33	reasonable and foreseeable needs of future generations;
34	1.2 safeguarding the life-supporting capacity of air, water, land, and people.
35	1.3 preventing, remedying, or mitigating any adverse effects of activities that
36	have effects on the environment;
37	1.4 Promote and adopt measures for rights-based approach for climate
38	mitigation and adaptation
39	2. that proper weight should be given to both long-term and short-term economic,
40	environmental, social, and equity considerations in deciding all matters relating to the
41	right to a healthy environment of the people and their right to development which
42	should be consistent with the recognition and protection of the rights of nature.
43	b.) To ensure that all reasonable and practicable measures are taken by the LGUs to protect,
44	restore, and enhance the quality of the environment having regard to the principles of ecologically
45	sustainable development, and
46	1. to prevent, reduce, minimize and, where practicable, eliminate harm to the
47	environment:
48	1.1 by programs to encourage and assist action by the industry, government,
49	and authorities and the community aimed at pollution prevention, clean

50 productions, and technologies, reduction, reuse, and recycling of materials and 51 natural resources and waste minimization; 52 1.2 by regulating in an integrated, systematic, and cost-effective manner: 53 activities, products, substances, and services that through 1.2.1 54 pollution or production of waste, cause environmental harm; 55 1.2.2 the generation, storage, transportation, treatment, and disposal 56 of waste: 57 1.3 to coordinate activities, policies, and program necessary to prevent, reduce 58 minimize or eliminate environment harm to ensure effective environmental 59 protection, restoration, and enhancement; 60 1.4 to facilitate the adoption and implementation of environment protection 61 measures agreed on by national government and local government units in 62 the province under inter-LGU arrangement for greater complementary and 63 effectiveness in environmental protection; 64 1.5 to apply a precautionary approach to the assessment of risk of 65 environmental harm and ensure that all aspects of environmental quality 66 affected by population and waste, including ecosystem sustainability and 67 valued environmental attributes, are considered in decision relating to the 68 environment; 69 1.6 to require persons, natural or juridical, engaged in activities that cause 70 pollution to progressively make environmental improvements including 71 reduction of pollution and waste at source, as much improvements become 72 practicable through technological and economic development; 73 1.7 to allocate the cost of environmental protection and restoration equitably 74 and in a manner that would encourage responsible use of and reduce harm to 75 the environment with the polluters bearing an appropriate share of the cost 76 that arise from their activities, products, substances and services;

- 1.8 to provide for monitoring and reporting on environmental quality on a regular basis to ensure compliance with environmental laws, rules, and regulations and maintenance of a records to trends in environmental quality;
  - 1.9 to provide for reporting of the state of the environmental on a periodic basis;
  - 2. to promote (a) industry and community education and involvement in decision about the protection, restoration and enhancement of the environment and (b) disclosure of the public access to information about significant environmental incidents and hazards
    - 3. To promote an environmentally-friendly lifestyle within the province as a bedrock for the protection of the right to health and recognition of the rights of nature through appropriate incentive schemes.

#### **Purposes:**

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- a) Operationalize the power and responsibilities of the local government units of
   Marinduque in the delivery of general welfare services in the context of protecting the right to a
   healthy environment of the people and the recognition and protection of the rights of nature;
- 93 b) Provide guidance to the lower-level local government units in the exercise of their powers 94 and in optimizing the opportunities provided under RA 7160.
- 95 c) Establish the framework for a local government-driven, inter-agency and multi-sectoral 96 system of environment management in the province.
  - d) Regulate, control, and guide future growth and development of the province in the pursuit of its common vision of progress through agro-industrial and eco-tourism development within the context of wise management and utilization of natural, biophysical, geological, cultural, and historical heritage of the Marinduqueños.
- e) Inform the citizens on the environment and natural resources management policy of the
   Provincial Government of Marinduque; and

- 103 f) Establish the mechanism for implementing the provisions of this Code.
- 104 SECTION 4. Operative Principles. This Code adopts the vision statement for sustainable
- development of the Marinduque Council for Sustainable Development and the recognition of the
- rights of people to environment and the rights of nature, hence:
- 107 a) The people are the stewards of God's gift of nature for sustainable livelihood;
- 108 b) The active participation of Marinduqueños is the key to the attainment of sustainable
- 109 development;
- 110 c) The enactment and enforcement of laws concerning the protection and conservation of
- the environment shall be just and consistent with the laws and rights of nature;
- 112 d) The use of environment-friendly and appropriate technologies is a basic foundation for a
- healthy and progressive generation living in harmony with nature;
- 114 e) All development activities shall give importance and respect to the indigenous culture
- and practices of the people including gender and population concerns consistent with ecological
- 116 principles and the rights of nature
- 117 f) The sustainable economic development of Marinduque calls for a judicious use of the
- benefits from nature and an equitable access to all in accordance with existing laws; and
- 119 g) All Marinduqueños have the right to be informed and to participate in all undertakings
- 120 pertinent to the sustainable utilization, protection, preservations, and conservation of natural
- 121 ecosystems.
- **SECTION 5. Declaration of Policy. -** Cognizant of the enormous promise and opportunity for
- 123 prosperity offered by the quality, quantity, diversity, and sustainability of our environment and
- natural resources, through which we envision to arrest in part of the high rates of our migration
- of our fellow Marinduqueños as occasioned by the growing scarcity and declining conditions of
- 126 the environment and nature, and considering that environment and natural ecosystems
- 127 management within the province transcends municipal boundaries, it is hereby declared the
- 128 policy of the Province of Marinduque to secure the right to development and to and healthy

129	environment of present and future generation of Marinduquenos as well as the recognition and	
130	protection of the rights of nature.	
131	SECTION 6. Definition of Terms As the use in this code, the following words and phrases	
132	shall be defined as follows:	
133	a) Alienable and Disposable (A and D) Lands - refer to those lands of the public domain which	
134	have been declared by law as not needed for forest purposes.	
135	b) Biological Diversity - means the variability among living organism from all sources	
136	including terrestrial, marine, and other aquatic ecosystem and the ecological complexes of which	
137	they are part; this includes diversity within species, between species and ecosystem.	
138	c) <b>Buffer Zone -</b> are identified areas outside the boundaries of and immediately adjacent to	
139	designated protected areas and need special development control in order to avoid or minimize	
140	harm to the protected area.	
141	d) Coastal Area/Zone - is a band of dry land and adjacent ocean space (water and submerged	
142	land) in which terrestrial process and uses directly affect oceanic processes and uses, and vice	
143	versa; its geographic extent may include areas within a landmark limit of one (1) kilometer from	
144 145	the shoreline at high tide to include mangrove swamps, estuarine rivers, sandy beaches and other areas within a seaward limit of 200 meters isobaths to include coral reefs, algal flats,	
146	seagrass beds and other soft-bottom areas.	
147	e) <b>Commercial Fishing -</b> the taking of fishery species by passive of active gear for trade,	
148	business or profit beyond subsistence or sports fishing, to be further classified as:	
149	1. Small scale commercial fishing – fishing with passive or active gear utilizing	
150	fishing vessels o 3.1 gross tons (GT) up to twenty (20) GT;	
151	2. Medium scale commercial fishing – fishing utilizing active gears and vessels	
152	of 20.1 GT up to one hundred fifty (150) GT; and	
153	3. Large scale commercials fishing – fishing utilizing active gears and vessels of	
154	more than one hundred fifty (150) GT.	
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f) Communal Forest - refers to a tract of forest land seaside for a municipality by law or through a valid proclamations or order for the use of the resident of a municipality from which said residents may establish forest plantations and or tree farms, cut collect and remove forest products for their personal use in accordance with existing laws and regulations. Each municipality is entitled to a maximum of 5,000 hectares of communal forest as a provided in section 17(b)(2)(ii), RA 7160.

- g) Environmentally Critical Area (ECA) refer to those socially, ecologically, and geologically sensitive areas declared by law or valid proclamations as (i) areas for the natural parks, watersheds reserves, wildfire preserves and sanctuaries, (ii) areas set aside as scenic/aesthetic and potential tourist spots (ii) areas which are the habitat of endangered species, (iv) areas possessing unique historic, archaeological, or scientific interest, (v) areas traditionally occupied by indigenous communities, (iv) areas with critical slopes. (vii) areas frequently visited by natural calamities, (viii) prime agricultural lands, (ix) recharge areas of aquifers, (x) water bodies, (xi) coral reefs, (xiii) mossy and virgin forests, (xiv) river banks, and (xv) swamplands and marshlands. Technically, it may also refer to environmentally critical projects.
- h) De Facto open access - It is a condition that result result the inability of a resource owner or manager, such as the state in the case of marine resources, to enforce it ownership and authority by way of effectively excluding or regulating non-owners from the use thereof thereby rendering the utilization of the resource under open and unregulated conditions as if there is no owner or manager. The failure of regulatory controls by resource owners or manager inevitably results in the destruction of the resource and overall losses in public welfare. In the case of marine resources, de facto open access conditions lead to eventual declines in marine productivity particularly fish catches in the municipal waters. Example of destructive human activities in Marinduque occasioned by "de facto" open access regimes in municipal waters include the use of destructive fishing methods, overfishing destruction of fragile mangrove fish habitats and spawning grounds, improper garbage disposal, pollution, and acts resulting to siltation.
  - i) **Ecotourism** refers to a nature-based activity managed by the local community with government support whose primary goals are conservation and enhancement of natural resources while providing economic benefits to the local community without endangering the socio-cultural practices of its people.
- j) Effluent is the general term denoting any wastewater, partially or completely treated, or
   in its natural state, flowing out of a manufacturing plant, industrial plant or treatment plant.

- k) Emission refers to the act of passing into the atmosphere an air contaminant, pollutant,
   gas stream and unwanted sound from a known source.
- 191 l) **Environment** refers to the quantity, quality, diversity and sustainability of renewable and non-renewable natural resources, including the ambient environment such as the atmosphere,
- 193 climate, sound and odors that are critical determinations of the quality of life. In a broad sense,
- it shall include the total environment of man such as economic, social, cultural, political and
- 195 historic factors.
- 196 m) Environmental Compliance Certificate (ECC) refers to authorization issued by DENR,
- 197 thru the Environment Management Bureau (EMB), or the President or its duly authorized
- 198 representative, in favor of a proponent, the project of which have been reviewed, evaluated and
- 199 finally approved upon consideration that the project will not bring about an unacceptable
- 200 environmental impact and that proponent has complied with all the requirements of PD 1586 as
- well as proclamation 2146, otherwise known as Environmental impact Assessment System.
- 202 n) **Flora and Fauna** refers to the plants and animals naturally occurring or living in a particular area.
- o) **Guano** refers to accumulated droppings or excrements of bats in caves and does not include phosphate rocks.
- p) Integrated Social Forestry refers to an interagency program created by Letter of Instruction
- No. 1260 dated July 28, 1982, designed to promote the socio-economic conditions of forest
- 208 occupants and communities dependent on forest land for their livelihood, provide land tenure
- and at the same time protect and improve the quality of the environment.
- 210 q) Initial Environmental Examination (IEE) refers to the document required of proponents
- 211 describing the environment impact of, and mitigation and enhancement measures for projects
- or undertakings located in an environmentally critical area, including areas outside the
- 213 coverage of the Governor pursuant to Section 102 of this code.
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- 215 r) Lease is a privilege granted by the state to a person to occupy and possess in consideration
- of specified rental, any land of the public domain in order to undertake any authorized activity
- 217 therein.
- 218 s) **License** is privilege granted by the state to a person to utilize natural resources within any
- 219 land, without any right off occupation and possession over the same to the exclusion of others,

- or establish or operate a manufacturing plant, or conduct any activity involving the utilization of the natural resources covered by the license.
- t) **Mangrove** is the term applied to the type of forest occurring on tidal flats along the sea coast, extending along streams where the water is brackish consisting of a community of plants including trees, shrubs, vines and herbs.

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- u) Municipal Waters include streams lakes, subterranean and tidal waters within the territorial jurisdiction of a municipality that are not subject to private ownership and not included within national park, public forest, timberlands, forest reserves, and covers marine waters include between two (2) lines drawn perpendicular to the general coastline from points where the boundary lines of the municipality touch the sea at low tide and a third line parallel with the general coastline and fifteen (15) kilometers from such as coastline. Where two municipalities are so situated that there is less than thirty (30) kilometers of marine waters between them, the third line shall be drawn equidistant from the opposite shores of the respective municipalities.
- v) **Native Forest -** is a type of forest wherein the species are voluntarily growing and are naturally present in the area. Native forests often have a variety of species and provide wildlife habitat.
- w) National Integrated Protected Areas System (NIPAS) referrers to the classification and administration of all designated protected areas to maintain essential ecological processes and life-support system to preserve genetic diversity, to ensure sustainable use of resources found therein, and maintain their natural conditions to the greatest extent possible (RA 11038);
- x) Natural Ecosystems refer to the complex and dynamic communities of plants, animals, microorganisms and other beings and their environment, both living and non-living, where human communities and the rest of nature interact as a functional unit under the influence of climatic, physiographic, and geological factors, as well as production practices, Filipino cultural diversity, and the worldviews of nations and indigenous peoples/indigenous cultural communities.
- 246 x) **Permit** is a short-term privilege or authority granted by the state to a person to utilize any 247 limited natural resources or undertake a limited activity within a piece of land without any right 248 of occupation or possession therein.
- y) Person includes any being natural or juridical persons susceptible of rights and
   obligations or of being the subject or legal relations.

- 251 z) **Production Forest** refers to areas with slope from 0-50 percent, developed to supply
- 252 commercial timber and non-timber products such as bamboo, rattan, horticultural crops e.g.
- 253 fruit/nuts tress), mangrove, gums, and resins, spices, fiber tress, vines, palms or a combination
- 254 thereof.
- 255 aa) **Protected Area** refers to identified portions of land and water set aside by law by reason
- of their unique physical and biological significance managed to enhance biological diversity
- and protected against destructed human exploitation (RA 11038);
- 258 bb) Protected Forest refers to areas regardless of slope which are highly erodible or too rocky
- 259 for establishment of production forest, development for the primary objective of establishing
- vegetative cover to prevent erosion, conserve and produce water, and nurture wildfire.
- 261 cc) **Public Forest Lands** refers to those lands of the public domain which have been set aside
- by law for forest purposes. These lands may either presentably forested or denuded.
- 263 dd) **Public Consultation** refers to a stage of public participation at which information is
- 264 disseminated and opinions gathered in public in order to ensure that public concerns are fully
- integrated into the process of environmental impact assessment.
- ee) Quarry Resources means any common stone or other common mineral such as, but not
- restricted to marl, granite, volcanic cinders, basalt, tuff, and rock phosphate; provided, they
- 268 contain no metals or other valuable minerals in economically workable quantities.
- 269 ff) Recreation Forest refers to a tract of public forestland, forested or non-forested, and may
- 270 contain both production and protection forest, developed for the additional pursuits such as,
- but not limited to, camping bush walking, bird watching mountaineering and nature
- observations/studies.
- 273 gg) Rights of Nature refers to the right of the natural ecosystems which include among others
- 274 the right to exist; to the maintenance of the vital cycles, functions and processes that ensure their
- 275 continued sustainability and well-being; to the conditions necessary for their ecological renewal
- and restoration; and to adequate and effective representation vis-à-vis the protection and
- 277 enforcement of these rights. These rights shall be in addition to, and shall not impair or limit, any
- other right or remedy available under existing law, administrative regulations or jurisprudence.
- 279 gg) Small-Scale Mining refers to mining activities which reply heavily on manual labor using
- simple implement and methods and do not use explosives or heavy mining equipment.
- 281 hh) **Scoping** refers to stage in the EIS system where information and assessment requirements
- are established to provide the proponent with a scope of work for the EIS.

- ii) **Solid Waste** refers to the putrescible, non-putrescible and discarded materials (*excludes human excrement*) including but not limited to food waste, rubbish, ashes street cleaning, dead animals, abandoned vehicles, sewage treatment sludge in non-liquid form, incinerator as residue, commercial, industrial, hospital, funeral, and agricultural waste; and special wastes, whether combustible or non-combustible such as paper, rags, cartoons, woods, tin cans, lawn clippings, glass, or litter of any kind.
- jj) **Strict Protection Zone for Water Production** refers to areas set aside by the Sangguniang Panlalawigan upon recommendation but the Governor for the purpose of water production which shall be closed to all human activity except for scientific studies and/or ceremonial or religious use by indigenous communities.
- 293 kk) **Watershed** is a land area drained by stream or fixed body of water and its tributaries 294 having a common outlet for surface runoff. Small watershed areas specially refer to those that are 295 identified by local governments or the proper agency as sources of water supply for particular 296 local communities.
- 297 ll) **Waste Management -** it is a system or strategy used to dispose, reduce, reuse, and 298 prevent waste. Possible waste disposal methods are recycling, composting, incineration, 299 landfills, bioremediation, waste to energy, and waste minimization.

