

EXCERPTS FROM THE MINUTES OF THE 2nd REGULAR SESSION OF THE SANGGUNIANG PANLALAWIGAN OF CAVITE HELD ON 21 JANUARY 2008 AT SESSION HALL, PROVINCIAL CAPITOL, TRECE MARTIRES CITY

PRESENT:

Hon. Dencito P. Campaña	Vice-Governor/Presiding Officer
Hon. Luis T. Pagtakhan	Pro-Tempore
Hon. Eileen R. Beratio	Majority Floor Leader
Hon. Cesario R. del Rosario, Jr.	Asst. Majority Floor Leader
Hon. Lope D. Tepora	Minority Floor Leader
Hon. Restituto T. Enriquez	Asst. Minority Floor Leader
Hon. Alex L. Advincula	Sanggunian Member
Hon. Arleen C. Arayata	Sanggunian Member
Hon. Recto M. Cantimbuhan	Sanggunian Member
Hon. Raymundo A. del Rosario	Sanggunian Member
Hon. Virgilio T. Ambion	Sanggunian Member
Hon. Remigio G. Dilag	SB Prov'l Fed. President
Hon. Cecilia D. Miranda	ABC Prov'l. Fed. President

ABSENT:

Hon. Juan Miguel C. Ilano	SK Prov'l. Fed. President
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RESOLUTION NO. 43-S-2008

WHEREAS, pursuant to the provisions of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, every local government unit shall adopt comprehensive programs concerning the ecological environment;

WHEREAS, local officials must institute measures protecting the health and safety of constituents from harmful effects that an unbalanced environment may bring;

WHEREAS, the Provincial Government of Cavite adheres to the continual attainment of the province's sustainable development without sacrificing the quality of the environment, thereby ensuring its protection, preservation, restoration and enhancement;

WHEREFORE, an ordinance to this effect shall be enacted;

NOW, THEREFORE, on motion of Hon. Luis T. Pagtakhan, duly seconded by Hon. Eileen R. Beratio, be it enacted:

PROVINCIAL ORDINANCE NO. 2008-001

CAVITE ENVIRONMENT CODE

Sponsored by : Hon. Luis T. Pagtakhan and Hon. Eileen R. Beratio

ARTICLE I

TITLE OF THE ORDINANCE

Section 1. Title of the Ordinance – This ordinance shall be known as the Cavite Environment Code and shall hereinafter be referred to as the Code.

ARTICLE II

AUTHORITY AND PURPOSE

Section 2. Authority – This code is enacted pursuant to the provisions of Republic Act. No. 7160, also known as the Local Government Code of 1991, particularly Sections 2(a), 2(c) 3 (d), 3(e), 3(f) up to 3(m), 5(a), 5(c), 16,17,26 and 27,33,34,35,36, 129, 186, 289, thereof; including Sections 389 (b9), 444 (b)(3)(vii), 455(b)(3)(v), and 465 (b)(3)(v), which mandates the Municipal Mayor, City Mayor, and Provincial Governor, respectively, to adopt adequate measures to safeguard and conserve land, mineral, marine, forest and other resources; Section 447 (a)(1)(vi), Section 458 (1)(vi) and Section 468(a)(1)(vi), which provide for the authorities of the Sangguniang Bayan, Sangguniang Panglungsod, and Sangguniang Panlalawigan, respectively, to protect the environment and impose appropriate penalties for acts which endanger the environment, such as indiscriminate dumping of solid and liquid waste, dynamite fishing and other forms of destructive fishing, illegal toxic waste dumping and smuggling of natural resources products and endangered species of flora and fauna, slash and burn farming, use of excessive chemical farming inputs and such other activities which result in pollution, acceleration of eutrophication of all forms of water bodies or of ecological balance.

Section 3. Objectives and Purposes- This Code is enacted for the following objectives & purposes:

Objectives:

- a. to promote the principles of ecologically sustainable development:
 - 1.0 that the use, development and protection of the environment should be managed by LGUs in a way, and at a rate, that will enable people and communities to provide for their economic, social and physical well-being and for their health and safety while;
 - 1.1 Sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations.
 - 1.2 Safeguarding the life supporting capacity of natural ecosystems;

- 1.3 Avoiding, remedying or mitigating any adverse effects of activity on the environment
 - 2.0 That proper weight should be given to both long and short terms economic, environmental, social and equity considerations in deciding all matters relating to use, protection, restoration/ rehabilitation, enhancement and management of environmental resources.
- b. to ensure that all reasonable and practicable measures are taken by LGU's to protect, restore and enhance the quality of the environment having regard to, the principles of ecologically sustainable development, and
- 1.0 to prevent, reduce, minimize and, where practicable, eliminate harm to the environment
 - 1.1 by programs to encourage and assist action by industry, government authorities and the community aimed at pollution prevention, clean productions and technologies, reduction, reuse and recycling of materials and natural resources and waste minimization
 - 1.2 by regulating in an integrated, systematic and cost effective manner
 - 1.2.1 activities, products, substances and services that through pollution or production of waste, cause environmental harm
 - 1.2.2 the generation, storage, transportation, treatment and disposal of waste
 - 1.3 to coordinate activities, policies and program necessary to prevent, reduce, minimize or eliminate environmental harm to ensure effective environmental protection, restoration and enhancement
 - 1.4 to facilitate the adoption and implementation of environment protection measures as mandated by law and other legal issues.
 - 1.5 to apply a precautionary approach to the assessment of risk of environmental harm and ensure that all aspects of environmental quality affected by pollution and waste , including ecosystem sustainability and valued environmental attributes are considered in decisions relating to the environment

- 1.6 to require persons, natural or juridical engaged in pollution activities to progressively make environmental improvements including reduction of pollution and waste at source as much improvement become practicable through technological and economic developments
- 1.7 to allocate the costs of environmental protection and restoration equitably and in a manner that encourages responsible use of land reduced harm to the environment with polluters bearing an appropriate share of the costs that arise from their activities, products, substances and services
- 1.8 To provide for monitoring, reporting and feed backing on environmental quality on a regular basis to ensure compliance with environmental laws, rules and regulations and the maintenance of a record of trends in environmental quality
- 1.9 To provide for reporting of the state of the environment on a periodic basis
- 1.10 To promote/ refer to as environmental education (a) industry and community education and involvement in decisions about the protection, restoration and enhancement of the environment and (b) disclosure of and public access to information about significant environmental incidents and hazards.

Purposes:

- a) Operationalize the powers and responsibilities of the local government units of Cavite in the delivery of general welfare services particularly in environment and natural resources management.
- b) Provide guidance to the lower-level local government units in the exercise of their powers and in optimizing the opportunities provided under RA 7160.
- c) Establish the framework for a local government-driven, inter-agency and multi-sectoral 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 ecotourism development within the context of wise management and utilization of natural, biophysical, geological, cultural and historical heritage of the Caviteños.

Section 4. Operative Principles

- e) All development activities shall always give importance and respect for the indigenous culture and practices of the people including gender and population concerns consistent with ecological principles;
- f) The sustainable economic development of Cavite calls for a judicious use of natural resources and an equitable access to all in accordance with existing laws; and
- g) All Caviteños have the right to be informed and to participate in all undertakings pertinent to the sustainable utilization, protection, conservation, rehabilitation of natural resources.

Section 5. Declaration of Policy – Cognizant of the enormous promise and opportunity for prosperity offered by the quality, quantity, diversity, and sustainability of our environment and natural resources through which we envisage to arrest in part the high rates of out-migration of our fellow Caviteños as occasioned by the growing scarcity and declining productivity of our natural resources, and considering that environment and natural resources management within the province transcends municipal boundaries, it is hereby declared the policy of the provincial government to secure for the use and enjoyment of present and future generations of Caviteños the perpetual existence of adequate environment and natural resources in order to support indefinitely the sustainable development requirements of the province.