300 ARTICLE III

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#### FOREST RESOURCES MANAGEMENT AND PROTECTION

**SECTION 7. Scope of Powers. -** In addition to the powers, duties, and functions of the Provincial Governor as provided under 456 (b)(3)(v) of RA 7160, and the Sangguniang under Section 468(a)(1)(vi) of the same Act, the component local government units of the province shall provide forest resources management services and facilities, pursuant to section 3(e), 3(i), 16 and 17(a), RA 7160, as follows:

#### A. For the Provincial Government of Marinduque

1. Enforcement of forestry laws limited to community-based forestry project as devolved to the province pursuant to Section 17(b)(3)(iii), RA 7160, particularly in municipal communal forest, integrated social forestry areas and small watersheds, such as, but not limited to, prevention of forest fire, illegal cutting, and kaingin; apprehension of violators of forest laws, rules and regulations, confiscation of illegally extracted forest products on site; impositions of

appropriate penalties for illegal logging, smuggling of natural resources products and endangered species of flora and fauna and other conveyances, equipment and other implements used in the commission offenses penalized under Presidential Decree No. 705, as amended by Executive Order No. 277, series of 1987, and other forestry laws, rules and regulations; and

### B. For the Municipal Governments in Marinduque

- 1. Implementations of the following community-based forestry projects:
  - 1.1 Integrated social forestry programs and similar projects, pursuant to Section 17(b)(2)(ii), RA 7160, except those located in protected areas and critical watersheds, pursuant to Section 3.1 (a)(i), DAO 30, series of 1992;
  - 1.2 Establishment of regular reforestation projects, except those areas located in protected areas and critical watersheds, pursuant to section 3.1 (a)(ii), DAO 30, Series of 1992.
  - 1.3 Completed family and community-based contract reforestation projects, subject to policies and procedures prescribed by DENR, pursuant to Section 3.1(a)(iii), DAO 30, Series of 1992;
  - 1.4 Forest Land Management Agreements, in accordance with DAO 71, series of 1990, and other guidelines that the DENR may adopt, pursuant to Section 3.1(a)(iv), DAO 30, Series of 1992;
  - 1.5 Community Forestry Projects, subject to concurrence of financing institution(s), if foreign assisted, pursuant to section 3.1 (a)(v), DAO 30, Series of 1992;
  - 2. Management and control of communal forest with an area not exceeding fifty (50) square kilometers, pursuant to section 17(b)(2)(ii), RA7160, provided that the concerned local government unit shall endeavor to convert said areas into community-based forestry projects, pursuant to Section 3.1 (b), DAO 30, series of 1992;

337	3. Management, protection, rehabilitation, and maintenance of small watershed areas
338	which are sources of local water supply identified or to be identified by the DENR,
339	pursuant to Section 3.1(c), DAO 30, series of 1992;
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341	4. Establishment protection and maintenance of three parks, greenbelts, pursuant to
342	section 17(b)(ii), RA 7160, and other tourist attraction in areas identified and delineated
343	by the DENR, except those within protected areas, and the collection of fees for their
344	services and the use of facilities establish therein, pursuant to Section 3.1(a), DAO 30,
345	series of 1992;
346	5. Regulation of flora outside NIPAS areas, including industries and businesses engaged
347	in their propagation and development, such as orchidaria and nurseries, except export
348	and import; provided that such businesses and industries are registered with the DENR
349	for monitoring purposes, pursuant to Section 3.2(b), DAO 30, series of 1992;
350	6. Implementation of the rehabilitation of conservation hotspot (RICH) and Conservation
351	of Rare and Endangered Species (CARE) activities in areas identified and delineated by
352	the DENR, pursuant to Section 3.2(c) DAO 30, series of 1992;
353	7. Implementation of soil resource utilization and conservation projects, pursuant to
354	Section 12(2)(i), RA 7160;
355	8. Conservation of mangroves pursuant to Section 17(2)(I), RA 1760; and
356	9. For the Punong Barangay, enforce laws and regulations relating to population control
357	and protection of the environment pursuant to Section 389(b)(ix)), RA 7160.
358	SECTION 8. Governing Laws The pertinent forestry provision of this Code shall be
359	governed by, but not limited to, the following national laws:
360	a) Republic Act No. 7160 (Local Government Code of 1991);
361	b) Republic Act No. 11038 (Expanded National Integrated Protected Areas System
362	Act of 2018);

363 c) Presidential Decree No. 705 s. 1975 (Revised Forestry Code of the Philippines).

- d) Letter of Instructions No. 1260 s. 1982 (Integrated Social Forestry Program);
  - e) Executive Order No. 263 s. 1995 (Community-Based Forest Management Strategy);
    - f) Executive Order No. 247 series of 1995 (Prescribing Guidelines and Establishing a Regulatory Framework for the Prospecting of Biological and Genetic Resource, their By-Products and Derivatives for Scientific and Commercial Purposes, and for Other Purposes);
    - g) DENR Administrative Order No. 30 s. 1992 (Guidelines for the Transfer and Implementation of DENR Functions Devolved to the Local Government Units);
    - h) DENR Administrative Order No. 2020-18 (Promoting Tree Plantation and Liberalizing Harvesting and Transport of Planted Trees and Tree Derivatives for Inclusive Growth and Sustainable Development); and
    - i) DENR Administrative Order No. 2021-11 (Guidelines in the Processing and Issuance of Permits for the Cutting, Removal, and Relocation of Naturally Growing Trees).

**SECTION 9. Operative Principles. -** In consideration of the multiple economic, ecological, aesthetic, scientific and educational services which forest resources provide in sustaining the life and development of our people and on recognition of the increasing demand for timber, water, recreation forest and conservation of biological diversity which is presently not being met from the forestry operations in the province, it is hereby declared the policy of the provincial government that the governor shall fully exercise his powers and provide leadership over municipal governments to ensure the perpetual existence of adequate forests and forest resources for the use and enjoyment of our people through local government driven, inter-agency, and multi-sectoral forest resources management.

Forest management initiatives of the various local government units of Marinduque shall be consistent with the following principles.

389 9.1 The timber needs of the people of Marinduque shall be met within the province as far as 390 practicable but should be done in accordance with the capacity of the forest ecosystem to 391 regenerate for itself and for the people. 392 9.2 The water needs of the people of Marinduque shall not be jeopardized. As such, there is hereby 393 established a watershed management system that is capable of supporting indefinitely the 394 domestics, agricultural, industrial and recreational water requirements for the growth and 395 development of the province; 396 9.3 Natural forest, wildlife, and landscapes shall be managed for scientific research and education, 397 recreation, and ecological tourism as major catalyst for the conservation of biological diversity 398 and preservation of the unique natural and cultural heritage of the Marinduqueños; and 399 9.4 There shall be maintained an adequate mangrove forest resource that is capable of 400 maintaining the productive capacity of municipal coastal fisheries. 401 9.5. In carrying the provision of this code, the governor shall enhance to capacity of municipal 402 government to provide forest management guidance and support to the various priority forest 403 management initiatives of constituent barangays which shall thereby provide direct guidance 404 and support to the initiatives of peoples organizations, non-government organizations, 405 government agencies, and individuals and households; and provided, that Governor shall 406 implement the forestry provisions of this Code in close collaboration with concerned national 407 government agencies and instrumentalities, particularly the Department of Environment and 408 Natural Resources, herein after referred in this code as DENR, and the private sector. 409 SECTION 10. Forest Resources Management Framework. - Within nine (9) months upon 410 effectivity of this code, the the Provincial Governor through the PGENRO in coordination with 411 the Marinduque Sustainable Environment and Development Provincial Council (MSEDPC) shall 412 formulate the Provincial Strategic Forest Resources Management Framework (PSFRMF). A 413 comprehensive baseline study of the forest cover and state of forest ecosystem shall be conducted 414 to inform PSFMRF. The Provincial Governor, as it may deem appropriate, may impose a 415 moratorium in consultation with the MSEDPC on any activities that may impede the conduct of 416 such study.

The PSFRMF shall serve as a guide for all municipal governments in preparing and adopting their forest resources management plans. The provincial framework shall, in the minimum, outline how the municipal governments may promote investments, create jobs, and generate local government revenues through production, protection, and recreational forestry programs or projects. Further, the framework shall be formulated, adopted, and implemented in collaboration with national government agencies, particularly the DENR and the private sector in accordance with relevant laws, rules and regulations'

- **SECTION 11. Development of production forest** In order to provide adequate raw material stocks to meet increasing household, infrastructural, and industrial demand for timber, fuel woods, and minor forest products of commercial value, the following strategies and measures shall be undertaken:
- a) Marinduque Tree Enterprise Program" (MTEP) is hereby established as a regular program of the provincial government and, such integrated into the regular budgeting process; provided, the MTEP fund shall be intended for the provision of assistance to municipal governments in the promotions of commercial tree farming, harvesting, and artisanal and industrial wood processing enterprises through the provision and conductive policy, technical assistance, information flows, capability building, law enforcement, loan assistance, terminal security services provided, further, that the program shall be implemented in close collaboration with the DENR and that tree farming, harvesting, wood processing and marketing activities are conducted according with the pertinent forest laws and regulations; provided, further, that the provincial government may invests and operate its own tree enterprise and related facilities for commercial purposes and for developing suitable working models; provided, finally, that issuances of tenurial instruments and usufruct permits shall remain under the jurisdiction of the DENR in accordance with law.
- b) Operationalization of Devolved Production Forestry Related forest Management Functions- The governor shall assist the municipal governments establish and operate their communal forest upon proper coordination with the DENR, management of community based forestry projects and establishment of new reforestation projects as provided under Section 17 (b)(2)(ii), RA 7160, including the establishment of small watershed areas pursuant to DENR Administrative Order (DAO) No. 30, series of 1992.

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- c) Limited Production Forest in Protected Areas The Governor shall actively support the development of limited production forests and issuances of applicable tenurial instruments in specified zones within protected areas provided in RA 11038 (Expanded NIPAS Act).
- d) Integrated Social Forestry upon effectivity of this code and in order to expedite the delivery of services to qualified beneficiaries, the governor shall transfer to the municipal governments the responsibility for the implementation of integrated social forestry projects particularly the establishment of on-farm productions forest and mangrove plantation through a system Memoranda of Agreements; provided, that such agreement for transfer of responsibilities shall stipulate continuing provincial council to eventually administer this projects; provide further the issuance of applicable tenurial instrument shall remain under the jurisdiction of the DENR in accordance with law.
- Timber Utilization and Wood Processing Plants The cutting, harvesting, and transport e) of timber, lumber, and minor forest products, including the processing and sale thereof, in all classes be actively regulated in order to create new and legitimate form of livelihood, create new jobs, and generate additional local government revenues as major catalyst for reforestation of idle and unproductive lands, reduction of soil erosion, and improvements of overall quality of the environment, subjects to DENR law and regulations on the conservation of endangered premium species pursuant to DAO 78, series of 1987; provided that the Governor shall establish in coordination with the DENR a streamlined system for the issuance of licenses, leases or permits; provided, further that licenses, leases, and/or permits to be issued by the DENR shall be subject to prior area clearance by the concerned Mayor upon issuance of area clearance by the Punong Barangay at the source of the forest product; provided, further, that a Governor's area clearance shall be required in the case of transport or movement of forest product from the municipality to another and outside the province of Marinduque in order to ensure proper compliance to pertinent existing local ordinance or those that may thereafter be promulgated; provided, finally. That the utilization of timber and minor forest product situated within protective areas and critical watersheds shall subject to the provision of RA 7586 and its implementing law, rules, and regulations.

Timber Inventory in Alienable and Disposable Lands – within one (1) year upon effectivity of this Code, in the Municipal Mayor shall complete the conduct of a one hundred percent (100%) inventory and registration of planted and naturally growing timber in alienable and disposable (A and D) lands, including those found within protected areas as defined in RA 7568 in order to rationalize issuances of Mayors clearances, business permits, collection of fees charges, and associated municipal support services for the utilization of timber and minor forest products in A&D lands in order to protect timber on government-owned lands from unauthorized harvest; provided, that the imposition of fees and charges in authorized under appropriate municipal ordinance(s).

- Upon completion of the afore-stated on hundred (100) percent inventory or after one year from effectivity of this code, whichever comes first, the Municipal Mayors may subject to an ordinance enacted for the purposes by the concerned Sanggunians, impose appropriate penalties, fee and/ or chargers for such clearance, business permits, and/ or municipal support services covering unregistered timber on A & D lands; provided that the governor shall provide technical assistance services to concerned municipal governments upon request' to provide, further, that the Governor shall be responsible for securing participation of national government agencies particularly the DENR, non-government organizations, and people organizations in the timber inventory; provided, finally that the municipal inventory data shall be integrated into the provincial forest resources information system for investments promotions, as provided in Sec. 14 of this code.
- f) Incentives for the Development of Production Forest The Sangguniang Bayans may enact ordinances and appropriate funds for the purpose of providing incentives such as, but not limited to, tax holidays, cash awards, free seedlings, soft loans, and training for the purpose of promoting private investments in the development of commercial-based enterprise.
- g) Retention of Timber from Production Forest of Protection Purposes All tress situated on slopes above fifty percent (50%) and elevations over one thousand (1,000) meters above sea level, including those within twenty (20) meters from both sides of rivers and within ten (10) meters from the both sides of the roads and highways shall be retained for protection purposes.

The governor shall provide assistance to Sangguniang Bayans in the formulation of appropriate implementing ordinance for the implementation of this provision.

- h) Conservation of Timber from Native Forest on A & D lands Subject to provisions of RA 7586 and other existing national laws, naturally growing timber and minor forest products found within A & D lands maybe commercialized upon inventory registration with the municipal government. Provided, that adequate measures shall be provided for the protection of wildlife habitats, pursuant to DAO 78, series of 1987. Provided, further, that from the timber inventory the Governor shall, within one (1) year from effectivity of this code, designate with the Municipal Mayor and the DENR appropriate molave sources areas and recommended the molave and other non-deregulated tress therein for exemption from DAO No. 78 in order to rationalize and maintain the furniture industry in Marinduque. Provided, finally, that the Governor shall share the inventory information with the DENR.
- Within (9) months upon effectivity of this code, the Governor shall recommend measures to the Sangguniang Panlalawigan for the protection and conservation of endemic flora and fauna within native forest on A & D lands.
- **SECTION 12. Management of Protected Forest** All measures shall be adopted to actively 521 ensure the management and conservation of Protected Forests in coordination with the DENR, 522 in securing the perpetual existence of all naïve plants and animals in the province.
  - a) Effective Support to Protected Area Management Bureau (PAMB). The Governor shall adopt measures to assist the DENR towards enabling the Protected Area Management Boards (PAMBs), as provided under RA 7586, particularly in the immediate delineation, establishment and operationalization of strict protection zones, habitat management zones, cultural zones, and recreation zones. As far as practicable the management of protection forest for sustained water production, coastal habitat protection, conservation of waterways, easements and rights-of-way, forest-based recreation, biodiversity conservation and scientific and educational advancement shall be undertaken with the end view of generating livelihood for local residents and revenues for municipal governments.

b) Forest protection and law Enforcement - The Governor shall provide effective leadership in the operation of inter-agency, inter-municipality, and multi-sectoral efforts in forest protection and law enforcement in close collaboration with the DENR and other enforcement agencies. Within six months after the effectivity of this Code, forest rangers shall be organized and deputized by the PGENRO. The Provincial Governor shall provide the rules and regulations for the recruitment, training and compensation of the forest rangers. It shall likewise. Undertake activities for the capability building for all LGU officials and personnel relative to forestry laws, policies, rules and regulations, its implementation, enforcement and litigation. A periodic assessment of forestry laws implementation and formulation will be conducted by the PGENRO in coordination with DENR to determine among others, schemes to improve enforcement. Finally, A legal desk under the PGENRO to assist in the preparation and filing of appropriate legal action in relation to forest protection and law enforcement.

- c) Municipal Watersheds Subject to national and Provincial Policies municipal governments shall be responsible in the proper management of their respective watersheds, if there be any. For this purpose, all municipal government units shall identify and delineate their municipal watersheds within one (1) year upon effectivity of this Code; provided that area identification and delineation shall be undertaken in coordination with the DENR pursuant to Sec. 17, RA 7160 and Section 3.1 (c) DAO 30, Series of 1992 for areas within public forest lands. For watersheds within alienable and disposable lands, the establishment thereof shall be properly coordinated with the Department of Agriculture and Agrarian Reform.
- d) **Protection and Conservation of Mangroves –** For the purpose of protecting the livelihood and well-being of artisanal fishing population, the sustained productivity of coastal of marine flora and fauna shall be secured through the provision of assistance to municipal government in establishing adequate safeguards and controls on human activities within declared mangrove forest formulation of a provincial coastal resource management framework, as prescribed in Section 53 of this code.
- e) Breeding, propagation and cultivation of indigenous and endemic plant and forest species hall be promoted through appropriate technical support and incentive program from the PGENRO in coordination with the appropriate local and national agencies.