Section 6. Definition of Terms – As used in this Code, the following words and phrases shall be defined as follows:

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

- e) **“Commercial Fishing”** – the taking of fishery species by passive or active gear for trade, business or profit beyond subsistence or sports fishing, to be further classified as:
1. Small scale commercial fishing – fishing with passive or active gear utilizing fishing vessels of 3.1 gross tons (GT) up to twenty(20) GT;
 2. Medium scale commercial fishing – fishing utilizing active gears and vessels of 20.1 GT up to one hundred fifty (150) GT; and
 3. Large scale commercial fishing – fishing utilizing active gears and vessels of more that one hundred fifty (150) GT.
- f. **“Communal Forest”** refers to a tract of forest land set aside for a municipality/city by law or through a valid proclamation or order for the use of the residents of a municipality/city 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/city is entitled to a maximum of 5,000 ha. of communal forest as provided in Section 17(b) (2) (ii) RA 7160.
- g. **“Environmentally Critical Areas”** (ECA) refers to those socially, ecologically and geologically sensitive areas declared by law or valid proclamation as (i) areas for natural parks, watersheds reserves, wildlife preserves and sanctuaries, (ii) areas set aside as scenic/aesthetic and potential tourist spots (iii) areas which are the habitat of endangered species, (iv) areas possessing unique historic, archeological or scientific interests (v) areas traditionally occupied by indigenous communities, (vi) areas with critical slopes (vii) areas frequently visited by natural calamities (viii) prime agricultural lands (ix) recharge areas of aquifers, (x) water bodies, (xi) mangrove areas, ((xii) coral reefs, (xiii) mossy and virgin forest, (xiv) river banks and (xv) swamplands and marshlands. Technically, it may also validly refer to environmentally critical projects.
- h. **“Environmental Compliance Certificate (ECC)** – the document issued by the DENR Secretary or the EMB Regional Director certifying that based on the representations of the proponent and the preparers, as reviewed and validated by the EIARC, the proposed project or undertaking will not cause a significant negative environmental impact; that the proponent has complied with all the requirements of the EIS System and that the proponent is committed to implement its approved Environmental Management Plan in the Environmental Impact Statement or mitigation measures in the Initial Environmental Examination.”

- i. **"De facto"** open access conditions results from the inability of a resource owner or manager, such as the State in the case of marine resources, to enforce its ownership and authority by way of effectively excluding or regulating non-owners from the use thereof thereby rendering the utilization of the resource under open and unregulated conditions as if there is no owner manager. The failure of regulatory controls by resource owners or managers inevitably results in the destruction of the resource and overall losses in public welfare. In the case of public resources, de facto open access conditions lead to eventual declines in marine productivity particularly fish catches in the municipal/city waters. Examples of destructive human activities in Cavite , occasioned by "de facto" open access regimes in municipal waters include the use of destructive fishing methods, over fishing, destruction of fragile mangrove fish habitats and spawning grounds, improper garbage disposal, pollution, and acts resulting to siltation.

- j. **"Ecotourism"** refers to a nature-based activity managed by the local community with government support whose primary goal are conservation and enhancement of natural resources while providing economic benefits to the local community without endangering the socio- cultural practices of its people.

- k. **"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

- l. **"Emission"** refers to the act of passing into the atmosphere an air contaminant, pollutant, gas stream and unwanted sound from a known source.

- m. **"Environment"** refers to the quantity, quality, diversity and sustainability of renewable and non-renewable natural resources, including the ambient environment such as the atmosphere, climate, sound and odors that are critical determinants of the quality of life. In a broad sense, it shall include the total environment of man such as economic, social, cultural, political, and historic factors.

- n. **"Governor"** refers to the Provincial Governor of Cavite

- o. **"Guano"** refers to the accumulated droppings or excrements of bats and caves and does not include phosphate rocks.
- p. **"Integrated Social Forestry"** refers to an interagency national program created by Letter of Instruction No. 1260 dated July 28, 1982, designed to promote the socio-economic condition of forest occupants of communities dependent on forest land for their livelihood, provide land tenure and at the same time protect and improve the quality of the environment.
- q. **"Initial Environmental Examination (IEE)"** refers to the document required to proponents describing the environmental impact of mitigation and enhancement measures for projects and undertakings located in an environmentally critical area, including areas outside the coverage of the Philippine Environmental Impact Assessment System as identified by the Governor pursuant to Section 102 of this Code.
- 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 activities therein.
- s. **"License"** is a privilege granted by the state to a person to utilize natural resources within any land, without any right of occupation and possession over the same, to the exclusion of others, or establish or operate a manufacturing plant, or conduct any activity involving the utilization of the natural resources covered by the license.
- t. **"Mangrove"** is the term applied to the type of forest thriving 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.
- u. **"Municipal and City Waters"** include streams, lakes, subterranean and tidal waters within the territorial jurisdiction of a municipality and city that are not subject to private ownership and not included within national park, public forest, timberlands, forest reserves or fishery reserves; and covers marine waters included between two(2) lines drawn perpendicular to the general coastline from points where the boundary lines of the municipality and city touch the sea at low tide and third line parallel with the general coastline and fifteen (15) kilometers from such coastline. Where two municipalities' and cities 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 and cities

- v. **“National Integrated Protected Areas System (NIPAS)”** is the classification and administration of all designated protected areas to maintain essential ecological processes and life support systems, to preserve genetic diversity, to ensure sustainable use of resources from therein, and to maintain their natural conditions to the greatest extent possible as provided in RA 7586, otherwise known as the NIPAS Act of 1992.
- w. **“Permit”** is a short term privilege or authority granted by a state to a person to utilize any limited natural resources or undertake a limited activity within a piece of land without any right of occupation or possession therein.
- x. **“Person”** includes natural as well as juridical persons
- y. **“Production Forest”** refers to areas with slope from 0-50 percent developed to supply commercial timber and non-timber products such as bamboo, rattan, horticultural crops (e.g. fruit/nut trees), mangrove, gums and resins, spices, fiber trees, vines, palms or a combination thereof.
- z. **“Protected Area”** refers to identified portions of land and water set aside by law by reason of their unique physical and biological significance, manages to enhance biological diversity and protected against destructive human exploitation, as provided in RA 7586, the National Integrated Protected Areas System (NIPAS) Act of 1992.
- aa. **“Protection Forest”** refers to areas regardless of slope, which are highly erodible or too rocky for establishment of production forests, developed for the primary objective of establishing vegetative cover to prevent erosion, conserve and produce water, and nurture wildlife.
- bb. **“Public Forest Land”** refers to those lands of the public domain which have been set aside by law for forest purposes. These lands may be either presently forested or denuded.
- cc. **“Public Consultation”** refers to a stage of public participation at which information is disseminated and opinions gathered in public in order to ensure that public concerns are fully integrated into the process of environmental impact assessment.
- dd. **“Quarry Resources”** means any common stone or other common mineral substances such as, but not restricted to marl, granite, volcanic cinders, basalt, tuff, and rock phosphate; provided they contain no metals or other valuable minerals in economically workable quantities.

- ee. **"RA 7160"** refers to the Local Government Code of 1991.
- ff. **"Recreation Forest"** refers to a tract of public forest land, forested and non-forested, and may contain both production and protection forest, developed for the additional or primary purpose of providing non-destructive recreational pursuits such as, but not limited to, camping bush walking, bird watching, mountaineering, and nature observations/studies.
- gg. **"Small-scale Mining"** refers to mining activities which rely heavily on manual labor using simple implements and methods and do not use explosives or heavy mining equipment;
- hh. **"Scoping"** refers to the stage in 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 all putrescible, non- putrescible and discarded materials (excludes human excrement) including but not limited to food waste, rubbish, ashes, street sweepings, dead animals, abandoned vehicles, sewage treatment sludge in non-liquid form, incinerator ash and residue, household, market, commercial, industrial, hospital, funeral and agricultural waste; and special wastes, whether combustible or non-combustible such as paper, rags, cartons, 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 by 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 the indigenous communities.
- kk. **"Watershed"** is a land area by a stream or fixed body of water and its tributaries having a common outlet for surface runoff. Small watershed areas specifically refer to those that are identified by local government or the proper agency as sources of water supply for particular local communities.
- ll. **"Waste management includes both solid and liquid waste"**

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

ARTICLE III

FOREST RESOURCES

Section 7. Scope of Powers – In addition to the powers, duties and functions of the Municipal Mayor, City Mayor, and Provincial Governor to adopt adequate measures to safeguard and conserve land, mineral, marine, forest and other resources, as provided under RA 7160, Sections 389 (b)(9), 444(b)(3)(vii), 455(b)(3)(v), and 456(b)(3)(v), respectively, and the powers of the Sangguniang Bayan, Sangguniang Panglunsod, Sangguniang Panlalawigan to protect the environment and impose appropriate penalties for acts which endanger the environment such as illegal logging and smuggling of logs, smuggling of natural resources products and endangered species of flora and fauna, slash and burn, farming pursuant to Section 447 (a)(1)(vi), Section 458(1)(vi), Section 468(a)(1)(vi), RA 7160, the various local government units in Cavite shall provide forest resources management services and facilities, pursuant to Sections 3(e),3(i) 16 and 17 (a) RA 7160, as follows:

- a) For the Provincial Government of Cavite
 - 1.0 Enforcement of forestry laws limited to community-based forestry projects as developed to the province pursuant to Section 17(b)(3)(iii), RA 7160 particularly in municipal/city communal forests, 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 regulation, confiscation of illegally extracted forest products on site; imposition of appropriate penalties for illegal logging, smuggling of natural resources products and of endangered species of flora and fauna and other unlawful activities; and confiscation, forfeiture, and disposition of conveyances, equipment and other implements used in the commission of 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 and City Government of Cavite:
 - 1.0 Implementation 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 new 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 the 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 Forests Projects, subject to concurrence of financing institution(s), if foreign assisted, pursuant to Section 3.1 (a)(v), DAO 30 series of 1992;
- 2.0 Management and control of communal forest with an area not exceeding fifty (50) square kilometers, pursuant to Section 17 (b)(2)(ii), RA 7160; 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;
- 3.0 Management, protection, rehabilitation and maintenance of small watershed areas which are sources of local water supply as identified or to be identified by the DENR pursuant to Section 3.1 (c), DAO 30, series of 1992;
- 4.0 Establishment, protection, and maintenance of tree parks, greenbelts, pursuant to Section 17 (b)(2)(ii), RA 4160 and other tourist attractions in areas identified and delineated by the DENR, except those within protected areas, and the collection of fees for their services and the use of facilities established therein, pursuant to Section 3.2 (a) DAO 30, series of 1992;
- 5.0 Regulation of collection and propagation of flora outside NIPAS areas, including industries and business engaged in their propagation and development, such as orchid aria and nurseries, except export and import; provided, that such businesses and industries are registered with the DENR for monitoring purposes, pursuant to Section 3.2(b), DAO 30, series of 1992;
- 6.0 Implementation of the Rehabilitation in Conservation Hotspots (RICH) and Conservation of Rare and Endangered Species (CARE) activities in areas identified and delineated by the DENR, pursuant to Section 3.2(c), DAO 30, series of 1992; and

- 7.0 Implementation of soil resource utilization and conservation projects, pursuant to Section 17(2) (i), RA 7160;
 - 8.0 Conservation, protection, expansion and rehabilitation of mangroves, pursuant to Section 17(2) (j), RA 7160.
 - 9.0 For the municipal and city mayors , all the services and facilities provided by the municipal and provincial governments pursuant to Section 17(b)(4), RA 7160
- c) For the Punong Barangays, enforce laws and regulations relating to pollution control and protection of the environment pursuant to Section 389(b) (ix), RA 7160.

Section 8. Governing Laws. – The pertinent forestry provisions of this Code shall be governed by, but not limited to, the following national laws:

- a) Republic Act 7160 (Local Government Code of 1991)
- b) Presidential Decree No. 705, as amended (Revised Forestry Code of the Philippines)
- c) Presidential Executive Order No. 263 (Community Based Forest Management Strategy)
- d) LOI 1260 (Integrated Social Forestry Program)
- e) Republic Act 7586 (National Integrated Protected Areas System Act of 1992)
- f) DENR Administrative Order No. 30, series of 1992 entitled "Guidelines for the transfer and Implementation of DENR Functions Devolved to the Local Government Units"
- g) EO 247, series of 1995 entitled "Prescribing guidelines and establishing a regulatory framework for the prospecting of biological and genetic resources, their by-products and derivatives for scientific and commercial purposes, and for other purposes"

Section 9. Operative Principles. – In consideration of the multiple economic, ecological, aesthetic, scientific and educational services which forest resources provide in sustaining the life and development of our people and in recognition of the increasing demand for timber, water, recreation forest, and conservation of biological diversity which is presently not being met from 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 constituent city and 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 Cavite, shall be consistent with the following principles:

- a) The timber needs of the people of Cavite shall be met within the province as far as practicable. Specifically, there shall be a timber resource within Cavite that is capable of supporting indefinitely a stable wood industry in the province;
- b) The water needs of the people of Cavite shall not be jeopardized. As such there is hereby established a watershed management system that is capable of supporting indefinitely the domestic, agricultural, industrial, and recreational water requirements for the growth and development of the province;
- c) Natural forests, wildlife and landscapes shall be managed for scientific research and education, recreation, and ecological tourism as major catalysts for the conservation of biological diversity and preservation of the unique natural and cultural heritage of the Cavitenos; and
- d) There shall be maintained an adequate mangrove forest resource that is capable of maintaining the productive capacity of municipal fisheries.

In carrying out the provisions of this code, the Governor shall enhance the capacity of city and municipal governments to provide forest management guidance and support to the various priority forest management initiatives of constituent barangays which shall thereby provide direct guidance and support to the initiatives of peoples organizations, non-government organizations, government agencies, academe, individuals, households and other stakeholders; provided, that the Governor shall implement the forestry provisions of this code in close collaboration with concerned national government agencies and instrumentalities, particularly the Department of Environment and Natural Resources, hereinafter referred to in this Code as DENR, and the private sector.

Section 10. Forest Resources Management Framework- Within Nine (9) months upon effectivity of this Code, the Governor shall adopt a sustainable provincial strategic forest resources management framework to serve as guide for city and municipal governments in preparing their forest resources management plans. The provincial framework shall, in the minimum, outline how the city or municipal governments may promote investments, create jobs and generate local government revenues through production, protection and recreational forestry programs or projects in consonance with the formulated and approved sustainable forest development plan. 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 law; subject, however, to the condition that the framework shall be in conformity with the provincial physical framework plan.

Section 11. a.) Development of Production Forest – In order to provide adequate raw material stocks to meet increasing household, infrastructural, agricultural, and industrial demand for timber, fuel wood and minor forest product and commercial value, the Cavite Tree Enterprise Program (CTEP) is hereby established as a regular program of the provincial government and shall be integrated into the regular budgeting process; provided, that CTEP funds shall be intended for the provisions of assistance to city and municipal governments in the promotion of commercial tree farming, harvesting and artisanal and industrial; wood processing enterprises through the provisions of conducive policy, technical assistance, information flows, capability building, law enforcement, loan assistance, and tenurial security services; provided, further, that the program shall be implemented in close collaboration with the DENR and that tree farming, harvesting, wood processing, and marketing activities are conducted in accordance with pertinent forest laws and regulations; provided further, that the provincial government may invest and operate of 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 and Development of Production Forest – Related Forest Management Functions-** The Governor shall assist the city and 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.
- c.) **Limited Production Forest in Protected Areas** – The Governor shall actively support the development of limited production forest and issuances of applicable tenurial instruments within protected areas as provided in RA 7586 (NIPAS Act.)
- d.) **Integrated Social Forest** – Upon effectivity of this Code and in order to expedite the delivery of services to qualified beneficiaries, the Governor shall transfer to the city/municipal governments the responsibility for the implementation of integrated social forestry projects particularly the establishments of non-production forest and mangrove plantations through a system of Memoranda of Agreements; provided that such agreements for transfer of responsibilities shall stipulate continuing provincial and municipal/city government collaboration towards developing the capacity of barangay council to eventually administer these projects; provided, further, that issuances of applicable tenurial instruments shall remain under the jurisdiction of DENR in accordance with law.

- e.) **Timber Utilization and Wood Processing Plants.** The cutting, harvesting, and transport of timber, lumber and minor forest products, including the processing and sale thereof, in all cases of lands, shall be actively regulated in order to create new and legitimate forms of livelihood, create new jobs and generate additional local government revenues as major catalysts for reforestation of idle and productive lands, reduction of soil erosion, and improvement of the overall quality of the environment, subject to DENR laws and regulations on the conservation of endangered premium species pursuant to DAO 78, series of 1987; provided ; that the Governor shall establish in coordination with the DENR a streamlined system for the issuance of licenses, leases or permit; provided, further that licenses, leases and/or permits to be used 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 forest products, provided, further, that a Governor's area clearance shall be required in the case of transport or movement of forest products from one municipality to another and outside the Province of Cavite in order to ensure proper compliance to pertinent existing local ordinances or those that may hereafter be promulgated; provided, finally, that the utilization of timber and minor forest products situated within protected areas and critical watersheds shall subject to the provisions of RA 7586 and its implementing laws, rules and regulations.

Timber Inventory in Alienable and Disposable Lands.