562 **SECTION 13. Development of Recreation Forest.** – Upon request, the Governor shall assist 563 municipal government in the establishment of revenue-generating community-based forest 564 recreation projects, such as but not limited to, forest sparks, botanical gardens, and camping 565 grounds. 566 **SECTION 14. Forest Resources Information System. –** The Office of the Governor shall establish 567 and maintain a Forest Resources Information System that is capable of promoting public and 568 private sector investments in the operation, protection, and recreation forests and forest-based 569 industries in the province. Such information system shall, in the minimum, consist of thematic 570 maps, directory of available areas and forest resources for investments, and tenurial system. 571 Likewise, all the municipal governments in the province shall have its own Forest Resources 572 Information Systems. 573 **SECTION 15. Prior Consent of Sanggunians.** - For the purpose of implementing the provision 574 of this Code and pursuant to Section 26 and Section 17, RA 7160, government agencies and 575 instrumentalities are hereby required to consult with local government units and obtain prior 576 consent of the concerned Sanggunians in the implementation and development, utilization and 577 investment programs or projects affecting forest resources. Henceforth, no forest resources 578 management, development, utilization or processing project, lease, license, agreement, or 579 usufruct permit shall be issued by national government agencies without prior consultation and 580 consent of local government units. 581 **SECTION 16. Annual Investment Plans.** – Upon effectivity of this code, the municipal and 582 provincial budget allocations for forest resources management shall be included in annual 583 investment plans (AIP); provided, that such investments are in accordance with the forest 584 resources management framework as prescribed under Section 10 of this Code. 585 **SECTION 17. Organizations.** - There is hereby created a Forest Resources Management Section 586 (FRMS) under the Marinduque Environment Management Office (MEMO), as provided in 587 Section 114 of this Code. The municipal government are encouraged proper establish their 588 appropriate forestry service offices, if necessary, to ensure proper implementation of their 589 respective forest management plans. The FRMS shall provide assistance to municipal 590 government in (a) preparation of municipal forest resources management plans, (b) design and

- 591 preparation of forestry related projects, (c) strengthening of municipal forest management 592 capability, (d) establishment of support linkages and network system, (e) formulation of 593 municipality-specific forest policies and incentive system, (f) tenurial security issuance, 594 strengthening and enforcement. It shall also develop model forestry projects for promotion to the 595 municipalities.
- 596 **SECTION 18. Acts Prohibited and Punishable Under This Code** shall include, but not limited to, the following:
- 598 a) The indiscriminate cutting of trees in both private and public land without obtaining the required/necessary permits is hereby prohibited.
- 600 b) The use of unregistered or unlicensed power saw/chain saws and similar tree-feeling 601 equipment shall be banned and prohibited, unless a current and valid license or permit for the 602 use thereof as issued by the Municipal Mayor has been obtained.
- 603 c) Hunting, destroying or mere possession of any plants, animals or other forest products 604 both living and non-living and other species considered endangered or threatened pursuant to 605 existing laws shall be banned and prohibited.
- d) The use of unregistered or unlicensed hunting paraphernalia, such as air-guns, shotguns, and the like shall be banned and prohibited unless a current and valid permit for the use thereof issued by the proper authority subject to prior clearance by the concerned Municipal Mayor.
- e) The trafficking of flora and fauna shall be prohibited, unless the Municipal Mayor and the
   DENR have issued a current and valid permit for the traffic thereof from the source. The hunting
   and/or gathering or endangered or threatened species is prohibited.
- 612 f) No person shall ignite, cause to be ignite, or maintain any open fires except in the 613 following activities; open fires for cooking of food for human consumption in areas designated 614 by law, fires for religious or ceremonial purposes, fire for the prevention and control of pests and 615 diseases, fires clearance or permit issue by the Mayor, fires for training personnel in fire-fighting 616 , prescribed burning for recognized agricultural, forestry and wildlife management practices, and 617 open fires expressly approved by the DENR concerned Mayor.

618	g) Planting, breeding, propagating and transporting on invasive plant or forest species	
619	prohibited. Mere possession of such invasive or forest species as determined by the PGENRC	
620	shall be punishable.	
621	ARTICLE IV	
622	MINERAL RESOURCES	
623	SECTION 19. Scope of Powers In addition to the powers, duties, and functions of the	
624	Municipal Mayor and the Provincial Governor to adopt adequate measures to safeguard and	
625	conserve land mineral, marine, forest, and other resources, as provided under Sections	
626	389(b)(9), 444(3)(vii), 455(b)(3)(v), and 465(b)(3)(v), RA 7160, respectively, the powers of	
627	municipal governments in respect to the management of mineral resources are provided under	
628	Section 26 and Section 27 of RA 7160 (consultations and prior consent required), in addition to	
629	the powers of the Provincial Government as provided in Section 17(b)(3)(iii) and Section 138,	
630	RA 7942 (Philippine Mining Act of 1995).	
631	Through this Code, the Provincial Government shall provide the following basic services and	
632	facilities.	
633	a) Enforcement of Republic Act No. 7076 (Small-Scale Mining Law of 1991);	
634	b) Issuance of permit for collection of guano pursuant to Section 3,4(b), DAO 30, series of	
635	1992 and extraction of quarry resources on privately owned lands and/or public lands for	
636	building and construction materials pursuant to Section 43, RA 7942 and Section 138, RA 7160;	
637	and	
638	c) Verification and adjudication of conflicts and collection of fees and charges for guano	
639	collection and the extractions of sand, gravel and other quarry resources.	
640	SECTION 20. Governing Laws The pertinent mineral resources provisions of this Code shall	
641	be governed by, but not limited to, the following national laws and regulations:	
642	a) RA 7160 (Local Government Code of 1991)	
643	b) RA 7942 (Philippine Mining Act of 1995)	

c) RA 7076 (Small Scale Mining Law)

d) DENR Administrative Order No. 23, series of 1995, as amended by DAO 40, series of 1996 entitled "Implementing Rules and Regulations of the Mining Act of 1995"

SECTION 21. Operative Principles. – The revenue generation and livelihood functions of mineral resources notwithstanding the increasing domestic and external demands for the utilization of mineral for infrastructure development and industrial raw materials, and the losses in public welfare associated with unregulated mining and quarrying particularly from the adverse effects of soil erosion, water pollution, destruction of heritage item and unique landscapes, erosion of biological diversity, and deterioration of coastal fisheries, the Provincial Mining Regulatory Board, shall regulate the mining quarrying and utilization of mineral resources in the province is hereby adopted and reaffirmed; provided that the Governor shall recommend to the Sangguniang Panlalawigan, within six (6) moths upon effectivity of this Code, amendments thereto for the purpose of allocating membership from representative of non-governmental organizations to the Board of at least twenty five (25) percent of the total number thereof; provided, further, that such recommendation shall indicate gender parity in terms of representative to the Board.

- **SECTION 22. Regulatory Provisions. –** Quarrying and extraction of quarry materials and mineral deposits shall be governed by the following:
  - a. Open-pit mining method shall not be allowed in the Province of Marinduque;

b. It shall be unlawful for any person, natural and juridical, to undertake quarrying and mining of minerals without a permit or license duly issued by the Governor or appropriate agency having authority and jurisdiction thereof; provided, that no license, lease, agreement and/or permit shall be issued by other government agencies or the Governor without the prior area clearance and/or consent of the concerned municipals officials or Sanggunians, as the case may be, pursuant to Sec. 99(a), DAO 23, Series of 1995 (known as the Implementing Rules of the Philippines Mining Act 1995"); provided, further, that such prior clearance shall not apply to a private land owner who cannot be forced by government or by law, except by way of eminent domain, to permit entry and quarrying over his/her land; save those disclosed by laws as protected areas, provided, further, that mining and quarrying activities within the Province of

673 Marinduque shall be subject to prior Environmental Impact Assessment, as provided under the 674 Philippines Environmental Impact Assessment System; provided, further. That "no extraction or 675 removal of materials shall be allowed within a distance of one (1) kilometer from the boundaries 676 of reservoirs established for public water supply, archaeological and historical sites and any 677 public and private works or structures, unless prior area clearance of the agency or owner 678 concerned id obtained. No extraction or removal of materials shall likewise be allowed in offshore 679 areas within five hundred (500) meters distance from the coast and two hundred (200) meters 680 from the mean low tide level along the beach the coast", pursuant to Section 101, DAO 23, series 681 of 1995 (Implementing Rules of RA 7942). 682 SECTION 23. Exploitation of Quarry Resources. - Sand, gravel and other quarry resources 683 within the province may be exploited only through a permit issued exclusively by the Governor 684 pursuant to the ordinance of the Sangguniang Panlalawigan pursuant to Section 43, RA 7942 and 685 Section 138, RA 7160, to qualified person and under conditions required in Provincial Ordinance 686 No. and future amendments thereto, which is hereby adopted as an integral provision of this 687 Code; provided, all individuals, partnership or rehabilitate areas subject thereof or affected 688 thereby to their original condition, pursuant to Presidential Decree No. 1198. 689 SECTION 24. Monitoring and Evaluation - Within nine (9) months upon effectivity of this 690 Code, there is hereby established monitoring and valuations office under the Marinduque 691 Environment Management Office for the purpose of ensuring compliance on permit fees 692 and/or provide assistance to concerned municipalities and barangays on the establishment for 693 their monitoring and evaluation capability. 694 Section 25. Organization - There is hereby created a Mineral Resources Management Section 695 (MRMS) under the Marinduque Environment Management Office as provided in Section 114 of 696 this Code, which shall be responsible in the effective implementation of the mineral 697 management responsibilities of the provincial government. 698 SECTION 26. Prohibited and Punishable Acts - The provisions of Section 19 and 20, 699 Provincial Ordinance No. \_ are hereby adopted as integral provisions of this Code. Further, the 700 Sangguniang Panlalawigan, in consultation with the various municipal Sanggunians of 701 Marinduque and the DENR, shall within one (1) year upon effectivity of this Code, enact a

702	unified ordinance for the purpose of defining the penalties and/or sanctions for acts on
703	violation of the mining/quarrying provisions of this Code.
704	ARTICLE V
705	WATER RESOURCES
706	Section 27. Scope of Powers In addition to the powers, duties and functions of the Municipal
707	Mayor and Provincial Governor to adopt adequate measure to safeguard and conserve land
708	mineral, marine, forest and other resources, as provided under Sections 289 (b)(9), 444(b)(vii),
709	455(b)(v), and 465(b)(3)(v) of RA 7160, other specific powers of local government units in the
710	management of water resources are enumerated in Section 17 of RA 7160, as follows:
711	a) For a barangay: pursuant to Section 17(b)(iii) and (v), services related to general hygiene
712	and sanitation and maintenance of water supply systems, respectively;
713	b) For municipality: water soil resource utilization and conservation projects and inter-
714	barangay irrigation system, (ii) communal irrigation, small water impounding projects and other
715	similar projects, artesian wells, spring development, rainwater collectors and water supply
716	system, seawalls, dislike, drainage and sewerage, and flood control pursuant to Section 17
717	(b)(2)(i) and (viii), respectively; and management, protection, rehabilitation, and maintenance of
718	small watershed areas which are sources of local water supply as identified by the DENR,
719	pursuant to Section 3.1(c), DAO 30, series of 1992.
720	c) For the province: enforcement of forestry laws and other laws on the protection of the
721	environment, and mini-hydroelectric projects for local purposes pursuant to Section 17(b)(3)(iii),
722 723	RA 7160; provision of inter-municipal waterworks, drainage and sewerage, flood control, and irrigation systems, pursuant to Section 17(b)(3)(viii), RA 7160;
724	SECTION 28. Government Laws The water resources provision under this Code shall be
725	governed by, but not limited to, the following; National law:
726	a) RA 7160 (Local Government Code of 1991);
727	b) Republic Act No. 6969 (Toxic Substances and Hazardous and Nuclear Waste
728	Control Act of 1990);

729	c) RA 9275 (Philippine Clean Water Act of 2004);
730	d) Presidential Decree No. 856 s. 1975 (Code on Sanitation of the Philippines);
731	e) Presidential Decree No. 825 s. 1975 (Providing Penalty of Improper Disposal of
732	Garbage and Other Forms of Uncleanliness and for Other Purposes);
733	f) Presidential Decree No. 984 s. 1976 (National Pollution Control Law);
734	g) Presidential Decree No. 1067 s. 1976 (Water Code of the Philippines);
735	h) Presidential Decree. No. 1198 s. 1977 (Requiring All Individuals, Partnership or
736	Corporation Engaged in the Exploration, Development and Exploitation of Natural
737	Resources or in the Construction of infrastructure Projects to Restore of Rehabilitation
738	Areas Subject Thereof or Affected Thereby to their Original Condition);
739	i) DENR Administrative Order No. 34 s. 1990, (Revised Water Usage and
740	Classification/Water Quality Criteria Amending Section Nos. 68 and 69, Chapter 2 of
741	the 1987 NPCC Rules and Regulations);
742	j) DENR Administrative Order No. 90-35 (Revised Effluent Regulations, 1990);
743	k) DENR Administrative Order No. 35 s. 1991 (Revised Effluent Regulation of 1990
744	Revising and amending the Effluent Regulations of 1982);
745	l) DENR Administrative Order No. 2005-10 (Implementing Rules and Regulations
746	of RA 9275);
747	m) DENR Administrative Order No. 2016-08 (Water Quality Guidelines and General
748	Effluent Standards of 2016); and
749	n) DENR Administrative Order No. 2021-19 (Updated Water Quality Guidelines
750	(WQG) and General effluent Regulations).
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SECTION 29. Operative Principles. – Water resources in the province shall be manage (a) for the primary purpose of meeting indefinitely the basic requirement for potable water residents of Marinduque and sustained agricultural productions and (b) for the secondary purpose of securing the availability to adequate supplies of water for the growing industrial, recreational and commercial development activities through water resource pricing, institution of local water pollution control legislation, and establishment of the Marinduque network of watersheds as provided under Section 31 (a) of this code. Further it is hereby declared the policy of the provincial government that the water resource in the province shall be equitably shared and that no municipality shall be deprived of safe and clean water.

SECTION 30. Establishment of a Water Resource Trust Fund. – There is hereby created a Water Resource Trust Fund for the sole purpose of supporting municipal program or projects for the rehabilitation of water production areas within the Marinduque Network Watersheds as provided under Section 33 of this code. The trust fund, which shall comprise all amounts denominated as "share of national wealth" from the operation of water utilities by national government agencies and instrumentalities, shall be managed and administered by the Governor upon recommendation of the multi-sectoral Water Resource Advisory Committee, as provided under Section 33 of this Code. Henceforth, all such unexpected amounts and future allocations shall accrue to the Water Resource Trust Fund.

- **SECTION 31. Watershed Protection and Conservation.** The following strategies and measures shall be undertaken by the Provincial Government to ensure the protection and conservation of watershed within Province of Marinduque:
- a) Watershed Resources Assessment Within one (1) year upon effectivity of this code, the Governor through the PGENRO shall in close collaboration within the DENR and concerned municipal governments, barangay councils, and Protected Area Management Boards, study and review each watershed initially composing the Marinduque Watershed Network (MWN) as to its suitability or non-suitability for the purpose of determining the specific areas strictly needed for water production purpose. The review shall include among others, a baseline study and assessment of the status of watershed resources and all its users and relevant permits or tenurial arrangements

- Upon completion of the review, the Governor shall submit to the Sangguniang Panlalawigan a map and legal description or boundaries of each of the water production areas in each watershed shall comprise the Marinduque Network Watershed and therefore excludes all other lands within the component watershed that are not needed for water production.
- 785 b) Additional Areas to the MNW The Governor shall propose to the Sangguniang 786 Panlalawigan the inclusions in the MNW those watersheds established by the municipal 787 governments in accordance with the Section 12 (c) of this Code, including additional watersheds 788 which the Governor deems to require strict protection for water production purpose.
- 789 c) **Disestablishment of Watersheds** When upon the recommendation of the majority 790 members of the code concerned Sangguniang Bayan and, if applicable, the members of the 791 concerned Protected Areas Management Board, a certain watershed within MNW or portion 792 therefore should be withdrawn or disestablished, or its boundaries modified, the 793 disestablishment therefore shall take effect pursuant to an act of the Sangguniang Panlalawigan.
- d) **Buffer zones** When necessary. There may be established peripheral buffer zones of the strict water production area to protect the same from the activities that will directly or indirectly harm it, provided, that the establishment peripheral buffer zone shall be in the same manner as the Sangguniang Panlalawigan established the strict water production area.
- 798 e) **Rehabilitation of degraded rivers.** Rehabilitation of degraded rivers shall be 799 undertaken with the use of safe and environment-friendly technologies.

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- SECTION 32. Water Resource Management Plan. The Governor shall, together with the Municipal Mayors concerned Protected Area Management Boards, national government agencies local water district and private sector groups formulated a strategic management plan for the Marinduque Network Watersheds. Upon recommendation of the *Protected Area Management Board (PAMB)* as provided in Section 33 of this code the Governor ay undertake preparation of the either by administration or by commissioning qualified professional consultancy service in accordance with law. The plan shall be based, among others, on the following:
- a) Inventory and classification of water resources in accordance with Presidential Decree 1067 and DENR Administrative Order, No. 34 series of 1990 for the purpose of determining appropriate uses, protection measures needed and water quality standard to be applied.

- 810 b) Characterization of the status of priority watersheds in terms of water producing capacity,
- 811 water quantity, water quality and use.
- 812 c) The measure to be implemented to improve water quality production capacity of the
- 813 watershed;
- 814 d) The appropriate arrangements to be established for managing the watershed;
- 815 e) The investment requirement, duration and revenue generating measures to be
- 816 implemented and;
- 817 f) Appropriate policy incentives and regulations to ensure that the watersheds are managed
- 818 in a sustainable manner;
- 819 **SECTION 33. Water Quality Monitoring. -** Within nine (9) months upon effectivity of this
- 820 Code, the Governor shall organize and maintain the continuous and effective operation of a 9
- 821 members multi-sectoral *Water Resources Committee (WRC)* to be composed of the Governor as
- 822 Chairman and NIA, DENR, NAPOCOR, PAS-ADSA, DA and PHO as members, including two
- 823 (2) representative of non-government organizations appointed by the Governor the Committee
- shall be vested with the following duties and responsibilities;
- 825 a) Establish the number and location of province wide water sampling stations based on
- 826 proximity to human settlements and possible source of pollution. The sampling stations shall
- 827 include coastal areas, estuaries, rivers, community deep wells, artesian wells, aquifers and similar
- 828 bodied of water as determined by the Committee.
- b) Conduct regular sampling and cause the analysis of sample collected using the parameters,
- 830 standard and procedure established by national laws. The priority parameters to be measured
- shall include biological oxygen demand (BOD), total suspended solids (TSS) and total coliform.
- c) Release of the monitoring result to the public particularly to the municipalities and barangays
- 833 concerned.
- d) In coordination with the Provincial Mining Regulatory Board monitor the impact on water
- resources of all mining operations in the province.

- e) Assist national government agencies in the enforcement of antipollution laws including presidential Decree No. 984 DENR administrative Order 34 (Revised Water Usage and Classification Water Quality Criteria) and DENR Administrative Oder No 35 (Revised Effluent Regulatory of 1990) and Republic Act No. 6969 (Toxic Substance and Hazardous and Nuclear Waste Control Act of 1990)
  - f) Organize industrial firms and tourism establishment in the province so that they can share pollution reduction techniques, works as a group with the government and non-government organizations on pollution reduction.

- g) Advise the Governor on policy requirements to safeguard water resources in the province.
- h) Recommend to the Governor the allocations of the water Resourced Trust Fund as provided under Section 30 of this Code.
- i) Prepare and recommend to the Governor annual work and financial plans for the operation of the committee.
- **SECTION 34. Protection of Public Water Infrastructure.** The Governor shall identify the component watersheds of the BNW which are presently supporting small hydroelectric projects inter-municipality waterworks and irrigation system as well as those which are potential sites of similar projects and assists municipal governments prepare managements plans thereof. The Governor shall ensure that engineering works and infrastructure projects within the province do not adversely impact on water quality.
- **SECTION 35.** Protection of Riverbanks, Easement, Right-of-Way and Greenbelts. The Governor shall adopt adequate measure for establishing clearance and greenbelts along river banks and areas as prescribed by law, to recover easement as provided in DENR Administrative Order 05m series of 1997 and Presidential Decree No. 1067 which provided that banks of rivers and streams and the shores of the seas throughout their length and within a zone of three (3) *meters* in urban areas, twenty (20) *meters* in agricultural areas and forty (40) *meters* in forest areas, along margins are subjected to easement for public use in the interest of recreation, navigation floatage, fishing and salvage.

864 **SECTION 36. Drainage System.** - The Governor shall adopt necessary measure to ensure that 865 adequate municipal and barangay drainage system are established and maintained to prevent 866 the negative effects of all type of effluents on both surface and underground water quality. The 867 Governor shall also provide waste are properly disposed for the municipalities for the purpose 868 of ensuring that solid waste is properly disposed for the protection of water resource. 869 SECTION 37. Organic Farming and Soil and Water Conservation. - The Governor shall assist 870 municipalities in the implementation of community-based forestry projects for the purpose of 871 instituting improved soil and water conservation techniques and generate resource to 872 implement the measures, likewise, the Governor shall promote the application of organic 873 farming techniques among farmers and use all its powers to enforce the laws governing the use 874 of prohibited agriculture chemicals. 875 **SECTION 38. Health and Sanitation Measures. -** The Governor shall adopt appropriate 876 measures to assist municipal governments improve environmental sanitation by expanding the 877 use of sanitary toilets for waste disposal. Such assistance shall if necessary, include, but not 878 limited to direct investment in public health education and strict enforcement of the Building 879 Code. 880 SECTION 39. Water Usage and Classification. - The provision of DENR Administrative Order 881 No. 34 series of 1990 otherwise known as the "Revised Water Usage and Classification" and 882 amendments thereto are hereby adopted. 883 SECTION 40. Prohibited and Punishable Acts. - The Sangguniang Panlalawigan on 884 consultation with the various municipal /Sangguniang of the Marinduque and the DENR shall 885 within one (1) year upon effectivity of this Code, enact a unified ordinance for the purpose of 886 defending the penalties and/or sanctions for acts in violation of the provision of this Code such 887 as but not limited to the following.

> a) No person shall operate and maintain any collection system sewage disposal system treatment facility or wastewater facility unless the same is provided with adequate and effective treatment and covered by a current and valid permit issued by the Municipal Mayor, as the case maybe.

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b) No industrial or domestic sewage shall be discharge into class AA and class SA water as defined under DENR Administrative Order No. 34 Series of 1990.

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- c) In order to avoid deterioration of the quality of a receiving water body (RWB), no industrial plant with high waste load potential shall discharge into a body of water where the dilution or assimilative capacity of said water body during dry weather conditions is insufficient to maintain its prescribed water quality according to its usage and classification.
- d) No person shall discharge, wholly or partially, untreated or inadequately treated industrial effluents directly into bodies of water through the use of bypass canals and/or pumps and other unauthorized means.
- e) No industrial manufacturing plant shall be operated without control facilities of wastewater treatment system in good order or in proper operation.
- f) No industrial manufacturing plant or source of population shall be operated at capacities beyond the limits of operation or capability of waste water treatments facility in order to maintain the effluent quality within the standards or pertinent conditions required by laws and/or as stipulated in the permit to operate.
- g) No person shall build, erect install or use any equipment, contrivance or any means the use of which will conceal and/ or dilute and effluent discharge and which otherwise constitute a violation of the provision of this Code.
- h) The construction of houses and other physical structures within the seashore or banks or bank of rivers shall be governed by existing laws.
- i) No person shall develop a stream, lake, marshland, or pond for recreational or commercial purpose without first securing a permit from the *National Water Resources Council* and the local government chief executive in addition to an Environment Compliance Certificate issued by the DENR or the Governor in accordance in existing laws.

919 stream, river, lake, marsh or pond, nor drain the same without the necessary 920 government clearance and /or permits. 921 k) Impounding of water in large amount such as to prejudice downstream or upstream 922 user shall be prohibited. 923 1) No person shall drill a well without a permit from the National Water Resource Council 924 and the local government chief executive, and the Governor in the case of subterranean 925 water provided, that in no case shall groundwater be extracted in this will result to the 926 deterioration of critically important surface water, provided, further, that the Governor 927 through the proper national government agency shall reserve the right to revoke or 928 cancel any permit for the extraction of groundwater if this is found to be detrimental 929 to its sustainability or inimical to other higher priority water uses. 930 m) The construction or setting up any structure, temporary or otherwise, that would 931 destroy the scenic value of natural water ways or result to the disruption of water flows 932 shall be prohibited. 933 n) Dumping of tailings and sediments from mining and quarrying operations, as well as 934 farm water carrying pesticide residues, is hereby banned and thereof prohibited. 935 ARTICLE VI 936 INTEGRATED WASTE MANAGEMENT 937 **SECTION 41. Scope of Power.** - In addition to the power, duties and functions of the 938 Municipal Mayor, and Provincial Governor to adopt adequate measures to safeguard and 939 conserve land, mineral, forest and other resources, as provided under Section 389 940 (b)(9),444(b)(3)vii), 455(b0(3)(v), and 465 (b)(3)(v), respectively the local government units shall 941 also provide the following services and facilities on waste management: 942 a) For barangays, services and facilities related to general hygiene and sani9btation, 943 beautification and waste collection, pursuant to Section 17(b)(1)(v), RA 7160;

j) No person shall raise or lower or cause the rising or lowering of the water level of a

944 b) For the Municipal Government of Marinduque, waste disposal system or environment 945 management system and services related to general hygiene and sanitation, pursuant to 946 Section 17(b)(2)(vi): 947 c) For the Provincial Government of Marinduque, enforcement of pollution control laws 948 on the protection of the environment pursuant to Section 17 (b)(3)(iii); and 949 The type wastes covered under this Code include household wastes, commercial 950 industrial wastes, farm-agricultural wastes, institutional wastes, e-wastes, 951 miscellaneous and specialized wastes, such as residues of sewage treatment plants, ash 952 from incinerators, residues from combustion, street sweeping, debris caused by disaster 953 and dead animals. 954 SECTION 42. Governing Laws. - The initiatives of the Provincial government on integrated 955 waste management (IWM) shall be consistent existing national laws, namely. 956 a) Republic Act No. 9003 or the "Ecological Solid Waste Management Act of 2000"; 957 DENR Administrative Order No. 2001-34 providing for the "Implementing Rules and b) 958 Regulations of RA 9003"; 959 c) Presidential Decree 825, otherwise known as the "Garbage Disposal Law of 1975," Prohibiting 960 littering in public places and making it the responsibility of residents, institutions, and 961 commercial and industrial establishment to clean their surroundings, including streets and 962 canals adjacent to their properties. It further provides for penalties for the improper disposal of 963 garbage and other form of uncleanness. 964 b) Presidential Decree 856, otherwise known as the "Code of Sanitation of the 965 Philippines," prescribing requirements for refuse collection and disposal system by food 966 establishment in municipalities. 967 c) Presidential Decree No. 1152, entitled: "Consolidating the Philippine Environment 968 Code." It requires the preparation and implementation of a waste management program

in all municipalities. Specially, it provides that waste disposal shall be by sanitary

landfill, incineration, composting and other methods as maybe by a competent government authority.

- d) Republic Act 6969, also known as the Toxic Substances and Hazardous and Nuclear Waste Control Act of 1990.
- e) Republic Act 7160, also known as the Local Government Code of 1991 which provides for the devolution of certain environmental powers and responsibilities to the local government units, including the preparation and enforcement of their respective waste management programs.
- f) Section 2238, of the *Revised Philippine Environmental Code* which stipulate the general powers of municipal councils to enact ordinances and make regulations on health and safety for the comfort and convenience of the community and other protection of property therein.
- g) Republic Act 6957, as amended by RA 7718 (Build- operate-Transfer LAW) which provides the infrastructure and development projects normally financed and operate by the public sector, such as that for waste management, may be wholly or partially implemented by the private sector.
- h) Republic Act (RA) 6969 or the Toxic Substances and Hazardous and Nuclear Waste Control Act which seeks to regulate the importation, manufacture, processing, handling, storage, transportation, sale, distribution, use, treatment, and disposal of toxic chemicals and hazardous wastes that pose risks to human health and the environment

**SECTION 43. Operative Principles.** – The provincial government recognize that the steadily increasing level of economic activities and population growth in the urban and the rural areas would lead to an increase in the volume of wastes and adverse impact on the health of our population and Marinduque fragile ecosystems. Pursuant to Section 3(1), Republic Act 7160, respectively, and in consideration of ecotourism and agro-industrialization as our key development strategy, it is therefore our declared policy to encourage and support Integrated Waste Management (IWM) programs of municipal governments and barangay councils.

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- 998 **SECTION 44. Integrated Waste Management System.** As guide for interventions, the provincial government hereby adopt the IWM system as recommended by the Presidential Task Force for Waste Management (*Memorandum Circular dated November 30, 1987*). Accordingly, the system shall be composed of the following function elements:
- a) Waste Generation includes activities that lead to the identification and understanding of the sources. Amounts, nature, type and characteristics of waste generated. This component covers the reduction, reuse, and recycling (3r's) of waste at source.
- 1005 b) Handling on Site Storage Handling of waste after generation includes sorting, 1006 composting, bailing and compaction and placement of waste materials into their corresponding 1007 storage containers and movement of these stored wastes to the collection points.
- 1008 c) Collection, Transfer and Transport This involved gathering of wastes and hauling them 1009 to transfer stations or to final disposal sites.
- 1010 d) Processing and Recovery include size reduction, magnetic separation, density 1011 separation using air classifier and other processes and operations design to recover and produce 1012 materials like compost or energy such as electricity.
- 1013 e) Disposal This is the final step of the IWM system. The most common and widely accepted final disposal is the use of the sanitary landfill.
- SECTION 45. Role of the Province. The provincial Government shall promote the practice of waste segregation and waste minimization of source. Specifically, it shall perform the following functions.
  - a) Facilitate establishment of supportive linkages between municipal government units and other private sector organizations.
    - b) Assist municipalities who may decide to group themselves, consolidate or coordinate their efforts, services, resources for the purpose of establishing a common IWM system of facilities.

1023 c) In coordination with the Presidential Task Force for Waste Management, DENR, NGO's 1024 and the League of Municipalities facilitate the establishment of a model municipal unit 1025 that demonstrates an effective and efficient IWM system. 1026 d) Train provincial personnel to provide technical assistance services, particularly in IWM 1027 and EIA (Environmental impact Assessment) and municipality governments. 1028 e) Install on operation monitoring system to ensure sustainability of IWM program. 1029 SECTION 46. Role of the Municipality and Barangay. - Pursuant to Section 17, RA 7160, the 1030 municipality and barangay shall be responsible in providing services related to waste and 1031 garbage disposal. Accordingly, the city and municipal governments shall consider the following 1032 process for the establishment of their own IWM system. 1033 a) Establish waste steam through the conduct of a baseline survey on current IWM practices. 1034 b) Conduct consensus building with communities in order to generate support and 1035 participation from the private sector 1036 c) Prepare an IWM program based on the review of potions identified with the community. 1037 d) Promulgate an IWM Ordinance. The ordinance shall contain the following parts, namely. 1038 Definition of terms, Waste Generation and Storage, Waste Processing and Resources Recovery, 1039 Collection and Transportation of Waste Disposal Solid Wastes, User Fees for Waste Management 1040 Services, Violation and Penalty and Penal Provision. The municipality may refer to the Municipal 1041 Ordinance for waste management prepared by the Presidential Task Force for Waste 1042 Management. 1043 Appoint an IWM manager/ coordinator to oversee integrated approach versus the e) 1044 conventional collection and disposal effort. 1045 SECTION 47. - Establishment of Materials Recovery Facility (MRF) in Every Barangay. - The 1046 following measures shall be undertaken in the establishment of MRF in every barangay: 1047 1) In consonance with RA 9003 or the Ecoligcal Solid Waste Management of 2000, there shall be 1048 established a Materials Recovery Facility (MRF) in every barangay or cluster of barangays. The

facility shall be established in a barangay-owned or -leased land or any suitable open space to be determined by the barangay through its Sanggunian. For this purpose, the barangay or cluster of barangays shall allocate a certain parcel of land for the MRF. The determination of site and actual establishment of the facility shall likewise be subject to the guidelines and criteria set pursuant to the said Act. The MRF shall receive mixed waste for final sorting, segregation, composting, and recycling. The resulting residual wastes shall be transferred to a long-term storage or disposal facility or sanitary landfill.

- 2) Guidelines for Establishment of Materials Recovery Facility. Materials recovery facilities shall be designed to receive, sort, process, and store compostable and recyclable material efficiently and in an environmentally sound manner. The facility shall address the following considerations:
  - a) The building and/or land layout and equipment must be designed to accommodate efficient and safe materials processing, movement, and storage; and
  - b) The building must be designed to allow efficient and safe external access and to accommodate internal flow.

**SECTION 48. Waste Management Bodies** – In addition to the service of the Water Resource Committee as provided in Section 33 of the code the governor shall establish an IWM Section under the Memo pursuant to section 114 of this Code. The unit shall be composed of IWM specialist whose primary task is to extend technical assistance service to Marinduque and municipalities, particularly in devising approaches to enhance their waste management capability.

a.) Municipal IWM units – If necessary, the municipalities shall organize their waste management units. Where funding poses a major constraint, existing departments such as the general services officers, Municipal Health Office or the Municipal Planning and Development Coordination Office may be designated to perform IWM responsibilities on a concurrent capacity, otherwise the municipality shall from a multisectoral Municipal Action Team for Waste Management that will be headed by a permanent staff from any of the above stated municipal offices. The MW or Action Team shall be under the direct supervision of the Office of the Mayor.

- 1078 b.) Access - The Governor and Mayor, or their duty authorized representative shall have 1079 access to observe and inspect waste treatment and in plant waste control facilities and 1080 to collect samples for analysis.
- 1081 SECTION 49. Management of E-Waste. The Provincial Government through the PGENRO shall 1082 undertake a study of e-waste generation from different sources, including the formal and 1083 informal sector engaged in their collection, recycling and trading among others for the purpose 1084 of developing the appropriate policy, rules and regulations for the management of e-waste.
  - Section 50. Prohibited Acts. The Sangguniang Panlalawigan, in consultation with the municipal governments, environment stakeholders, and the DENR, shall, within one (1) year upon effectivity of this Code, enact a unified ordinance for the purpose of defining the penalties and/or sanctions for acts in violation of the provision of this Code, such as, but not limited to the following:
  - The disposal of non-biodegradable debris, dredge materials if such are contaminated a) which industrial wastes as well as the disposal of plastic and litter in beaches and itself is prohibited. Dumping of plastic debris such as discarded fishing nets and lines, packing bands, straps, synthetic ropes, plastic bags, bottle, sheets and containers and even medical equipment shall likewise be prohibited for it will not only reduce amenity of the marine environment but also poses threat to the safety of many mammals and bird that are prone to ingest such debris.
  - b) Pursuant to existing laws, construction of local dump sites or industrial settlement pits and waste treatment plant less than one (1) kilometers away from the sea and/or river shall be banned and therefore prohibited.
- c) No person shall dump or dispose waster into the sea and any body of water, including shorelines and river banks, where waster are likely to be washed into the water, provide, that dumping of waste and other materials into the sea or any navigable water shall be permitted in case only of immediate or imminent danger of life and property, subject to existing national laws 1103 and regulations.