Within one (1) year upon effectivity of this Code, the City/Municipal Mayors 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 7586 in order to rationalize issuances of Mayor's clearances, business permits, collection of fees and charges, and associated city and municipal support services for the utilization of timber and minor forest products in A & D lands and in order to protect timber on government-owned lands for unauthorized harvests; provided, that the imposition of fees and charges is authorized under appropriate municipal or city ordinance(s).

Upon completion of the aforestated one hundred (100) percent inventory or after one (1) year from effectivity of the Code, whichever comes first, the City/Municipal Mayors may, subject to an ordinance enacted for the purpose by the concerned Sanggunians, impose appropriate penalties, fees and/or charges for such clearances, 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; provided, further, that the Governor shall be responsible for securing participation of national government agencies particularly the DENR,

non-government organizations, and peoples organizations in the timber inventory; provided, finally, that the municipal inventory data shall be integrated into the provincial forest resources information system for investments promotion purposes, as provided in Sec.14 of this Code.

f) **Incentives for the Development of Production Forests.**- The Municipal or City Sanggunians may enact ordinances and appropriate funds for the purpose of providing incentives such as, but not limited to, tax rebates, tax holidays, cash awards, free seedlings, soft loans, and training for the purpose of promoting private investments in the development of commercial forest-based enterprises.

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

Section 12. a) Management of Protection Forests – All measures shall be adopted to actively share responsibility with the national government particularly the DENR, in securing the perpetual existence of all native plants and animals in the province. The Governor shall adopt measures to assist the DENR towards enabling 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 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-city, inter-municipality and multi-sectoral efforts in forest protection and law enforcement in close collaboration with the DENR and other law enforcement agencies.

c) **Municipal Watersheds-** Subject to National and Provincial Policies City/Municipal governments shall be responsible in the proper management of their respective watersheds, if there be any. For this purposes, all City/Municipal Government units shall identify the delineate their municipal watersheds with one (1) year upon effectivity to this Code, provided that area identification and delineation shall be undertaken in coordination with the DENR pursuant to Section 17, RA 7160 and Section 3.0 DAO 30, series of 1992 for areas within public forest thereof shall be properly coordinated with the Departments of Agriculture and Agrarian Reform.

d) **Protection, Conservation and Rehabilitation of Mangroves -** For the purpose of protecting the livelihood of well-being of the artisanal fishing population, the sustained productivity of coastal habitats of marine flora and fauna shall be secured through the provisions of assistance to the municipal governments in establishing adequate safeguards and controls in human activities within declared mangrove forest reserves, marine parks and fish sanctuaries, such as limited to, the formulation of a provincial coastal resource management framework, as prescribed in Section 53 of this code.

Section 13. Development of Recreation Forest – Upon request, the Governor shall assist municipal governments in the establishment of revenue generating community – based forest recreation projects, such as, but not limited to, forest parks, botanical gardens, and camping grounds.

Section 14. Forest Resources Information System – the Governor shall establish and maintain a forest resources information system that is capable of promoting public and private sector investment in the operation of production, protection and recreation and forest – based industries in the province. Such information system shall, in the minimum, consist of thematic maps, directory of available areas and forest resources of investments, and tenurial systems. Upon request, the Governor shall provide technical assistance to the interested municipal governments in the development of their forest resources information systems.

Section 15. Prior Consent of Sanggunian – For the purpose of implementing the provisions of this code and pursuant to Section 26 and Section 17, RA 7160, government agencies and instrumentalities are hereby required to consult with local government units and obtain prior consent of the concerned Sanggunians in the implementation and development and investment programs or projects affecting forest resources. Henceforth, no forest resources management, development utilization or processing project, lease license agreement or usufruct permit shall be issued by national government agencies without prior consultation and consent of local government units.

Section 16. Annual Investment Plans – Upon activity of this Code, the municipal and provincial budget allocations for forest resources management shall be included in the annual investment plans, provided, that such investments are in accordance with forest resources management framework as prescribed under Section 10 of this Code.

Section 17. Organization – There is hereby established a Forest Parks, Protected Areas and Wildlife Management Section (FPPAWMS) under the Land Management Division of the Provincial Government - Environment and Natural Resources Office (PG-ENRO) as provided in Section 104 of this Code. The FPPAWMS shall provide assistance to municipal governments in (a) preparation of municipal forest resources management plans, (b) design and preparation of forestry related projects, (c) strengthening of municipal forest management capability, (d) establishment of support linkages and network system, (e) formulation of municipality-specific forest policies and incentive systems and, (f) tenorial security issuance, strengthening and enforcement. It shall also develop model forestry projects for promotion to the municipalities.

Section 18. Acts Prohibited and Punishable – under this Code shall include, but not limited to, the following:

- a) The indiscriminate cutting of trees in both private and public lands is hereby prohibited.
- b) The use of unregistered or unlicensed power saws/chain saws and similar tree-felling equipment shall be banned and prohibited, unless a current and valid license or permit for the use of thereof as issued by the Municipal Mayor has been obtained.
- c) Hunting, destroying, or mere possession of any plants, animals or forest products both living and non-living and other species considered endangered or threatened pursuant to existing laws shall be banned and prohibited.
- d) The 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 as 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 of endangered or threatened species are prohibited.
- f) No person shall ignite, cause to be ignited, or maintain any open fires except in the following activities: open fires for cooking of food for human consumption in areas designated by law, fires for religious or ceremonial purposes, fires for the prevention and control of pests and diseases., fires for the disposal of dangerous materials or waste subject to prior clearance or permit issued by the Mayor, fires for training personnel in firefighting, prescribed burning for recognized agricultural, forestry and wildlife management practiced, and open fires expressly approved by the DENR and concerned Mayor.

ARTICLE IV

MINERAL RESOURCES

Section 19. Scope of Powers – In addition to the powers, duties and functions of the Municipal Mayor, City Mayor and Provincial Governor to adopt adequate measures to safeguard and conserve land, mineral marine, forest and other resources, as provided under Sections 389(b)(9), 444(3)(vii), 455(b)(3)(v), and 465(b)(3)(v) of RA 7160 respectively, the powers of municipal governments in respect to the management of mineral resources are provided under Sections 26 and Section 27, RA 7160 (consultations and prior consent required), in addition to the powers of the City and Provincial Government as provided under Section 17(b)(3) and Section 138, RA 7160 and Section 43, RA 7942 (Philippine Mining Act of 1995).

Through this Code, the Provincial Government shall provide the following basic services and facilities:

- a) Enforcement of Republic Act No. 7076 (the Small Scale Mining Law of 1991)
- b) Issuance of permit for the extraction of quarry resources on privately owned lands and/or public lands for building and construction materials pursuant to Section 43, RA 7942 and Section 138, RA 7160; and
- c) Verification and adjudication of conflicts and collection of fees and charges for guano collection and the extraction of sand, gravel and other quarry resources.

Section 20. Governing Laws – The pertinent mineral resources provisions of the Code shall be governed by, but not limited to, the national laws and regulations:

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

Section 21. Operative Principles – The revenue generation and livelihood functions of mineral resources notwithstanding, the increasing domestic and external demands for the utilization of minerals for infrastructure development and industrial raw materials, and the losses in public welfare associated with unregulated mining and quarrying particularly from the adverse effects of soil erosion, water pollution, destruction of heritage items and unique landscapes, erosion of biological diversity, and deterioration of coastal fisheries, the Provincial Mining Regulatory Board, which 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) months upon effectivity of this Code, amendments thereto for the purpose of allocating membership from representatives on non-governmental organizations to the Board of the least twenty five (25) percent of the total number thereof provided, further, that such recommendation shall indicate gender parity in terms of representatives to the Board.

Section 22. Regulatory Provisions – It shall be unlawful for any person, natural and juridical, to undertake quarrying and mining of minerals without a permit or license duly issued by the 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 or Sanggunian, 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 if 1955) provided, further, that such prior clearance shall not pay to a private land owner who cannot be forced by government or by law, except by way of eminent domain, to permit quarrying over his/her land, save those disclosed by law as protected areas, provided, further, that mining and quarrying activities within the Province of Cavite shall be subject it prior Environmental Impact Assessment, as provided under the Philippine Environmental Impact Assessment System; provided, further that no extraction or removal of materials shall be allowed within a distance of one (1) kilometer from the boundaries of reservoirs established for public water supply, archeological and historical sites and any public or private works or structures, unless prior area clearance of the agency or owner concerned is obtained. No extraction or removal of materials shall likewise be allowed in offshore areas within five hundred (500) meters distance from the coast and two hundred (200) meters from the mean low tide level along the beach, pursuant to Section 101 DAO 23, series of 1995 (Implementing Rules of RA 7942)

Section 23. Monitoring and Evaluation – Upon effectivity of this Code, there should be a regular monitoring and evaluation of quarry operations in the designated quarry areas.