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1105 ARTICLE VII 1106 **COASTAL RESOURCES** 1107 **SECTION 50. Scope of Powers.** – In addition to the powers, duties and functions of the Municipal 1108 Mayor and Provincial Governor to adopt adequate measures to safeguard and conserve land, 1109 mineral marine, forest and other resources, as provided under Section 389(b)(9), 444(b)(v), and 1110 465(b)(3)(v), respectively, the local governments, with applicable provision of RA 855 and 1111 implementing rules and regulations, shall also provide the following coastal resources 1112 management services and facilities; 1113 a.) For coastal municipalities, pursuant to RA 7160; 1114 1. enforcement of fishery laws in municipal waters, both national and locally 1115 promulgated, including the conservations of mangroves, extension and on-site 1116 research services and facilities related to fishery activities which include dispersal 1117 of fingerlings and other seeding materials for aquaculture pursuant to Section 17 1118 (b)(2)(i);1119 2. provision of fish ports, seawalls, dikes drainage and sewerage, and flood 1120 control services pursuant to Section 17(b)(2)(viii); 1121 3. coastal/marine tourism facilities and other marine/coastal tourist 1122 attractions, including the acquisition of equipment regulation and supervision of 1123 business concession, and security services for such facilities pursuant to Section 17 1124 (b)(2)(xi); and pursuant to DENR Administration Order No.30, series of 1992; 1125 4. implementation of community-based projects such as integrated social 1126 forestry, establishment of new regular reforestation projects, except those located 1127 in protected area (e.g. marine parks, mangrove forest reserves) and critical 1128 watersheds, completed family and community based contract reforestation, 1129 projects, subject to policies and procedures prescribed by the DENR, Forest Land

Management Agreements in accordance with Section DAO 71, series of 1990 and

other guidelines that the DENR may adopt, and Community Forest Projects,

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1132	subject to concurrence of financing institution, if foreign assisted pursuant to
1133	Section 3.1(a);
1134	5. management and control of communal forest with an area not exceeding
1135	5,000 hectares, provided that the concerned coastal municipality shall endeavor to
1136	convert said areas into community forestry projects pursuant to Section 3.1 (b);
1137	6. establishment and maintenance of tree parks, greenbelts and other tourist
1138	attractions in areas identified and delineated by the DENNR, except those in
1139	protected areas, and the collection of fees for their services and the use of facilities
1140	established therein pursuant to Section 3.2(a);
1141	7. except import and export, regulation of flora outside protected areas
1142	including industries and business engaged in their propagation and development,
1143	such as orchidaria and nurseries; provided that such businesses and industries are
1144	registered with the DENR for monitoring purposes pursuant to Section 3.2 (b);
1145	8. implementation of the Rehabilitation in Conservation Hotspot (RICH) and the
1146	conservation of Rare and Endangered Species (CARE) activities in areas identified and
1147	delineated by the DENR pursuant to Section 3.2 (c); and
1148	9. implementation of waste disposal and other environmental management
1149	system and services related to general hygiene and sanitation, such as sewage and
1150	household wastes disposal.
1151	b.) For the Provincial Government of Marinduque, pursuant to RA 7160
1152	1. assistance to fisherfolk cooperative and other collective organization as
1153	well as the transfer to technology pursuant to Section 17(b)(3)(ii);
1154	2. enforcement of community-based (mangrove) forest management laws on
1155	the protection of the environment pursuant to Section 17(b)(3)(iii);
1156	3. coastal tourism development and promotion programs pursuant to Section
1157	17(b)(3)(ii); pursuant to DAO 30, series of 1992;

1158 4. enforcement of pollution control and environment laws rule and 1159 regulations such as issuance of Environment Compliance Certificate (ECC) for 1160 projects and business under Kalakalan 20 pursuant to Section 3.3 (a)(i); 1161 5. adjudication of cases involving complaints against businesses under the 1162 Kalakalan 20 pursuant to Section 3.3(a)(ii); 1163 6. apprehension and testing of smoke belching vehicle and collection of 1164 appropriate fees and charges pursuant to Section 3.3 (iii); 7. 1165 abatement of noise and other forms of nuisance pursuant to Section 3.3 (c); 1166 8. implementation of Cease and Desist Order issued by the Pollution 1167 Adjudication Board pursuant to Section 3.3 (d); 1168 9. enforcement of the Small-Scale Mining Law (RA 7076 pursuant to Section 3.4(a) and 1169 1170 10. enforcement of forestry laws limited to community-based forestry projects 1171 particularly in municipal/communal forest, integrated social forestry areas and 1172 small watersheds, such as but not limited to prevention of forest fire, illegal cutting 1173 and kaingin; apprehension of violators of forest laws, rules and regulation, 1174 confiscation, of illegally extracted forest products on site; imposition of 1175 appropriate penalties of illegal logging smuggling of natural resources products 1176 and endangered species of flora and fauna and other unlawful activities; and 1177 confiscation, forfeiture, and disposition of conveyances, equipment and other 1178 implements used in the commission of offenses penalized under Presidential 1179 Decree No. 705 as amended by Executive Order No. 277, series of 1987, and other 1180 forestry laws, rules, and regulations pursuant to Section 3.1 (d) thereof. 1181 1182 SECTION 51. Governing Laws - The provision of this Code shall be governed by, but not limited

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to, the following national laws;

a) RA 7160 (Local Government Code of 1991)

b) RA 10654 (amending RA 8550);

- c) Presidential Executive Order No. 240, series of 1995 (creation of FARMCs)
- d) RA 8550 otherwise known as the Philippine Fisheries Code of 1998 with its implementing rules and regulations
  - e) Presidential Decree No. 705, (Forestry Decree of 1975), as amended
  - f) Presidential Decree 601 (tasking the Philippine Coast Guard in marine environmental protection)
    - g) Republic Act 6975 (Local Government Act of 1990, creating the PNP-MARICOM under the DILG
      - h) Republic Act 5173 (Philippine Coast Guard Act of 1957)
      - i) EO 247 of 1995 entitled "Prescribing guidelines and establishing a regulatory framework for the prospecting of biological and genetic resources, their by-products and derivatives for scientific and commercial, purpose, and for others purpose"

SECTION 51. Operative Principles. – The provincial government recognize that our municipal waters, which contains valuable productive habitats wherein more than *one-thirds* (1/3) of the people of Marinduque are directly dependent for livelihood, income and nutrition, is presently under "de facto" open access conditions which threaten the foods security, long term livelihood, use and enjoyment of our fishing population in particular and the people of Marinduque in general. The provincial government also hereby affirms the provision of Article XIII, Section 2 of the Philippine Constitution, which provides that the State, through the component coastal municipalities, shall protect the rights of substance fishermen, especially of local communities, to the preferential use of communal marine and fishing resources, both inland and offshore. It shall also protect its marine wealth and exclusive economic zone, and reserve its use and enjoyment exclusively to Filipino citizens.

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

SECTION 53. -a) Delineation of Municipal Waters - Within two (2) years upon effectivity of this code, the Governor shall adopt all measure to encourage the Municipal Mayors, coastal inhabitations, and concerned national government agencies to complete the delineation establishment, management and maintenance and protection of their municipal waters pursuant to RA. 8550, Philippine Fisheries Code of 1998, as amended by RA10654,

It shall incumbent upon the concerned Municipal Mayor, as the case may be, to measure, delineate, demarcate, zonify, and produce maps of their respective territorial boundaries, employing in her process a certified engineer; provided that the delineation of municipal territorial waters shall be undertaken jointly by contiguous municipalities to avoid future controversies in boundary lines; provided, further that the amicable settlement of boundary dispute between municipal waters shall be governed by Section 118 and Section 119, RA 7160; provided, finally, that after two (2) years upon effectivity of this Code, no fishery privileges, shall be issued, pursuant to Section 149, RA 7160, until the measurement, delineation, demarcation, zonification, and mapping of municipal waters has been duly completed. The Governor is hereby authorized to issue the appropriate implementing rules and regulations, circulators, directives, and memoranda, including sanctions for the purpose of implementing the provisions of this Section.

b) **Provincial Coastal Resources Management Framework** – In consideration of the transboundary character of the issues, challenges, and problems confronting the municipal water and pursuant to the general welfare clause of RA 7160, the Governor shall *establish a provincial Coastal Resources Management Framework* (CRMF) to serve as guide for coastal municipalities in undertaking, among others, the delineation, establishment, management, and maintenance and protection of their municipal water within six (6) months upon effectivity of this Code.

1239	In the minimum, th	e CRMF shall include working guides for conducting the following:
1240	a)	Delineation of boundaries of municipal waters.
1241	b)	Preparation of zoning and management plans covering municipal waters.
1242	c)	Strengthening the fisherfolk organizations.
1243	d)	Organizations and institutional mechanism.
1244 1245	e) aqua	Addressing the sources of aquatic pollution that affects the fisheries and tic resources
1246 1247	f) muni	Regulations covering recreational, educational, and scientific use of icipal waters.
1248	g)	Investment promotion, revenue generation and livelihood enhancement.
1249	h)	Dealing with abandoned, unproductive and illegal fishponds.
1250	i)	Rehabilitations of mangroves.
1251	j)	Development of alternative livelihood.
1252	k)	Formulation, promulgation, and enforcement of fishing laws, rules and
1253	regul	ations.
1254	1)	Reclamations infrastructure.
1255	SECTION 54. Con	servations of Biological Diversity and Preservation of Heritage Items
1256	Biological diversity	and heritage item shall not be jeopardized in the utilization, development
1257	and management of	four municipal waters. Unique marine future and productive habitats such
1258	<u> </u>	o, seagreass beds and coral reefs, shall be not destroyed.
1259	SECTION 55. Com	munity Participation and Integration of National Government Agencies
1260	Management of our	coastal resources and municipal waters shall be undertaken by communities
1261	in close collaborat	ion with their municipal government and barangay councils, national

government agencies and instrumentalities, people organizations, non-government organizations and the private sector in general in order to engage their active cooperation. In particular, the governor shall adopt adequate measure to directly engage the Philippine Coast Guard (PCG) of the Department of National Defense pursuant to RA 5173 and Presidential Decree 601 (PCG Act of 1957 and tasking the PCG in marine environmental protection, respectively), Maritime Command (MARICOM) of the Philippine National Police pursuant to Section 24, RA 6875 (Local Government Act of 1990, creating PNP under the DILG), Marine Industry Authority (MARINA) and the Philippines Ports Authority of the Department of Transportation and Communication pursuant to Executive Order 125, the bureau of Fisheries and Aquatic Resources (BFAR), Department of Science and Technology, Department of Education Culture and Sports, CRM laws, programs and/ or projects on the province.

- SECTION 56. Coastal Zoning and Management Guidelines In additional to the CRMF cited in Section 52(b) of this code, the governor shall formulate a provincial coastal zoning and management planning guidelines which will serve as basis in formulating municipal coastal zoning and management plans. The plan shall be based on co-management approach where the municipal government shall work with resource users and build upon existing laws, particularly in the institutionalization of the Fisheries and Aquatic Resource Management Councils (FARMCs) pursuant to Presidential Executive Order No. 240, series of 1995.
- 1. Zoning Coastal Zoning of the plan shall classify municipal waters according to *four (4) zones*, namely; strict protection zones, recreation and ecotourism zones, rehabilitation or core zones, and sustainable production use zones. The zoning plan shall achieve the following purpose:
  - 1. Provide basis for the provision of tenure to qualified coastal zone residents as a means to prevent incidence of squatting and/or unplanned settlements.
  - 2. Allocate, delineate and set aside appropriate areas for industries to secure the environmental requirements for the growth and development of coastal communities, such as but not limited to the identification of areas for settlements, agriculture, institutions, infrastructure, commerce, recreation, tourism, natural reservations and sanctuaries and areas of cultural and historical significance.

1291 3. Delineate areas as sanctuaries, no fishing zones, fishing gear restriction 1292 zones, and critical breeding and feeding areas of ecologically important organism. 1293 4. Delineate natural areas for the exclusive use of specific user groups such 1294 as, but not limited to, areas for recreation, tourism, research and education. 1295 5. Delineate mangrove areas to be covered under stewardship agreements 1296 and other applicable tenurial instruments. 1297 6. Delineate areas where construction is prohibited pursuant to Presidential 1298 Decree No. 1607 and DENR Administrative Order No. 05, series of 1997. 1299 Management Planning - The management component of the plan shall complement the 2. 1300 zoning plan. To be holistic, the management plan shall incorporate the following strategies. 1301 1. Assessment of the type, status quality and quantity of coastal resources. 1302 2. Develop a community-based coastal resource management (CB-CRM) 1303 approach for each municipality and provide active and continuing support to 1304 CRM activities at the barangay and household levels. 1305 3. Develop clear resource protection strategies and active law enforcement 1306 activities as provided for in RA 8550 and other existing policies. 1307 4. Create territorial use of rights in fisheries and devolve these to the 1308 organized resource users for management. 1309 5. sources of alternative and/or supplemental livelihood 1310 particularly micro-enterprise development while technical and financial support 1311 is obtained for plan implementation. 1312 6. Conduct information and education campaign to build awareness on CRM 1313 related issues, government regulation on coastal resources and inculcates 1314 environmentally sound resource extraction practices among coastal communities.

1315 7. Develop a research framework and installation of a municipal database for 1316 coastal resources. 1317 8. Develop community-based ecotourism enterprises and biodiversity 1318 conservation measure acceptable to the local communities. 1319 9. Undertake community organizing and social preparation measure in 1320 implementing CRM activities. 1321 10. Provide guidelines and procedures in identifying resource "hot spot" and 1322 areas with unique characteristic, unspoiled natural state, resources, or requiring 1323 immediate protection to maintain its economic, cultural, historical, social, and 1324 ecological importance. 1325 The provincial government shall coordinate with the Department of Education Culture 1326 and sports and the Technical Education and Skill Development Authority and any other appropriate institution to undertake skill inventory of coastal barangays and implement 1327 1328 a province-wide non-formal education (NFE) and skill training program among the 1329 deserving members of the fishing household to increase their employment potential in 1330 non-fishing but gainful occupations. 1331 SECTION 57. Environmental Impact assessment - The coastal zoning and management plans 1332 shall be subject to an Environment Impact Assessment (EIA). The Sangguniang Panlalawigan 1333 without an EIA shall not authorize appropriation of public funds for this purpose. 1334 SECTION 58. Provision of Tenurial Security and Management Rights - All zones within 1335 municipal waters or portions thereof shall be covered by applicable tenurial and/or management 1336 right and the issuance thereof shall be in accordance with law; provided, that the Governor, Municipal Mayors, and concerned national government agencies shall provide adequate measure 1337 1338 for the recognition of customary management use rights. 1339 Pursuant to Article XIII, Section 2 of the Philippine Constitution, the State, through the 1340 component coastal municipalities shall protect the rights of subsistence fisherfolk, especially of

local communities, to the preferential use of communal marine and fishing resources both inland

and offshore. It shall also protect its marine wealth and exclusive economic zone, and reserve its use and enjoyment exclusively to Filipino citizens. Commercial fishing in municipal waters shall be governed by Section 18 of RA 8550 as amended by RA 10654. As such, the municipal government may through its local chief executive and pursuant to an appropriate ordinance, ban commercial fishing provided prior to consultations, thru public hearing, with the M/FARMC has been conducted.

**SECTION 59. Water Quality Monitoring** – The Governor, through the multi-sectoral Water Resource Advisory Board as provided in Section 33 (Water Resource Committee) of this Code, shall monitor the quality of its waters in coastal zones.

- SECTION 60. Promotion of Conductive Policy and Complementary Province Wide fishery ordinance The Governor shall assists the municipality government in reviewing and systematizing the ordinance pertaining to the coastal zone to identify the ordinances needed, reconcile conflicting in the existing ordinances, and attain national complementation of ordinances among municipalities, and between the provincial and municipal ordinances; provided that the Governor shall initiate measure toward the promulgation of a complementary province-wide fishery ordinance on consideration of the fugitive nature of marine resources and trans-boundary character of the issue and problem on coastal resources management.
- SECTION 61. Gathering Extraction and/or Removal of Beach Sand and Corals The gathering extraction, and/or removal of beach resources, pebbles, sand and gravel, and boulders for whatever purpose is hereby prohibited except those expressly allowed by law.
  - **SECTION 62.** Coastal Resources Management Fund The provincial government shall allocate funds every year from its Internal Revenue Allotment to support multi-year coastal management activities; provided, that such investment are in accordance with the duly validated and approved provincial/municipal/coastal resource management plans and programs as described in Section 56, 56(a) and 56(b) of this Code.
  - SECTION 63. Fishery and Aquatic Resource Management Councils (FARMCs) Pursuant to Presidential Executive Order No. 240, Series of 1995 and RA 8850, as amended by RA 10654 the Governor shall adopt all measures for the purpose of organizing a province-wide federation of municipal FARMCs within one (1) year upon effectivity of this Code, which shall be under the

guidance of the BEMO pursuant to Section 114 of this Code, to assume the responsibilities of coordination the enforcement of fishery laws, rules and regulations. The Bantay-Dagat Council created under Provincial Ordinance No. 116 dated July 28, 1989 is hereby repealed and a Bantay Dagat Task Force under BEMO is hereby created; provided, that the Governor shall exert efforts for the deputation of all members of the Bantay-Dagat Task Force and FARMCs as fishery wardens, in accordance with law; provided, further, that the Governor shall include in the annual Investment Plans specific budget for the implementation of the Bantay Dagat Task Force and FARMC federation activities.

**SECTION 64. Organization** – There is hereby created a Coastal Resource Management Section (CRMS) under the Marinduque Environmental Management Office, and described in Section 114 of this Code.