Section 24. Organization- To ensure strict compliance of permits and/or licenses to pertinent mining laws, rules and regulations, there is hereby established a Provincial Mining Regulatory Board (PMRB) under the PG-ENRO (Provincial Government-Environment and Natural Resources Office).

Section 25. Prohibited and Punishable Acts –The Sangguniang Panlalawigan, in consultation with the various Municipal/City Sanggunian of Cavite and DENR shall, within one (1) year upon effectivity of this Code, enact a unified ordinance for the purpose of defining the penalties and/or sanctions for acts in violation of the mining/quarrying provisions of this Code.

ARTICLE V

WATER RESOURCES

Section 26. Scope of Powers – In addition to the powers, duties and functions of the Municipal Mayor, City Mayor and Provincial Governor to adopt adequate measures to safeguard and conserve land, mineral, marine forest and other resources, as provided under Sections 389(b)(9), 444(b)(3)(vii), 455(3)(v) and 465 (b)(3)(V), respectively of RA 7160, otherwise known as the Local Government Code of 1991, the local government units shall provide the water resources management services and facilities pursuant to Section 17, RA 7160 as follows:

- a) For a Barangay, pursuant to Section 17(b)(1)(iii) and (v) series related to general hygiene and sanitation and maintenance of water supply systems, respectively;
- b) For a Municipality, water and soil resource utilization and conservation projects, and inter-barangay irrigation system (ii) communal irrigation, small water impounding projects and other similar projects, artesian wells, spring development, rain water collectors and water supply systems, seawalls, dikes, drainage and sewerage and flood control pursuant to Section 17(b)(2)(1) and (viii) respectively, and management, protection, rehabilitation and maintenance of small watershed areas which are sources of local water supply as identified or to be identified by the DENR, pursuant to Section 3.1(c) DAO, series of 1992.
- c) For the Province, enforcement of forestry laws and other laws on the protection of the environment and RA 7160 provision on inter-municipal waterworks, drainage and sewerage, flood control and irrigation systems, pursuant to section 17(b)(3)(viii);
- d) For all Municipalities of Cavite, all the powers applicable to the Province and Municipality, as provided in Section 17(b) (4), RA 7160.

Section 27. Governing Laws – The water resources provisions under this Code shall be governed by, but not limited to, the following laws:

- a) RA 7160 (Local Government Code of 1991)
- b) Presidential Decree No. 1067 (Water Code of the Philippines of 1976)
- c) DENR Administrative Order 34, series of 1990 (Revised Water Usage and Classification/Water Quality Criteria Amending Section Nos. 68 and 69 Chapter 3 pf the 1978 NPCC Rules and Regulations)

- d) DENR Administrative Order No. 35 series of 1991 (Revised Effluent Regulations of 1990 Revising and Amending the Effluent Regulations of 1982)
- e) Republic Act No. 6969 Toxic Substances and Hazardous and Nuclear Waste Control Act of 1990.
- f) Presidential Decree No. 984 (National Pollution Control Decree of 1976)
- g) Presidential Decree No. 825 (Providing Penalty for Improper Disposal of Garbage and other Forms of Uncleanliness and for Other Purposes)
- h) Presidential Decree No. 856 (Code on Sanitation of the Philippines, 1975)
- i) Presidential Decree No. 1198 (Requiring All Individuals, Partnership or Corporations Engaged in the Exploration, Development and Exploitation of Natural Resources or in the Construction of Infrastructure Projects to Restore or Rehabilitate Areas Thereof or Affected Thereby to Their Original Condition)

Section 28. Operative Principles – Water resources in the province shall be managed (a) for the primary purpose of meeting indefinitely the basic requirement for potable water of all residents of Cavite and for sustained agricultural production and (b) for the secondary purpose of securing the availability of the adequate supplies of water for the growing industrial, recreational and commercial development activities through water resources pricing, institution of local water pollution control legislation, and establishment of the Cavite Network of Watersheds, as provided under Section 30(a) of this Code. Further, it is hereby declared the policy of the Provincial Government that water resources in the province shall be equitably shared and that no municipality shall be deprived of safe and clean water.

Section 29. Establishment of Water Resources Trust Fund – There is hereby created a Water Resources Trust Fund (WRTF) for the sole purpose of supporting municipal programs or projects for the rehabilitation of water production areas within the CNW as provided under Section 32 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 multi-sectoral Provincial Water Regulatory Board, as provided under Section 32 of this Code. Henceforth, all such unexpected amounts and future allocation shall accrue to the Water Resources Trust Fund.

Section 30. Designation of Priority Watersheds for Protection – Pursuant to Par. 2 (b) Section 9 of this Code, the Cavite Network of Watersheds (CNW) is hereby created to be composed initially of Tagaytay City, part of Silang, Mendez, Indang, Gen. E. Aguinaldo, Amadeo, Alfonso, part of Magallanes, part of Maragondon, and part of Ternate watersheds which shall be managed and governed by provincial laws, rules and regulations, subject to national laws, for the purpose of securing water requirements for the sustainable development of Cavite.

Section 30a. Establishment and Extent of the CNW – With one (1) year upon effectivity of this code, the Governor shall, in close collaboration with the DENR and concerned Municipal Governments, barangay councils, and Provincial Water Regulatory Board, study and review each watershed initially composing the CNW as to its sustainability for the purpose of determining the specific areas strictly zone for the purpose of water production.

Upon completion of the study and 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 together with his recommendations for the Sangguniang Panlalawigan to declare, set aside and maintain the aforesaid areas as strict protection zone for the purpose of water production.

For the purpose of this code, only the strict water production areas in each of the aforementioned watershed shall comprise the Cavite Network of Watersheds and therefore excludes all other lands within the component watershed that are not needed for water production.

Section 30b. Additional Areas to the CNW – The Governor shall propose to the Sangguniang Panlalawigan the inclusion in the CNW those watersheds established by the municipal governments in accordance with Section 12 of this Code, including additional watersheds which the Governor deems to require strict protection for water production purposes.

Section 30c. Disestablishment of Watersheds – When upon the recommendation of the majority members of the concerned Sangguniang Bayan and, if applicable, the members of the concerned Protected Area Management Board, a certain watershed within the CNW or portions thereof should be withdrawn or disestablished, or its boundaries modified, the disestablishment thereof shall take effect pursuant to an act of the Sangguniang Panlalawigan.

Section 30d. Buffer zone - When necessary, there maybe established peripheral buffer zones of the strict water production area to protect the same from activities that will directly or indirectly harm it; provided that the disestablishment of peripheral buffer zones shall be in the same manner as the Sangguniang Panlalawigan established the strict water production area.

Section 31. Water Resources Management Plan - The Governor shall, together with the Municipal Mayors, concerned Protected Area Management Boards, National Government Agencies, Local Water Districts and Private Sectors, formulate a strategic management plan for the Cavite Network of Watersheds. Upon recommendation of the multi-sectoral Provincial Water Regulatory Board as provided in Section 32 of this Code, the Governor may undertake preparation of the plan either by administration or by commissioning qualified professional consultancy services in accordance with law.

The plan shall be based on the following:

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

Section 32. Water Quality Monitoring – Within six (6) months upon effectivity of this Code, the Governor shall organize and maintain the continuous and effective operation of a nine (9) member multi-sectoral Provincial Water Regulatory Board to be composed of the Governor as Chairman, PG-ENRO, CAWD (Cavite Association of Water Districts), PPDO, NIA, DENR, PHO as members, including two (2) representatives of non-government organizations as appointed by the Governor. The Board shall be vested with the following duties and responsibilities.

- a) Establish the number and the location of province-wide water sampling stations based on proximity to human settlements and possible sources of water pollution. The sampling solutions shall include coastal areas, estuaries, rivers, community deep wells, artesian well, aquifers, and similar bodies of water as determined by the Board.