## **SECTION 65. Functions of the CRM Section -** The CRMS shall:

- a.) Assist the municipal government in the formulation and implementation of their municipal coastal resource management plans, including the organization and federation of FARMCs.
- b.) Assist in the physical delineation and legislation of the boundaries of municipal waters.
- c.) Provide technical logistical and training support to concerned municipal governments and coastal communities particularly on coastal resources management, planning, monitoring, community, organizing and law enforcement.
- d.) Formulate incentive system to enforce coastal management policies to complement community-based initiatives.
- e.) Help municipalities formulate strategies which will enable communities manage their coastal resources.
- f.) Review, modify or amend policies based on the lesson gained from the implementation of coastal resources management projects by municipalities and local communities.

1398 g.) Develop participatory and replicable strategies in planning for coastal management. 1399 h.) integrate coastal management programs with other environmental programs 1400 i.) Assist municipal governments set up permitting system for use of resources within 1401 municipal waters, including a rationalized revenue generation system. 1402 j.) Through the *one-Stop-Shop scheme* provide under Section 115 (h) of this Code, facilitate 1403 issuances of applicable tenurial instruments to qualified resources users of managers. 1404 SECTION 66. Prohibited and Punishable Acts - The Sangguniang Panlalawigan shall, within 1405 one (1) year upon effectivity of this Code, develop model fishery and aquatic resources ordinance 1406 for the municipalities to enact appropriate ordinance within their jurisdiction for the purpose of 1407 defining the penalties and/or sanctions for acts in violation of the fishery provisions of this Code, 1408 such as, but not limited to the following; 1409 a.) The gathering, taking or transporting of corals of giants clams, spawning fishes, and 1410 the capture of dolphins, whales, sea turtles (pawikan), manta rays ("sanga"), whale 1411 shark ("balilan"), mother bangus ("awa"), sea horse, starfishes and such other 1412 marine flora and fauna as identified in the Convention on International Trade of 1413 Endangered Species (CITES) of wild Fauna and Flora for commercial, education, 1414 scientific research or private purpose shall be banned and therefore prohibited. b.) The construction of tourist facilities directly in the water's edge where suc would 1415 1416 result to the loss or alteration of breeding and nursery grounds of fishes shall be 1417 prohibited. 1418 c.) The conversion of wetland into fish/prawn farms, and the extraction of freshwater 1419 in coastal areas that may result in the intrusion of saline water into the freshwater 1420 table shall be regulated through a system of permits issued by the local government

chief executive having territorial jurisdiction thereto, subject to existing national

laws, rules and regulation.

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d.) The use of the following fishing gears or methods shall be banned and prohibited; air compressors, electric light shiners, sagiwsiw, and fishing through the use of poisonous substances and explosives.

It shall be prohibited and punishable for any officer, member of the crew or passenger of any ship, boat, or sea craft of any kind coming to dispose, dump or throw away garbage or wastes at any port and waters within the territorial jurisdiction of the Province of Marinduque. Likewise, it shall be punishable under this Code for owners and master of shipping companies who dispose or tolerate any personnel under his/her supervision and control to throw garbage and other wastes into the seas within the jurisdiction of the Province of Marinduque.

## **ARTICLE VIII**

# AIR AND NOISE QUALITY MANAGEMENT

**SECTION 67. Scope of Powers.** – The powers on air and noise pollution control are vested in the provincial government, pursuant to Section 17(b)(3)(iii) and Section 17 (b)(4), respectively and refer to enforcement of pollution control laws and other laws on the protection of the environment. Section 3.3, DENR Administrative Order No. 30, series of 1992 also provides specific powers, as follows:

- a) Enforcement of the following pollution control and environmental laws, rules and regulation: (1) issuance of Environmental Compliance Certificate (ECC) for projects and business under *Kalakalan 20*; adjudication of cases involving complaints against business under Kalakalan 20: and apprehension and testing of smoke-belching vehicles and collection of appropriate fees and charges;
- b) Abatement of noise and other forms of nuisance; and
- c) Implementation of cease and Desist Order issued by the *Pollution Adjudication Board*

1449 SECTION 68. Governing Laws - This portion of the Code shall be governed by, but not limited 1450 to the following national laws; 1451 a.) Republic Act No. 7160 (Local Government Code of 1991) 1452 b.) RA 8749 or the Philippine Clean Air Act of 1999; 1453 c.) DENR Administrative Order No. 2000-81 providing for the "Implementing Rules 1454 and Regulations of RA 8749"; 1455 d.) DENR Administrative Order No. 2004-26 "Amending Rule XIX of DENR DAO 1456 No. 200-81"; 1457 e.) DENR Administrative Order No. 1998-46 stating the "1996 Revised Rules and 1458 Regulations for the Prevention, Control, and Abatement of Air Pollution from Motor 1459 Vehicles"; 1460 b.) Presidential Decree No. 1881 entitled "Providing the Prevention, Control and 1461 Abatement of Air Pollution from Motor Vehicles and for other purpose" 1462 SECTION 69. Operative Principles - The provincial government recognize that, unless 1463 appropriate proactive measure are in place, the agro-industrial development of the province will 1464 be associated with the production of increased amounts of air and noise pollutants thereby 1465 inevitably threatening the health and well-being of the people of Marinduque, particularly form 1466 the increased utilization of fossil fuels by automotive vehicles and industries, pursuant to Section 1467 17, RA 7160, the government reaffirms its authority to enforce pollution laws and take over the 1468 resting and apprehension of smoke belching vehicle and abatement of noise and nuisance in 1469 accordance with law. 1470 SECTION 70. Air Pollution Control - The Governor, in close coordination with the Land 1471 Transportation Commission (LTC) and the DENR, shall establish a permitting system to ensure 1472 that the emission of vehicles and industries, operating within the province are in accordance with 1473 standards provided under Presidential Decree No. 1181, entitled "providing for the Prevention, 1474 Control and Abatement of Air Pollution form motor Vehicles and for other Purposes". If 1475 necessary, the Governor shall allocate funds for the acquisition and maintenance of emission 1476 testing equipment. 1477 SECTION 71. Industrial Pollution Control - The Governor in, close collaboration with the 1478 DENR, shall ensure that the industrial firms operating within the province comply with the air 1479 quality standards, periodically test the emission of industrial firms, and establish adequate 1480 capability to respond positively to related citizen complaints on air and noise pollution. 1481 SECTION 72. Zoning Clearance and Building Permits - The municipal governments shall be 1482 responsible in evaluating the noise generating potential of infrastructure projects as part of the 1483 processing of zoning clearance and building permits. All projects, which generate potential noise 1484 and vibration levels contrary to ambient noise level standards established by the Department of 1485 Health, shall be required to install soundproofing devices and eliminate vibration. 1486 SECTION 73. Ambient Air Quality and Noise Level Monitoring - When necessary, the 1487 Governor in close collaboration with the DENR shall be establish, operate and maintain noise and 1488 ambient air quality sampling and monitoring stations, the result of which shall be released to the 1489 public particularly to communities living near and around emission sources. 1490 **SECTION 74. Information Education -** The Governor shall implement a continuing program of 1491 education and information dissemination on air and noise pollution as an integral part of the 1492 pollution control policy of the provincial government. 1493 SECTION 75. Industry Group - Pursuant to Section 33 (e) of this Code, the multisectoral Water 1494 Resources Advisory Board shall organize industries for the purpose of sharing air pollution 1495 reduction and noise abatement techniques, work as a group with the government organization 1496 on pollution and noise minimization and advise the Governor on the policy to promote clean air 1497 in the province. 1498 SECTION 76. Acts Prohibited and Punishable under this Code shall include but not limited to 1499 the following: 1500 a) Causing permitting suffering or allowing the emission of particular matter from any 1501 source whatsoever; including but not limited to, vehicular movement, exportation of 1502 materials, construction, alternation, demolition or wrecking or industry related 1503 activities as loading, storing or handling without giving reasonable precaution to 1504 prevent the occurrence of such condition. Neither shall such person cause or permit 1505 the discharge of visible fugitive dust emission beyond the boundary line of the 1506 property form which the emission originates. 1507 b) Storing, dumping, handling, processing, unloading or using in any process or 1508 installation, volatile compounds or organic solvents without applying know vapour 1509 emission control devices or system deemed necessary and approved and ordered by 1510 the Governor and the appropriate national government agency. 1511 c) Operating plant or source at capacities that exceeds the limits operation or capability 1512 of a control device to maintain the air emission within the standard limitations as 1513 provided under existing national laws, rules and regulations. 1514 d) Building erecting, installing or musing any article, machine, equipment or other 1515 contrivance, the use of which will control emission which would otherwise constitute 1516 a violation of any of the provision of this Code. 1517 e) Any person intending to build, erect install or later any chimney, from or through 1518 which air impurities may be emitted, shall obtain a prior approval form the Governor. 1519 This requirement shall not apply for a chimney serving a private residence. 1520 f) It shall be unlawful for any operate of vehicle to allow it to discharge air pollutants at 1521 level greater than the acceptable concentration standard prescribed by the DENR. 1522 g) Causing allowing or permitting the discharge of air pollutants that cause or contribute

h) Building, erecting, constructing, installing, or implanting any new source, operate, modify or rebuild and existing source, or by any means cause of undertake any activity, which would result in ambient noise level higher than the ambient standards.

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to an objectionable odor.

1527 i) Neither shall such permit emit or cause or suffer to be emitted noise greater in volume 1528 intensity or quality that the levels prescribed by the DENR for tolerate noise without 1529 first securing a clearance from the Municipal Mayor. 1530 j) Causing or permitting the creation of any unnecessary noise through the use of any 1531 device on any street adjacent to any hospitals, school or counts of justice. 1532 ARTICLE IX 1533 SUSTAINABLE AGRICULTURE DEVELOPMENT 1534 SECTION 78. SCOPE OF POWERS. In the exercise of its powers, functions and responsibilities, 1535 the LGU among others shall prescribe measures to safeguard the environment and natural 1536 resources, by promoting rural development through sustainable agriculture within their 1537 respective areas of jurisdiction through: 1538 a. Promotion and development of environmentally sound and economically viable 1539 agricultural production systems for both lowland and upland ecosystems, preferably of organic, 1540 diversified and integrated agriculture, in reference to; and consistent with; existing Barangay 1541 Development Plans and Comprehensive Land Use Plans; 1542 b. Provision of efficient support services and incentives to farmers practicing sustainable 1543 agriculture and to strengthening the participation of; and cooperation among: concerned entities 1544 such as; the Department of Agriculture, Local Government Units, civil society, the academe and 1545 other stakeholders; 1546 c. Establishment of Geophysical Information System (GIS)-based Resource Management 1547 Information System (RMIS) as a tool in the assessment on the impact of existing agricultural 1548 production systems to the agricultural resource base in the province and as basis for the 1549 formulation of Sustainable Agriculture Master Plan (SAMP); 1550 d. Creation and capacitation of community-based agricultural extension teams through: 1551 1. Establishment of community learning centers for appropriate technologies;

1552 2. Diversified Farming System including use of short-term, mediumterm and long-term 1553 crops and propagation of small livestock production; 1554 3. Promotion of Soil and Water Conservation measures in both lowland and upland areas; 1555 4. Enforcement of laws and ordinances banning or regulating the use of synthetic chemical 1556 agricultural inputs; 1557 5. Adoption of the Sloping Agricultural Land Technology (SALT) in the rolling areas; and 1558 6. Maximize recycling of agricultural waste, minimize external inputs and optimize 1559 internal inputs. 1560 SECTION 79. OPERATIVE PRINCIPLES. Policies on agricultural/cropland resources in the 1561 Province are anchored on the following operative principles: 1562 a. The integrity and carrying capacity of the agricultural resource base, especially land, 1563 water and genetic resources of both plant and animals shall not be degraded in the process of 1564 development; 1565 b. Inclusion of sustainable agricultural development practices as essential component of 1566 agro-ecological considerations towards maximum productivity and profitability; 1567 c. Policy of piloting or on-the-ground testing as an essential requisite for adaptability, 1568 adoptability, efficiency in local situations and bias for the environment for acceptability and 1569 utilization of research-based generated technologies; 1570 d. Policy decisions are based on studies on biological limits and scientific result of 1571 agricultural and natural resource productivity; 1572 e. Access and autonomy in the management of common resource such as water and biodiversity 1573 of domesticated animal and plant genetic resources in agriculture shall be assured; \ 1574 f. Environmental management tools shall be adopted in policy and decision-making for all stages 1575 of economic productivity; g. Environmental protection is a shared responsibility of all; 1576 h. Environment-friendly and location-specific technologies in sustainable agriculture shall be 1577 promoted; i. In agricultural genetic engineering, precautionary principle must always be upheld;

and j. Food self-sufficiency and security shall be of utmost consideration in all economic and development activities.

SECTION 80. PLANT AND ANIMAL GENETIC RESOURCE BASE. The Province of Marinduque shall assist, support, encourage and access to locally-based institutions of higher learning offering agriculture courses to establish their own Gene Bank of indigenous species, traditional varieties and cultivars of rice, corn and other food crops, as well as a data bank of indigenous knowledge systems and practices related to traditional farming inherent to the people.

1585 ARTICLE X

## WILDLIFE, GENETIC RESOURCES AND BIODIVERSITY

SECTION 81. SCOPE OF POWERS. In the exercise of their powers, functions and responsibilities, the LGUs shall enforce biodiversity conservation and formulate legislation for the protection of species of flora and fauna endemic to the province.

SECTION 82. OPERATIVE PRINCIPLES. Policies on wildlife, genetic resource and biodiversity conservation, protection and development in the province shall be guided by the following operative principles:

- a. The integrity and carrying capacity of resource base, especially genetic resources of both plant and animals shall not be degraded in the process of development;
- b. Policies shall be based on studies of biological limits of natural resource capacity, resilience and renewability;
- c. Environmental protection especially of wildlife habitat, niche and genetic biodiversity belts shall be viewed by all as a shared responsibility;
- d. Biological diversity shall be conserved through institutional support and direct involvement of local communities
- e. The Precautionary Principle shall at all times be upheld in the face of contentious issue of genetic-based erosion and genetic pollution vis-a-vis transgenic organisms through genetic engineering.

SECTION 82. RESOURCE PROFILING. The Provincial Government in coordination with concerned government agencies and Civil Society Organizations (CSOs) shall conduct resource profiling of existing vegetative cover, endemic species of flora and fauna, particularly threatened and endangered species, as well as their important habitat, nesting and breeding sites.

SECTION 83. DECLARATION OF THE SPECIFIC AREAS/HABITATS AS GAME REFUGE AND WILDLIFE SANCTUARY. The Provincial Government shall coordinate with concerned agencies in the identification of specific areas within its territorial jurisdiction, which shall be declared as game refuge and wildlife sanctuary/ies.

.SECTION 84 REGULATION OF PROSPECTING BIOLOGICAL AND GENETIC RESOURCES, THEIR BY-PRODUCTS AND DERIVATIVES FOR COMMERCIAL, SCIENTIFIC AND OTHER PURPOSES. All individuals and business entities engaged in the prospecting of biological and genetic resources, their byproducts and derivatives for scientific and other purposes shall be subject to existing rules and regulations for said purposes. The Provincial Government shall formulate policies and regulations for the protection and conservation of endemic species and habitat diversity protection. Such policies shall give priority for the promotion of local capability and indigenous knowledge systems, science and technology.

SECTION 85. PROVINCIAL GENETIC RESOURCES BIODIVERSITY AND SEED BANK. The Provincial Government, in collaboration with the DENR, local research centers, appropriate government research centers, concerned government agencies and civil society organizations shall establish, operate and manage community-based "in-situ" and "ex-situ" Provincial Genetic Resources Biodiversity and Seed Bank.

1626 ARTICLE XI

1627 SUSTAINABLE TOURISM

**SECTION 86. Scope of Powers –** In addition to the powers, duties and functions of the Municipal Mayor and Provincial Governor to adopt adequate measures to safeguard and conserve land,

1631 minerals, marine, forest, and other resources as provided under Section 389 (b)(9),444(b)(3)(vii), 1632 455(b)(3)(v), and 465 (b)(3)(v), respectively, the local governments shall also provide the following 1633 ecotourism services and facilities. 1634 a) For the municipality, ecotourism facilities and other tourist attraction, including 1635 acquisition of equipment, regulation and supervision of business concession, and 1636 security services for such facilities pursuant to Section 17 (b)(2)(xi), RA 7160; 1637 b) For the province, ecotourism development and promotion programs pursuant to 1638 Section 17(b)(4), RA 7160. 1639 **SECTION 87. Governing Laws** - The provision of this portion of the Code shall be governed by, 1640 but not limited to, the following national laws: 1641 a) Article II, Section 16 and Article XII, Section 1 of the Constitution. 1642 b) RA 7586 or the "National Integrated Protected Areas System (NIPAS) Act of 1992 1643 as amended by RA 11038; 1644 c) DENR Administrative Order No. 2019-05 providing for the "Implementing Rules 1645 and Regulations of RA 7586" - thereby recognizing natural biological and physical 1646 diversities of the environment, biologically important public lands that are habitat of 1647 rare and endangered species of plants and animals, biogeographic zones and related ecosystems, also known as the "protected areas." 1648 1649 d) Presidential Executive Order No.120 1650 e) EO 247 series of 1995 entitled: "Prescribing guidelines and establishment a 1651 regulatory framework for the prospecting of biological and genetic resources, their 1652 products and derivatives for scientific and commercial purpose and other purposes." 1653 SECTION 88. Operative Principles - Pursuant to Article II, Section 16 and Article XIII, Section 1 1654 of the Constitution and Presidential Executive Order No. 120, the provincial government shall adopt 1655 ecological tourism as a major strategy for the conservation of biological diversity and preservation of the unique natural and cultural heritage of the Marinduqueños, creation of local 1656

employment opportunities and generation of the municipal revenues. It shall be the priority of the provincial government to ensure equitable distribution of benefits from the utilization of our heritage and, as such, there is hereby established a system of local community entrepreneurship in the operation and management of ecotourism.