- b) Conduct regular sampling and analysis of samples collected using the parameters, standards and procedures established by national laws. The priority parameters to be measured shall include Biological Oxygen Demand (BOD), Total Suspended Solids (TSS) and Total Coli form.
- c) Release of monitoring result to the public particularly to the municipalities and barangay concerned.
- d) In coordination with the Provincial Mining Regulatory Board, monitor the impact on water resources of all mining operations of the province.
- e) Assist national government agencies in the enforcement of anti-pollution including Presidential Decree No. 984, DENR Administrative Order 34 (Revised Water Usage and Classification Water Quality Criteria) and DENR Administrative Order No. 35 (Revised Effluent Regulations of 1990) and Republic Act No. 6969 (Toxic Substances and Hazardous and Nuclear Waste Control Act of 1990).
- f) Organize industrial firms and tourism establishment in the province so that they can share water pollution reduction techniques, work as a group with the government and non-governmental organizations on pollution reduction.
- g) Advise the Governor on policy requirements to safeguard water resources in the province.
- h) Recommend to the Governor the Allocation of the water resources trust fund as provided under Section 29 of this Code.
- i) Prepare and recommend to the Governor annual work and financial plans for the operation of the board.
- j) Conduct of inventory of all water supply projects, the extent of ground water extraction and future demand for water.
- k) Responsible for proper evaluation, approval and implementation of water supply projects.

Section 33. Protection of Public Water Infrastructure – The Governor shall identify the component watersheds of the CNW, which are presently supporting small inter-municipality waterworks and irrigation systems as well as those which are potential sites of similar projects and assist municipal governments prepare management plans thereof. The Governor shall ensure that engineering works and infrastructure projects within the province do not have adverse impact on water quality.

Section 34. Protection of Riverbanks, Easements, Rights-of-way, and Greenbelts – The Governor shall adopt adequate measures for establishing clearance and greenbelts along river banks and seashore areas as prescribed by law to cover easements as provided in DENR Administrative Order No. 05 series of 1997 and Presidential Decree No. 1067 which provide that banks of rivers and streams and the shores of the seas through out their entire length and within a zone of three (3) meters in urban areas, twenty (20) meters in agricultural areas and forty (40) meters in forest areas, along margins are subject to easement for public use in the interest of recreation, navigation, float age, fishing and salvage.

Section 35. Drainage Systems – The Governor shall adopt necessary measures to ensure that adequate municipal and barangay drainage systems are established and maintained to prevent the negative effects of all types of effluents on both surface and underground water quality. The Governor shall also provide assistance to municipalities for the purpose of ensuring that solid wastes and waste water are properly disposed for the protection of water resources.

Section 36. Organic Farming and Soil and Water Conservation – The Governor shall assist municipalities in the implementation of community based forestry projects for the purpose of instituting improve soil and water conservation techniques and generate resources to implement the measures. Likewise, the Governor shall promote the application of organic farming techniques among farmers and use all powers to enforce the laws governing the use of prohibited agricultural chemicals.

Section 37. Health and Sanitation Measures – The Governor shall adopt appropriate measures to assist municipal governments improve environmental sanitation by expanding the use of sanitary toilets for waste disposal. Such assistance shall if necessary include, but not limited to, direct investments in public health education and strict enforcement of the Building Code.

Section 38. Water Usage and Classification – The provisions of DENR Administrative Order No. 34, series of 1990, otherwise known as the Revised Water Usage and Classification and amendments thereto, are hereby adopted.

Section 39. Prohibited and Punishable Acts – The Sangguniang Panlalawigan, in consultation with the various municipal/city Sanggunians of Cavite 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 and violation of the provisions of this code, such as; but not limited to, the following:

- a) No person shall operate and maintain any collection systems, sewage disposal system, treatment facility or wastewater treatment facility unless the same is provided with adequate and effective treatment and covered by a current and valid permit issued by the Municipal Mayor or City Mayor, as the case may be.
- b) No industrial or domestic sewage shall be discharge into class AA and class CA waters, as defined under DENR Administrative Order No. 34, Series of 1990.
- c) No industrial plant will be allowed to discharge their waste water into bodies of water.
- d) No person shall discharge, wholly or partially, untreated or inadequately treated industrial effluents directly into bodies of water or through the use of bypass canals and/or pumps and other unauthorized means.
- e) No industrial or manufacturing plant shall be operated without control facilities of wastewater treatment system in good order or in proper operation.
- f) No industrial or manufacturing plant or source of pollution shall be operated at capacities beyond the limits of operation or capability wastewater treatment facility in order to maintain the effluent quality within the standards or pertinent conditions required by law and/or as stipulated in the permit to operate.
- g) No person shall build, erect, install or use any equipment, contrivance or any means the use of which will conceal and/or dilute an effluent discharger and which otherwise constitute a violation of the provisions of this code.
- h) The construction of houses and other physical structures within the seashore and banks of rivers shall be governed by existing laws.
- i) No person shall develop a stream, lake, marshland or pond for recreational or commercial purposes without first securing a clearance from the National Water Regulatory Board and the Provincial Water Regulatory Board, in addition to the Environmental Compliance Certificate issued by DENR in accordance with existing laws.
- j) No person shall raise or lower or cause the raising or lowering of the water level of a stream, river, lake marsh or pond, nor drain the same without the necessary government clearances and/or permits.

- k) Impounding of water in large amounts such as to prejudice downstream or upstream users shall be prohibited.
- l) No person shall drill a well without a clearance from the Provincial Water Regulatory Board and the Governor in the case of subterranean waters, provided; that in no case shall ground water be extracted if this will result to the deterioration of critically important surface waters, provided, further, that the Governor through the proper national government agency shall reserve the right to revoke or cancel any permit for the extraction of groundwater if this is found to be detrimental to its sustainability or inimical to other higher priority water uses.
- m) The construction or setting up of any structure, temporary or otherwise that would destroy the scenic value of natural waterways or result to the disruption of water flows shall be prohibited.
- n) Dumping of tailings and sediments from mining and quarrying operations, as well as farm water carrying pesticides, residues is hereby banned and therefore prohibited.

ARTICLE VI

WASTE MANAGEMENT

Section 40. Scope of Powers – In addition to the powers, duties and functions of the Municipal Mayor, City Mayor and Provincial Governor to adopt adequate measures to safeguard and conserve land, mineral, marine, forest and other resources as provided under Sections 389(b)(9), 444(b)(3)(vii), 455(b)(3)(v) and 465 (b)(3)(V), respectively, the local government units shall also provide the following services and facilities on waste management.

- a) For barangays, services and facilities related to general hygiene and sanitation, beautification and waste collection, pursuant to Section 17(b)(1)(v), RA 7160;
- b) For the Municipal Governments of Cavite, waste disposal system or environmental management system and services related to general hygiene and sanitation, pursuant to Section 17(b)(2)(vi).
- c) For the Provincial Government of Cavite, enforcement of pollution control laws on the protection of the environment pursuant to Section 17(b)(3)(iii).

The type of wastes covered under this code include household wastes, market waste, commercial-industrial waste, farm agricultural waste, institutional waste and miscellaneous and specialized wastes such as residues of sewage treatment plants, ash from incinerators, residues from combustion, street sweepings, debris cause by disasters and dead animals.

Section 41. Governing Laws – The initiative of the Provincial Government on Waste Management shall be consistent with existing national laws, namely:

- a) RA 9003 otherwise known as The Ecological Solid Waste Management Act of 2000.
- b) Presidential Decree 856, otherwise know as the Code of Sanitation of the Philippines, prescribing requirements for refuse collection and disposal systems by food establishment in cities and municipalities.
- c) Presidential Decree 1152, entitled "Consolidating the Philippine Environment Code.
- 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 Environment Code which stipulates the general powers of city and municipal councils to enact ordinances and make sure regulations on health and safety for the comfort and convenience of the community and protection of property therein.
- g) RA 9275 Clean Water Act e.g. (prohibition of waste disposal in flood prone areas).
- h) Joint DENR – DOH Administrative Order No. 2 series of 2005
- i) PD 1586 in terms of permitting requirements for Solid Waste Management Facilities pursuant to section 38 of RA 9003.

- i) Republic Act 6957, as amended by RA 7718 (Build Operate Transfer Law) which provides that infrastructure and development projects normally financed and operated by the public sector, such as that for waste management, maybe wholly or partially implemented by the private sector.