SECTION 89. Community - Based/(Managed) Ecotourism - The Governor and the Municipal Mayors shall adopt adequate measure to ensure that local communities within ecotourism sites are not deprived of opportunities for gainful livelihood and generation of municipal revenues. For this purpose, the Municipal Mayors and barangay councils are hereby encouraged to enact appropriate legislation such as, but not limited to, the regulation and control measures, provision of proper visitor services, amenities and facilities, site protection, promotion of homestay and law enforcement.

SECTION 90. Authorized and Unauthorized Sites – In order to regulate the ecotourism industry in Marinduque, protect heritage resources and site destination from adverse impacts, maintain favorable visitor services and facilities, and secure the well-being of local residents and visitors, the Governor in coordination with the concerned Mayors, Department of Tourism, Department of Environment and Natural Resources, and other concerned national government agencies and instrumentalities shall, from time to time, determine, authorize and prescribe ecotourism sites for visitation and/or development within one (1) year from effectivity of this Code. Thereafter, access, visitation and/or development as the case may be, to any unauthorized sites shall be prohibited and penalized. The Governor shall, in the same manner as ecotourism sites are determined, submit to the Sangguniang Panlalawigan his legislative agenda for this purpose.

**SECTION 91. Ecotourism Plan Review** – Within one (1) year from effectivity of this Code, the Governor shall, together with the concerned Mayors, national government agencies, non-governmental organization and private sector representative, review the 1995 Provincial Ecotourism Development Plan for the Following purpose:

a.) Prioritize ecotourism zones and areas for development in coordination of market potential, infrastructure investment requirement, economic, viability, strategic position for tourism expansion, community participation, and environmental

rehabilitation advantage. Such prioritized zones shall be subject to the approval of the Governor who, in turn, shall issues the appropriate directive for the purpose.

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

SECTION 92. Preparation of Ecotourism Framework Plans – No ecotourism site shall be authorized for operation, development or visitation with the prior approval of the framework plan thereof by the concerned Municipal Mayor or Mayors, as the case may be; provided, that the said plan shall be disapproved if and when the potential municipal revenues to be generated amounts be less than ten (10) percent over and above the total estimated municipal investments. If necessary, in the interest of environmental conservation. The Governor shall issue the necessary circulars and guidelines for the preparation of framework plans, including the provision of technical and/or financial assistance to the concerned municipalities in the preparation of the plans.

In the minimum, the plan shall indicate the areas to be developed, type of development proposed to be undertaken, schedule of development, support facilities and services, a clear settlement of the nature of local community participation and capability building requirements, and an estimate of potential municipal revenues.

**SECTION 93. Incentives** – The Governor shall work with Municipal Mayors in promulgating a range of tax and non-tax incentives to investors on tourism projects. Priority shall be given to

those incentive structures for the development of authorized ecotourism sites that require sizeable investment in supportive infrastructure, services and amenities.

- **SECTION 94. Environment Standards** The Governor shall issue the appropriate circulars establishment the environmental standards for ecotourism in accordance with law. The standards will take into consideration the following;
  - a) Standards on water and air quality, noise, operating quality and efficiency, and sanitation as established by the DENR, DOH, DOT, and municipal governments, respectively.
  - b) Environmental aspects critical to the sustainable operation of ecotourism projects such as waste management, energy, and water conservation, maintenance of air quality and noise minimization, and the use of fossil fuels, polychlorinated biphenyl (PCB), pesticides and herbicides and hazardous materials.
  - c) Measures that minimize the use of energy; water and on-site material
  - d) Measures that minimize the generation of waste, including, reuse, and recycling of resources being used.
- **SECTION 95. Sensitive Areas.** The Governor shall issue appropriate directives, circular, and advisories for the purpose of regulating visitor behaviour in environmentally and culturally sensitive areas, particularly native forests, caves, dive sites, mangrove areas, ancient churches, ancestral houses and other sites as determined by the Governor from time to time.
- **SECTION 96. Provision for Accreditation** The Governor shall institute a system of accreditations of tourist guides, drivers, escorts, promoters, service providers, and coaches and conveyances, including a system of rules and regulations governing that issuance and renewal of license, and the related fees and charges therefore, for the purpose of establishing and maintaining a high degree of professionalism, quality service, and Marinduqueño hospitality to visitors. After one (1) years from the effectivity of this Code, unaccredited and unlicensed guides, drivers, escorts, promoters, services providers, coaches and conveyances shall be subject to

1741	prosecution for violation of a Provincial Ordinance which shall be recommended by the governor
1742	and enacted for this purpose by the Sangguniang Panlalawigan.
1743	SECTION 97. Provincial Tourism Board - The provincial Tourism Board, created under
1744	Provincial Resolution no. 125, series of 1973, is hereby affirmed.
1745	SECTION 98 Functions of the Provincial Tourism Board In addition to the existing functions
1746	of the Board, it shall also perform the following:
1747	a) Coordinate ecotourism promotion, investment, and development activities in the
1748	province.
1749	b) Establish ecotourism performance, development, accreditation, planning, investment
1750	and environmental criteria standards;
1751	c) Monitor compliance to ecotourism standards, law, rules and regulations;
1752	d) Recommend ecotourism related legislative agenda to the Sangguniang Panlalawigan;
1753	and
1754	e) Submit regular quarterly written status reports to the Sangguniang Panlalawigan
1755	SECTION 99. Acts prohibited and Punishable under this code shall include but not limited to
1756	the following;
1757	a) Developing a stream lake, marshland or pond for recreational or commercial purpose
1758	without first securing a permit from the National Water Resources Council and the local
1759	government executive, in addition to an Environmental Compliance Certificate (ECC)
1760	issued by the DENR in accordance with existing laws.
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1762	<u>ARTICLE XII</u>
1763	ENVIRONMENTAL IMPACT ASSESSMENT

SECTION 100. Scope Powers - The implementation of environmental impact assessment by local 1765 government units refers to the powers, duties and functions of the Municipal Mayor and 1766 Provincial Governor to adopt adequate Measure to safeguard and conserve land, mineral, marine, 1767 forest and other resources, as provided under Sections 389(b)(9), 444(b)(3)(vii), 455(b)(3)(v) and 1768 456 (b)(3)(v) respectively. Likewise, the power to enforce laws for the protection of the 1769 environment is provided in RA 7160, Section 17(b)(3)(iii) and Section 17(b)(4) to the provincial 1770 and city government, respectively. SECTION 101. Governing Laws - The pertinent laws governing environment impact assessment 1771 1772 are: a) Presidential Decree 1152, entitled "Consolidating the Philippine Environment 1773 1774 Code". 1775 b) RA 7160, otherwise known as the Local Government Code of 1991. 1776 c) Presidential Decree no. 1586 known as the Environmental Impact Assessment 1777 System. 1778 d) DENR Administrative Order No. 2003-30 which provides for the "Implementing 1779 Rules and Regulations of Philippine Environmental Impact Statement (EIS) System; 1780 e) EMB Memorandum Circular No. 2007-001 providing for the "Environmental 1781 Impact Assessment (EIA) Review Manual" 1782 f) DENR Administrative Order No. 1992-21 "Amending the Revised Rules and 1783 Regulations Implementing PD 1586; 1784 g) DENR Administrative Order No. 1996-37 "Revising DAO 21 s. 1992 which further 1785 strengthen the Implementation of the Environmental Impact Assessment (EIA); 1786 **SECTION 102. Operative Principles -** The Provincial Government recognize the need for an

effective instrument for ensuring environmental soundness of agro-industrial and ecotourism

projects thereby maintaining rational and orderly balance between economic growth and

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community developing in the province and, as such, hereby adopts the Environmental Impact Statement (EIS) system provided under Presidential Decree No. 1586.

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

a) Scoping a defined in Section 6(hh) of this Code

b) EIS Preparation and Approval – The stage in the EIS system wherein an environmental impact assessment (EIA) is undertaken and data are gathered using accepted scientific methods to clarify key issue and concerns, characterize the environmental setting of the project, predict the impact of the object on the setting, and measure the social acceptability of the project. The resulting EIA document will be reviewed by the DENR EIA. Review committee and their comments will serve as basis in reviewing the application for an Environmental Compliance Certificate (ECC). The ECC may be granted under certain conditions and includes the implementations of an environmental management plan.

As a matter of provincial government policy and in order to validate and exent of social acceptability of the project as provided in DENR administrative Oder (DAO) 37, series of 1996, the Governor shall fully exercise his powers to ensure that a public hearing shall conducted for all projects defined under PD 586, as a condition precedent to ECC issuance.

c) EIA Monitoring – There is hereby created a seven-member multipartite EIA Monitoring Team which shall be recognized and headed by the Governor or his duly authorized representative and whose permanent members include one representative each from the host municipal government DENR, projects operator/developer, Sangguniang Panlalawigan Environmental Committee and two (2) on-calls members from the private sector as determined by the Governor on a project-specific basis.

**SECTION 103. Functions of the EIA Monitoring Team** – The team shall monitor compliance of project Environmental Management Plans, conditions set by the ECC and permits issued by DENR to the project; gather relevant information to determine cause of damage and respond to public complaints about the projects; prepare, integrate and disseminate monitoring status

1817 shall: 1818 a} Participate in scoping activities 1819 b) Validate scoping session, as provided in Section 94 of this Code 1820 c} Participate in the preparation EIS documents, as provided in Section 96 of this Code. 1821 el Participation in the public consultation and hearing as provided in Section 97 of this 1822 Code. 1823 f} Participate in law enforcement, as provided in Section 98 of this Code. 1824 g} Conduct regular inventory of establishment, as provided in Section 99 of this Code. 1825 g} Conduct regular inventory of establishment, as provided in Section 99 of this Code. 1826 h} Submit a written monthly status report to the Governor. 1827 1828 **SECTION 103. Validation of scoping Session –** The Governor through the EIA Monitoring Team 1829 as provided in section 94 of this Code, shall review the documentation of the scoping session and 1830 as required by law, validate its authenticity by signing it. Likewise, the Governor shall assist EIA 1831 prepares identifying the stakeholder who should involve in the scoping sessions. 1832 SECTION 104. Participation in the preparation of EIS Document - The Governor, through the 1833 EIA Monitoring Team as provided in Section (3 (c) of this Code, shall participate in the 1834 preparation of the EIS document by identifying the potentially affected populations, assessing 1835 the demand and needs of the affected, providing the EIA prepares with pertinent data, attending 1836 meetings and workshops organized by the WIA prepares, articulating the potential impacts 1837 which may affect public interest and ensuring that the proposed project in constituent which the 1838 provincial policies plans.

reports; and undertake community information and education dissemination. Further, the team

- 1839 SECTION 105. Review EIA and IEE The Governor, through the EIA Monitoring Team as
- provided in Section 93 (d) of this code, shall review all the EIA and IEE done on the province.
- 1841 Upon recommendation of the team, the Governor may procure the service of expert to validate
- the findings of the study or conduct another EIA.
- 1843 **SECTION 106. Participation in the Public Consultation and Hearing –** The Governor, through
- the EIA Monitoring Team as provided in Section 93 of this Code, shall attend public consultation
- and public hearings on the conduct of the EIA, be informed of new issue which may arise, and
- articulate the views and concerns of the provincial government.
- **SECTION 107. Law Enforcement -** The Governor, through the EIA Monitoring Team and the
- 1848 DENR as provided in Section 95 of this Code, shall work together to enforce law, including the
- 1849 closure of the establishment and projects and the prosecution of offenders.
- **SECTION 108. Inventory of Establishment –** The Governor, through the EIA Monitoring Team
- and the DENR as provided in Section 93 (g) of this Code, shall conduct annual inventory of the
- 1852 existing establishments and projects within the province to ascertain whether these have
- 1853 complied with the IEE as required under this Code and the EIA and EC requirement as defined
- 1854 by law.
- 1855 SECTION 109. IEE Compliance for projects not covered by the EIA System All projects
- defined under PD 1586 which are proposed to be undertaken in Marinduque, including those not
- 1857 required by national law to secure ECC and therefore not covered by the EIA System pursuant to
- 1858 PD 1586, shall be subject to an initial environmental examination (IEE),in addition to submissions
- 1859 of additional environmental safeguards pursuant to DENR Administrative Order 37, series of
- 1860 1996, provided, that the Governor shall issue a circular identifying those projects not covered by
- the EIA System which shall be subject to EII in accordance with this provisions, provided, further,
- that the Governor shall also submit his proposed measures for legislative enactment of the
- 1863 Sangguniang Panlalawigan, including recommendations for sanctions, penalties, and/or charges
- 1864 for violation of this provision, within nine (9) months upon effectivity of this Code.
- 1865 SECTION 110. Environmental Critical Areas Within nine (9) months upon effectivity of this
- 1866 Code, the Governor in close collaboration with the DENR shall identify the location of
- 1867 Environmentally Critical Areas (ECA), as defined in DENR Administrative Order 37, series of

1868 1996 and other national laws for the purpose of integrating the identified ECA in the provincial 1869 physical framework plan. 1870 SECTION 111. Training - The members of the EIA Monitoring Team shall be required to 1871 undergo training on the different aspects of monitoring work as prescribed law. 1872 **SECTION 112.** Environmental Guarantee Fund – The Governor, through the EIA Monitoring 1873 Team as provided in Section 93 (g) of this Code, shall participate in the negotiation and review of 1874 the Memorandum of Agreement (MOA) between the project developer and concerned parties as 1875 prescribed by law for the establishment of an Environmental Guarantee Fund (EGF) for projects 1876 creating significant public risk. 1877 ARTICLE XIII 1878 LAND USE PLANNING 1879 **SECTION 113. Scope of Powers –** addition to the powers duties and functions of the Municipal 1880 Mayors and Provincial Governor to adopt adequate measures to safeguard and conserve land, 1881 mineral, marine, forest and other resources, as provided under RA 7160, Section 380 (b), 1882 444(b)(3)(vii), 455(b)(3)(v), and 465(b)(3)(v), respectively. The more specific powers are provided 1883 in Section 447 (a) (2) (vii to ix), and 467 (a) (2) (vii), RA 7160 for the Sangguniang Panlalawigan, 1884 respectively. 1885 The provision contained herein presents the extent to which to provincial government can 1886 influence the preparation of municipal comprehensive land use plans (CLUPs) for the purpose of 1887 integration of environmental conservation in the formulation of CLUP at the provincial and 1888 municipal levels. 1889 SECTION 114. Governing Laws - The legal basis for undertaking the preparation of CLUPs at 1890 the provincial and municipal levels stems primarily from the specific provisions of the following 1891 national laws: 1892 a) RA 7160, the Local Government Code of 1991

b) Executive Order No. 72 series of 1993, which reaffirms the specific provisions of RA
7160 on the need for LGUs to prepare their CLUPs and prescribe the review and
approval process therefore.

c) Proclamation No. 2146, which declares certain areas and types of projects as

c) Proclamation No. 2146, which declares certain areas and types of projects as environmentally critical and therefore within the scope of the environmental impact statement system established under Presidential Decree 1586.

**SECTION 115. Operative Principals** – It is hereby required that the preparation of CLUPs shall, as far as practicable, utilize watershed planning approaches. In order to arrest further degradation if environment and natural resources in the province, the Governor and the Mayors shall formulate their CLUPs on the basis of compatibilities between land capabilities and land uses. In particular, land classes shall be allocated for specific land uses, and use guidelines formulated thereby, primary on the basis of land conservation constraints but not of their productivity in order to prevent to minimize to recurrence and the adverse effects of, among others:

- a) Soil erosion, siltation and sedimentation and destruction of critical habitats;
- b) Reduction or loss of productivity of agricultural lands;
- c) Destruction of municipal fishery grounds and decline in fish catches per capital
- d) Unauthorized appropriation of river banks and public easements for residential, commercial, and industrial uses; and
- e) Destruction of natural heritage assets due to mining and quarrying activities in unauthorized areas.

**SECTION 116. Basic Policies** – In consideration of the provision of (a) Republic Act 7586, or the NIPAS ACT 1992, (b) the need to improve the forest cover, and (c) the conservation of mangrove forest and coastal areas of the province, the Governor shall issue circulars or directives for the purpose of incorporation in the municipal CLUPs the corresponding forest and coastal land use plans, including municipal water, for the management of production and recreation forest for commercial purposes, maintenance of production of municipal waters and coastal zones, and

protected areas for the production water, conservation of wildlife. Provision of livelihood opportunities conservation of biological diversity and natural heritage areas, and maintenance of forest cover, respectively. As such the mayors shall actively engage the cooperation of the DENR in the preparation of their CLUPs.

SECTION 117. CLUP Formation - Henceforth, the preparation and formulation of comprehensive land use plans shall be undertaken with the full participation of community residents. To achieve this end, no CLUP whatsoever shall be given due course by the Sangguniang Panlalawigan unless such plans are endorsed in writing through a Resolution of each barangay council and Municipal Development Council of every municipality before being acted upon by the concerned Sangguniang Bayan. The Governor, upon recommendation of the Provincial planning and Development Coordinator, shall include a budget request in the Annual Investment Plan as may be deemed necessary for the provision of technical assistance to municipalities in order to accomplish this provision of the Code.