Section 42. Operative Principles – The provincial government recognizes that the steadily increasing of level of economic activities and population growth in urban and rural areas would lead to an increase in the volume of waste and adverse impact on the health of our population and Cavite fragile ecosystems. Pursuant to Section 3(1) Republic Act 7160, and in consideration of ecotourism and agro-industrialization as our key development strategy, it is therefore declared the policy of the provincial government to adopt a systematic, comprehensive and ecological solid waste management program which shall:

- a) Ensure the protection of public health and environment;
- b) Utilize environmentally-sound methods that maximize the utilization of valuable resources and encourage resources conservation and recovery;
- c) Set guidelines and targets for solid waste avoidance and volume reduction through source reduction and waste minimization measures, including composting, recycling, reuse, recovery, green charcoal process, and others, before collection, treatment and disposal in appropriate and environmentally-sound solid waste management facilities in accordance with ecologically sustainable development principles;
- d) Ensure the proper segregation, collection, transport, storage, treatment and disposal of solid waste through the formulation and adoption of the best environmental practices in ecological waste management excluding incineration;
- e) Promote provincial research and development programs for improved solid waste management and resource conservation techniques, more effective institutional arrangement and indigenous and improved methods of waste reduction, collection, separation and recovery;
- f) Encourage greater private sector participation in solid waste management;
- g) Retain primary enforcement and responsibility of solid waste management while establishing a cooperative effort among the provincial government, other local government units, non-government organizations, and the private sector;

- h) Encourage cooperation and self-regulation among waste generators through the application of market-based instruments;
- i) Institutionalize public participation in the development and implementation of integrated and comprehensive ecological waste management programs; and
- j) Strengthen the integration of ecological solid waste management and resource conservation and recovery topics into the academic curricula of formal and non-formal education in order to promote environmental awareness and action among the citizenry.

Section 43. Solid Waste Management System - As guide for interventions, the Provincial Government hereby adopts the SWM system as stated in Chapter III of RA 9003 recommended by the National Solid Waste Management Commission (NSWMC). Accordingly, the system shall be composed of the following functional elements:

- a) **Waste Generation** – Includes activities that lead to the identification and understanding of the sources, amount, nature, types and characteristics of waste generated. This component covers the reduction, reuse, and recycling (3R's) of waste at source.
- b) **Handling and Onsite Storage** – Handling of waste after generation includes sorting, shredding, composting, baling, compaction and placement of waste materials into their corresponding storage containers and the movement of these stored waste to the collection points.
- c) **Collection, Transfer and Transport** – This involves gathering of waste and hauling them to transfer stations or to final disposal sites.
- d) **Processing and recovery** – Includes size reduction, magnetic separation, density preparation using air classifier and other process and operations designed to cover and produce usable materials like compost or energy such as electricity.
- e) **Disposal** – This is the final step in SWM system. The accepted alternative as provided by RA 9300 to open and controlled dumpsite as final disposal site is the sanitary landfill.

Section 44. Role of the Province – The Provincial Government shall promote the practice of waste segregation and waste minimization at source. Specifically, it shall perform the following functions:

- a) Assist municipal governments in the preparation of a multi-year SWM program, including information, education and communication materials
- b) Facilitate establishment of supportive linkages between Municipal Government units and other government and private sector organizations.
- c) Assist municipalities who may decide to group themselves, consolidate or coordinate their efforts, services and resources for the purpose of establishing a common SWM system or facilities.
- d) In coordination with the National Solid Waste Management Commission (NSWMC), DENR, NGOs and the League of Municipalities, facilitate the establishment of a model local government unit that showcases an effective and efficient SWM system.
- e) Train provincial personnel to provide technical assistance services, particularly in SWM and EIA (Environmental Impact Assessment) to City and Municipal Governments.
- f) Install an operational monitoring system to ensure sustainability of SWM programs.
- g) Implement the Solid Waste Management System as provided in Section 43 hereof, including the final disposal by way of a sanitary landfill for the entire province.

Section 45. Role of the City Municipality and Barangay – Pursuant to Section 17 RA 7160, the city, municipality and barangay shall be responsible in providing services related to waste and garbage disposal. Accordingly, the City and Municipal Governments shall consider the following processes for the establishment of their own SWM system.

- a) Establish waste stream through the conduct of baseline survey on current SWM practices.
- b) Conduct consensus building with communities in order to generate support and participation from the private sector.
- c) Prepare an SWM program based on the review of options identified with the community

- d) Promulgate an SWM Ordinance consistent with this Code. The ordinance shall contain the following parts, namely: Definition of terms, Waste Generation and Storage, Waste Processing and Resource Recovery, Collection and Transportation of Waste, Disposal of Solid Wastes, User Fees for Waste Management Services violation and Penalty and Penal Provisions. The City Municipality may refer to the Generic City/Municipal Ordinance for Waste Management as recommended by the National Solid Waste Management Commission (NSWMC).
- e) Appoint a SWM manager/coordinator to oversee in coordination with the provincial government integrated approach versus the conventional collection and disposal effort.

Section 46. Waste Management Bodies – Upon effectivity of this code, the Governor shall create Provincial Solid Waste Management Board whose primary task is to extend technical assistance and services to the provincial government of Cavite and its component cities and municipalities, particularly in devising approaches to enhance their waste management capabilities.

- a) City/Municipal Environment and Natural Resources Office/Units – If necessary, the cities/municipalities shall organize their waste management office/units. Where funding poses a major constraint, existing department such as, General Services Office or City/Municipal Planning and Development Coordinator's Office may be designated to perform waste management responsibilities on a concurrent capacity.
- b) Access – The Governor and Mayor, or their duly authorized representatives shall have access to observe and inspect waste disposal facilities, waste treatment facilities and collect samples for analysis.

Section 47. Prohibited Acts – The Sangguniang Panlalawigan in consultation with the various Municipal/City Sanggunians of Cavite and the DENR shall within 1 year upon effectivity of this Code, enact a unified ordinance for the purpose of defining the penalties and/or sanctions for acts in violation of the provisions of this Code, such, as, but not limited to, the following:

- a) The disposal of non-biodegradable debris, dredge materials if such are contaminated with industrial wastes, as well as the disposal of plastic and litter in beaches and the sea itself is prohibited. Dumping of plastic debris such as discarded fishing nets and lines, packing hands, straps synthetic ropes, plastic bags, bottles, sheets other containers and even medical equipment shall likewise be prohibited for it will not only reduce amenity of the marine environment but also poses treat to the safety of many marine mammals and birds that are prone to ingest such debris.

b) Pursuant to existing laws, construction of local dump sites or industrial settlement pits and waste treatment plants less than one (1) kilometer away from the sea and/or rivers shall be banned and therefore prohibited.

c) No person shall dump or dispose wastes into the sea and bodies of water, including shorelines and river banks, where waste are likely to be washed into the water; provided, that the dumping of waste and other materials into the sea or any navigable waters shall be permitted in case only of immediate or imminent danger to life and property, subject to existing national laws and regulations.

ARTICLE VII

MARINE AND COASTAL RESOURCES

Section 48. Scope of Powers - In addition to the powers, duties and functions of the Municipal, City Mayor and Provincial Governor to adopt adequate measures to safeguard and conserve land, mineral, marine, forest and other resources as provided under Sections 389(b)(9), 444(b)(3)(vii), 455(b) (3)(v) and 465 (b)(3)(V), respectively, the Local Governments with applicable provisions of RA 8550 and implementing rules and regulations, shall also provide the following marine and coastal resources management services and facilities.

a) For Coastal Municipalities, pursuant to RA 7160

1.0 Enforcement of fishery laws in municipal waters, both national and locally promulgated, including the conservation of mangroves, extension and on-site research services and facilities related to fishery activities which include dispersal of fingerlings and other seeding materials for aquaculture pursuant to Section 17(b)(2)(i);

2.0 Consistent with the R.A 7160 and the national sustainable development policies and strategies, LGUs shall act as the frontline agencies in the formulation, planning and implementation of ICM programmes in their respective coastal and marine areas. The ICM programmes of the LGU shall be in line with the National ICM programme.

3.0 Provision of fish ports, seawalls, dikes, drainage and sewerage, and flood control projects pursuant to section 17(b)(2)(viii);

4.0 Coastal and marine tourism facilities and other tourist attractions, including the acquisition of equipment, regulation and supervision of business concessions, and security services for such facilities pursuant to Section 17(b)(2)(xi); and pursuant to DENR Administrative Order No. 30, series of 1992;

5.0 Implementation of community based-forestry projects such as integrated soil forestry, establishment of new regular reforestation projects, except those located in protected areas (e.g. marine, parks mangrove forest reserves) and critical watersheds, completed family and community based contract reforestation projects, subject to policies and procedures prescribed by the DENR Forest and Management Agreements, in accordance with Section DAO 71, series of 1990 and other guidelines that the DENR may adopt, and community Forest projects, subject to concurrence of financing institutions, if foreign assisted pursuant to Section 3.1(a);

6.0 Management and control of communal forests with an area not exceeding 5,000 hectares, provided that the concerned coastal municipality shall endeavor to convert said areas into community forestry projects pursuant to Section 3.1 (b);

7.0 Implementation of the Rehabilitation In Conservation Hotspots (RICH) and the Conservation of Rare and Endangered Species (CARE) activities in areas identified and delineated by the DENR pursuant to Section 3.2 (c)

b) For the Provincial Government of Cavite, pursuant to RA 7160.