**SECTION 118.** Compatibility of Provincial and Municipal Land Use Plan – The Governor, upon recommendation of the Provincial Planning and Development Coordinator and the Marinduque Environmental Management offices, shall issue pertinent guidelines for the purpose of rationalizing provincial and municipal land us plans.

## ARTICLE XIV

## CLIMATE CHANGE AND DISASTER RISK REDUCTION

**SECTION 119. SCOPE OF POWERS.** In the exercise of their respective mandates, the:

- A. Provincial Government of Marinduque shall:
- 1. Provide technical assistance, enforcement and information management in support of municipal and city climate change action plans; (Sec. 14, RA 9729)
- 2. Maximize the inter-local government unit collaboration in the conduct of climaterelated activities;

1946 3. Appoint the Provincial Environment Management Office (PEMO) for the formulation 1947 and implementation of the provincial climate change action plans; (Sec. 18, RA 9729) 1948 4. Allocate from its annual appropriations adequate funds for the formulation, 1949 development and implementation, including training, capacity building and direct intervention 1950 of its climate change programs and plans; (Sec. 18, RA 9729) 1951 5. Conduct, through the PGENRO, public awareness campaigns on the effects of climate 1952 change and energysaving solutions to mitigate these effects, and initiatives, through educational 1953 and training programs and micro-credit schemes, especially for women in rural areas; 1954 6. Regularly update its action plan to reflect changing social, economic and 1955 environmental conditions and emerging issues; 1956 7. Furnish the Climate Change Commission established under RA 9729 with copies of its 1957 action plans and all subsequent amendments, modifications and revisions thereof, within one 1958 (1) month from its adoption; 1959 8. Mobilize and allocate necessary personnel, resources and logistics to effectively 1960 implement its climate change action plans; and 1961 9. Coordinate with the national government agencies concerned in technical and 1962 financial assistance to LGUs, in accomplishing Local Climate Change Actions Plans. 1963 B. Municipal Governments shall: 1964 1. Consider climate change adaptation and mitigation as one of their regular functions; 1965 2. Formulate, plan and implement their respective climate change action plans consistent 1966 with the provincial action plan; 1967 3. Appoint the person responsible for the formulation and implementation of their local 1968 action plan; (Sec. 18, RA 9729) 1969 4. Conduct, through their respective MunicipaL Environment and Natural Resources 1970 Office (MENRO), public awareness campaigns on the effects of climate change and energy-

1971	saving solutions to mitigate these effects, and initiatives, through educational and training	
1972	programs and micro-credit schemes, especially for women in rural areas;	
1973	5. Regularly update their respective action plan to reflect changing social, economic and	
1974	environmental conditions and emerging issues;	
1975	6. Furnish the Climate Change Commission established under RA 9729 with copies of its	
1976	action plans and all subsequent amendments, modifications and revisions thereof, within one	
1977	(1) month from its adoption; and	
1978	7. Mobilize and allocate necessary personnel, resources and logistics to effectively	
1979	implement its action plans on climate change.	
1980	C. Barangay Government shall:	
1981	1. Be directly involved with the city and municipal governments in prioritizing climate	
1982	change issues and in identifying and implementing best practices and other solutions; and	
1983	2. Mobilize and allocate necessary personnel, resources and logistics to effectively	
1984	implement its climate change action plans.	
1985	SECTION 120. OPERATIVE PRINCIPLES. Cognizant of its share in the country's participation	
1986	to the UN Framework Convention on Climate Change (UNFCC), the provincial government	
1987	adopts the following:	
1988	a. The ultimate objective of stabilizing greenhouse gas concentrations in the atmosphere	
1989	at a level that would prevent dangerous anthropogenic interference with the climate system;	
1990	b. Precautionary principle shall guide all decision-making in climate risk management.;	
1991	c. Climate change and disaster risk reduction are closely interrelated and effective	
1992	disaster risk reduction will enhance climate change adaptive capacity.; and	
1993	d. The concept of climate change shall be systematically integrated in various phases of	
1994	local policy formulation, development plans, poverty reduction strategies and other	
1995	development tools and techniques by all LGUs.	

SECTION 121. LOCAL CLIMATE CHANGE ACTION PLAN (LCCAP). The local government units shall be the frontline agencies in the formulation, planning and implementation of climate change action plans in their respective areas consistent with the provisions of the Local Government Code, the United Nation Framework on Climate Change, and the National Climate Change Action Plan. (Section 14, RA 9729).

In the development and implementation of the LCCAP, the LGUs shall coordinate with the national government agencies, local disaster coordinating councils, non-government organizations (NGOs), civic organizations, academe, people's organizations, the private and corporate sectors and other concerned stakeholder groups.

SECTION 122. FRAMEWORK STRATEGY AND PROGRAM ON CLIMATE CHANGE AND DISASTER RISK REDUCTION. Consistent with the National Framework Strategy, the LGUs shall formulate their respective Local Plan and Program on Climate Change and Disaster Risk Reduction as basis for planning, research and development, extension and monitoring of activities to protect vulnerable communities. The Plan shall be formulated based on climate change and disaster vulnerabilities, specific adaptation needs and mitigation potentials. (Sec. 14, RA 9729)

SECTION 123. FUNDING ALLOCATION FOR CLIMATE CHANGE AND DISASTER RISK REDUCTION. Local Government Units (LGUs) shall appropriate and use the amount from their Internal Revenue Allotment necessary to effectively implement the local plan on climate action.

2016 ARTICLE XV

2017 ORGANIZATION

**SECTION 124.** Provincial Government – Environment and Natural Resources Office (PG-ENRO). – Created under Provincial Ordinance No. 111 s. 2014, the PG-ENRO shall ensure the delivery of basic services and provision of adequate facilities relative to environment and natural resources provided under Section 17 of RA 7160. The specific duties and functions of the said office, as well as its organizational structure shall be in accordance to P.O. No. 111 s. 2014.

**SECTION 125. Jurisdiction of the PG-ENRO**. The Memo shall have jurisdiction and authority over all environment and natural resources in the province, subject to the provision of RA 7160 and all other applicable national laws, rules and regulations.

Pursuant to Section 16 of RA 7160 and in ensuring that the provision of the 1997 Marinduque Covenant for sustainable Development and the proceeding of the *Marinduque Environment Summit of 1997* are pursued, it shall share responsibility with the municipal government agencies, the DENR and other cognizant national government agencies for the effective protection, development, management, rehabilitation and conservation of environment and natural resources in the province, the regulation and supervision of the operation of license, lessees and permits for the taking of use of natural resources, the implementation of local government-driven coastal, forest, mineral, ecotourism, and water resources management, including waste management and the control of air and noise pollution; and enforcement of environment and natural resources laws, rules and regulations, and perform the functions prescribed in Section 484 of RA 7160.

Specially, the PG-ENRO shall undertake the following:

- a) Organizational Development Assist municipal government and barangay councils, including environmental organizations, through the provision of technical assistance such as, but not limited to, development of environmental management organization capability, particularly formulation of environmental programs, mobilization of local and external pool environment specialist, and guidance in the formulation and implementation of environment laws.
- **b) Program Development** Develop a multi-year environment management framework plan for the promotion of government-driven community based and livelihood-oriented initiatives, particularly in three enterprises, watershed management, ecotourism, coastal resource management, solid waste management, and participatory land use planning.
- **c) Linkaging -** Establish an operational internal and external linkages and networking system that will maintain and expand local government-driven environmental initiatives.

2050 d) Showcasing - Develop and implement environment programs through the promotion 2051 of best-as-the-moment method, processes and approaches by respectively jurisdictions. 2052 e) Fund Sourcing - Establish linkages with national and international institution for 2053 purposes of fund sourcing network building, research and information/data bank 2054 generation. 2055 f) Policy Advocacy - Organize a network of lobby/ advocacy groups by maintaining 2056 provincial network of environmental organizations. 2057 g) Management Review - Facilitate and coordinates the holding of Provincial 2058 Environment Summits to be held in June or July of each year where a cross-section of the 2059 Marinduque community will tackle issued with regards to natural resource utilization 2060 and management. 2061 h) One-stop Shop - Install a one-stop Shop and quick response desk that will be manned 2062 by interdisciplinary and multi-sectoral team whose task will be to facilitate call for fact 2063 finding missions, monitoring and investigation of controversial issue in the province. 2064 i) LGU Clustering - Encourage municipalities to group themselves into clusters to 2065 address common concerns, such as law enforcement in municipal as stipulated in Section 2066 3 (f), RA 7160. 2067 j) IRR - Recommend to the Governor implementing rules and regulations (IRR) for the 2068 Marinduque Environment Code. 2069 **k)** Perform such other acts that are necessary to carry out its functions. 2070 SECTION 126. Review - All actions and decision of the PG-ENRO are subject to review, motu 2071 propio, or upon appeal of any person aggrieved thereby, by the Governor whose decision shall

be final and executory after the lapse of thirty (30) calendar days from receipt of the aggrieved of

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said decision.

2074 SECTION 126. Regulation - The Governor, in consultation with the Sangguniang Panlalawigan 2075 and upon the recommendation of the PG-ENRO, shall promulgate the rules and regulations 2076 necessary to implement effectivity the provisions of this Code. 2077 **SECTION 127. Performance Evaluation** - The Department Head shall devise a system, to the 2078 approved by the Governor, to evaluate the performance of its employee and contractors, of there 2079 by any. 2080 SECTION 128. Marinduque Sustainable Development Council (MSDC) - There is hereby 2081 created the Marinduque Sustainable Development Council, herein referred to as the Council, 2082 which shall establish policy guidelines and recommend policy reforms to the Sangguniang 2083 Panlalawigan, for the sustainable development of Marinduque. 2084 The council shall be composed of the Governor as chairman and Representatives of Sangguniang 2085 Panlalawigan Committee on Environmental Protection, Tourism Investments, Agricultural, 2086 Engineering and Public Works Department Heads of Office of the Governor, representatives of the Departments of Environment and Natural Resources, Agricultural, Agrarian Reform, Health, 2087 2088 Tourism Public Works and Highway; The Presidents of the Leagues of Municipalities, Vice 2089 Mayors and Councilors, the Marinduque Chamber of Commerce and industry; Liga ng mga 2090 Barangay, Sangguniang Kabataan, College and High School Student Council, Senior Citizens, 2091 Church Women, Fisherfolk, Lowland Farmers, Upland farmers, Marinduque State College for 2092 Agriculture, Forestry and technology, Congressmen, or their designates, and the Marinduque 2093 Association of Hotels, Restaurants and Resorts as permanent members which shall be appointed 2094 by the Governor, provided that gender partly shall be applied in the selection of members. The 2095 Governor may addition members. 2096 A full council meeting shall be convened by the Governor at least twice a year or upon request of 2097 majority of the members. The council may adopt other mechanism such as the formation of an 2098 executive committee or other technical working groups as it deems necessary. The Marinduque 2099 Environmental Management Office (MEMO) shall serve as the full time secretarial of the council. 2100 The ENRC, created pursuant to Provincial Ordinance No. 16 series of 1996, is hereby replaced by the 2101 Council and, as such is hereby abolished and the aforesaid Ordinance repealed.

2102	ARTICLE XVI
2103	PENALTIES AND MISCELLANEOUS PROVISIONS
2104	SECTION 129 Prohibited acts under this Code shall be subject to the following penalties:
2105 2106	a) <b>Violation of Section 18 (12) on Prohibited and Punishable Act this Code</b> shall be penalized and be fined and amount not less than One Thousand Five Hundred Pesos (P1,500) but
2107	not to exceed Five Thousand Pesos or an imprisonment of not less than thirty days but not to
2108	exceed one year or both fine and imprisonment at the discretion of the count.
2109	b) Violation of Section 18 (b) and (d) of this Code shall be penalized accordingly.
2110	First Offense - Fine of not less than One Thousand Pesos (P1,000.00)
2111	Second Offense - Fine not less than One Thousand Five Hundred Pesos
2112	(P1,500.00)
2113	Third Offense - Fine of not less than Two Thousand Pesos or an imprisonment of not
2114	less than Fifteen days or both at the discretion of the Court. Confiscation of the
2115	aforementioned unregistered or unlicensed paraphernalia shall also be imposed.
2116	
2117	c) Violation of Section 18 (c) and (e) of this Code shall be penalized and be fine of an
2118	amount of not less than One thousand Pesos (P1,000.00) but not exceed Five Thousand Pesos
2119	(P5,000,00) or an imprisonment of not less than Ten days (10) bit not to exceed One Year or both
2120	fine and imprisonment at the discretion of the court.
2121	SECTION 130. Violation of Section 40 of this Code shall be penalized and be fined an amount
2122	of not less than Two Thousand Five Hundred Pesos but not to exceed Five Thousand Pesos or an
2123	imprisonment of not less than Thirty days but not to exceed One Year or both fund and
2124	imprisonment at the discretion of the court.
2125	SECTION 131. Violation of prohibited Acts under Section 48 of this Code shall be penalized
2126	and shall be fined an amount of not less than Two Thousand Pesos or an imprisonment of not

2127 less than Thirty Days but not exceed One Year of both fine and imprisonment at the discretion of 2128 the court. 2129 SECTION 132. Violation on Conservation of Biological Diversity and Preservation of Heritage 2130 Items under Section 53 of this Code shall be penalized and be fined an amount of not less than 2131 One Thousand Pesos but not exceed Five Thousand Pesos or imprisonment of not less than 2132 Fifteen Days not to exceed One Year or both at the discretion of the court. 2133 SECTION 133. Violation of Section 62 under this Code shall be penalized and be fined to an 2134 amount of not less than Two Thousand Pesos but not to exceed Five Thousand Pesos or an 2135 imprisonment of not less than Thirty days but not to exceed One year of both fine and 2136 imprisonment at the discretion of the court. 2137 SECTION 134. a.) Violation of Section 66 (a) and (b) of this Code shall be penalized and be 2138 fined in an amount of not less than Two Thousand Pesos Five Hundred Pesos (P1500.00) but not 2139 exceed Five Thousand Pesos (P5000.00) or an imprisonment of not less than Thirty (30) days but 2140 not to exceed One (1) year or both fine and imprisonment at the discretion of the court. 2141 b.) Violation Section 66 (c) of this Code shall be penalized and be fined in an amount 2142 not less than Two thousand Pesos (P2000.00) but not exceed Five Thousand Pesos (5000.00) or an 2143 imprisonment of not less than Thirty (30) days but not exceed One (1) year or both fine and 2144 imprisonment at the discretion of the Court. 2145 c.) Violation of Section 66 (d) of this Code shall be penalized and be fined an amount 2146 of not less than Two Thousand Five Hundred Pesos but not to exceed Five Thousand Pesos or 2147 imprisonment of not less than Thirty days but not less than One year or both fine and 2148 imprisonment at the discretion of the court. 2149 Section 135. a) Violation of Section 75 (a, (b), (c), (d) of this Code shall be penalized and be fined 2150 on an amount of not less than One Thousand Five Hundred Pesos but not to exceed Five 2151 Thousand Pesos or an imprisonment of not less than Thirty days but not exceed One year or bot 2152 fine and imprisonment at the discretion of the court.

2153 b) Violation of Section 75 (f), (g), (h), (i) under this Code shall be penalized and be 2154 fined an amount of not less than One Thousand Pesos but not exceeding Five Thousand Pesos or 2155 an imprisonment of not less than Fifteen days but not exceeding One year or both fine and 2156 imprisonment at the discretion of the court. 2157 SECTION 136. Violation of Section 80 of this Code shall be penalized and be fined an amount 2158 of not less than Two Thousand Pesos but not exceeding Five Thousand Pesos or an imprisonment 2159 of not less than Thirty days but not exceeding One year of both fine and imprisonment at the 2160 discretion of the Court. 2161 SECTION 137. Violation of any provision of this Code to which no specific penalty is imposed 2162 or commission of any of the prohibited acts which do not carry a specific penalty shall be 2163 penalized by a fine of not less than Five Hundred Pesos but not more than five Thousand Pesos 2164 at the discretion of the court. 2165 **SECTION 138.** Violation of any provision of this Code which results in the damage to a specific 2166 ecosystem such as, but not limited to the impairment of the specific ecosystem to regenerate or 2167 will require rehabilitation shall be penalized with an additional fine of Five thousand Pesos. 2168 **SECTION 139.** The penalty provided in this Code shall be in addition to the penalty that may be 2169 provided by any other law or ordinances. Provided however, that the prosecution or law enforces 2170 shall change the offender or violation with the law providing a heavier penalty in case it appears 2171 that a single act is punishable by two or more laws, ordinances and provisions thereof, with 2172 different penalties or in case filing more than one charges may amount to double jeopardy. 2173 SECTION 140. Mandatory Review. There shall be a mandatory review of the Code, five years from it effectivity. The Governor through the MSEDC shall undertake a review of the 2174 2175 implementation of the Code which shall be submitted to the Sangguniang Panlalawigan for its 2176 consideration for appropriate legislative action. 2177 SECTION 141. Repealing Clause. All ordinance, resolutions, circulars, memorandums or rules 2178 and regulations inconsistent with the provision of this code are hereby repealed and modified 2179 accordingly.

SECTION 142. Separability Clause. If, for any reasons, any part of the provision/s of this code shall be held unconstitutional or invalid. Other parts hereof which are not affected thereby small continue to be in full and effect.

SECTION 143. Effectivity Clause. This Code shall take effect fifteen (15) days following the posting requirements and after its full publication compliance for three (3) consecutive issues in a local newspaper of general circulation within the Province of Marinduque.