1.0 Recognize the right of the people and their organizations to effective and reasonable participation at all levels of social, political, and economic decision making and facilitate the establishment of adequate consultation mechanisms pursuant to Article XIII, Section 16 of the Constitution;

2.0 Enforcement of community based (mangrove) forest management laws and other laws on the protection of the environments pursuant to Section 17(b) (3) (iii); and

3.0 Coastal tourism development and promotion programs pursuant to Section 17(b) (3) (xii), pursuant to DAO 30, series of 1992.

Section 49. Governing Laws – The provisions of this Code shall be governed, but not limited to, the following national laws:

- a) RA 7160 (Local Government Code of 1991)
- c) RA 8550 otherwise known as the Philippine Fisheries Code of 1988 with its implementing rules and regulations
- d) Presidential Decree No. 705 (Forestry Decree of 1975), as amended
- e) Presidential Decree 601 (tasking the Philippine Coast Guard in marine environmental protection)
- f) Republic Act 6975 (Local Government Act of 1990, creating the PNP-MARICOM under the DILG).
- g) Republic Act 5173 (Philippine Coast Guard Act of 1957)
- h) E.O. 533 of 2006 entitled "Adopting the Integrated Coastal Management as a National Policy to Ensure the Sustainable Development of the Country's Coastal and Marine Environment and Resources and Establishing supporting Mechanisms for its Implementation
- i) Charter of PEMSEA Network of Local Governments (PNLG)

Section 50. Operative Principles - The Provincial Government recognizes that our municipal waters, which contains valuable productive habitats wherein more than one-thirds (1/3) of the people of Cavite are directly dependent for livelihood, income and nutrition, are presently under the "de facto" or open access conditions which threaten the food security, long term livelihood use and enjoyment of our fishing population in particular and the people of Cavite in general. The Provincial Government also hereby affirms the provisions of Article XIII Section 2 of the Philippine Constitution, which provides that the state through the component coastal municipalities shall protect the right of subsistence 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 the coastal municipalities in the full exercise of their powers, duties and responsibilities toward proper management of municipal waters. It is also hereby declared that, considering the trans-boundary character of the issues and problems confronting the municipal waters of Cavite, the provincial government shall exercise its full powers through the provision of active leadership, technical assistance, conducive policy and effective law enforcement for the conservation of marine resources.

Section 51. Development of a Provincial ICM (Integrated Coastal Management) Program – A Provincial ICM Program shall be developed by the PG-ENRO, in consultation with other concerned agencies, sectors, and stakeholders, within one year from the effectivity of this Code to provide direction, support and guidance to the coastal local government units and stakeholders in the development and implementation of their local ICM Programs.

Section 52. Creation of ICM Division under PG-ENRO– Pursuant to Section 51 of this Code, there shall be created an ICM Division under the PG-ENRO, which shall be mainly responsible in the preparation of the Provincial Integrated Coastal Management Program that shall serve as guide for coastal municipalities in undertaking, among others, the delineation, establishment, management and maintenance and protection of their municipal waters. The Division shall also involve in facilitation and implementation of the ground projects identified by the ICM Provincial and Municipal Councils.

Section 53. Implementation of ICM Programs. The implementation of ICM programs shall take into account the following elements as stipulated in Section IV of E.O. 533 and in the roles and obligations of PNLG Members stated in the PNLG Charter:

- a) Establish ICM Municipal or City Council and monitor their proper implementation;
- b) Enhance the capacity of local governments to plan, develop, and manage their coastal and marine resources for sustainable use;
- c) Promote the application of ICM approaches, processes and tools in coastal planning, development and management;
- d) Facilitate the linkage between scientific or technical institutions and local governments, in order to provide capacity building and scientific input to local government decision-making, policies and programs;

- e) Implement innovative financing mechanisms and partnership arrangements for environmental investments with international and national financial institutions, private investors and operating companies, where appropriate;
- f) Strengthen multi-stakeholder involvement in managing coastal and marine resources, in order to enhance societal and corporate responsibility for sustainable development of natural resources;
- g) Enhance local coastal governance, as well as inter-agency and multi-sectoral coordination mechanisms, in dealing with coastal and ocean management issues;
- h) Work towards the development and implementation of institutional arrangements for ICM implementation, including an interagency, multi-sectoral mechanism to coordinate the efforts of different agencies, sectors and administrative levels, and where appropriate, help develop: policy and legislative measures to support ICM planning and management; capacity building programs to enhance required human resource skills and tools; scientific input to policy and planning processes; and enforcement mechanisms to ensure compliance with adopted rules and regulations;
- i) Formulate and implement coastal strategies and action plans that provide a long term vision and strategy for sustainable development of the coastal area, and a fixed-term program of actions for addressing priority issues and concerns;
- j) Implement public awareness programs to increase the level of understanding of, and application for, the coastal and marine resources of the area, and to promote a shared responsibility among stakeholders in the planning and implementation of ICM program;
- k) Mainstream the ICM program into local government's planning and socio-economic development program and to allocate adequate financial and human resources for its implementation;
- l) Conduct integrated environmental monitoring for the purpose of measuring the status, progress, and impacts of management programs against sustainable development indicators, as may be established, and to use the information in decision-making, public awareness and participation, and performance evaluation;

- m) Participate in the annual meeting or workshop of the PNLG at local or international levels; and
- n) Prepare accomplishment report for the provincial government of Cavite and for the PNLG (PEMSEA Network of Local Governments);

Section 54. Creation of Provincial and City/Municipal ICM Councils - The ICM Provincial and Municipal/City Councils shall be established at the provincial and municipal level to oversee the implementation, progress, monitoring, networking and evaluation of ICM programs.

In the minimum, the ICM councils shall promote and adopt the application of best practices as stipulated to Section 4 of E.O 533, such as, but not limited to:

- a) Coastal and marine use zonation as a management tool;
- b) Sustainable fisheries and conservation of coastal and marine resources;
- c) Strengthening the fisherfolks organization.
- e) Development of upland watershed, catchment areas and basin wide management approaches
- f) Protection and rehabilitation of coral reefs, mangroves, seagrass, estuaries and other habitats, marine protected areas, nature reserves and sanctuaries;
- g) Integrated waste management, including, sewage and solid, hazardous, toxic and other wastes by major sources;
- h) Integrated management of port safety, health, security and environmental protection; and
- i) Involvement of the private sectors a partner in ICM to promote social corporate responsibility;
- j) Implementation of fishery laws and ordinances that will provide regulation governing recreational, educational and scientific use of municipal waters;

Section 55. Roles of the Civil Society and the Corporate and Private Sectors. In the development and implementation of the ICM program, the NGOs, civic organizations, academe, people's organizations, the private and corporate sectors and other stakeholders shall be engaged in activities such as planning, community organizing, research, technology transfer, information sharing, investment, and training programs.

Section 56. Supporting Mechanisms and Activities. Pursuant to Section 8 of E.O 533 the ICM Education, training program for LGUs, Environmental and Natural Resource Accounting and Valuation for ICM Planning, Coastal and Marine Environmental Information Management System shall be undertaken in support of the implementation of ICM programs.

Section 57. Coastal Zoning and Management Guidelines. In addition to the ICM programs cited in Section 53 of this Code, the Governor shall formulate a provincial coastal zoning and management planning guideline which will serve as basis in formulating municipal coastal and marine use zoning and management plan. The plan shall be based on co-management approach where the municipal government through its Municipal/City ICM Council shall work with resource users and build upon existing laws, particularly in the institutionalization of the Fisheries and Aquatic Resource Management Councils (FARMC) pursuant to Presidential Order No. 240, series of 1995.

Further, within 2 years upon activity of this Code, the Governor shall adopt all measures to encourage the Municipal Mayors, coastal inhabitants, stakeholders, and concerned national government agencies to delineate, manage, and protect their municipal waters pursuant to Section 131(r), RA 7160.

It shall be incumbent upon the concerned of Municipal mayor of City Mayor as the case may be, to measure, delineate, zonify and produce maps of their respective territorial service, employing in the process a certified engineer; provided, that the delineation of municipal territorial waters shall be undertaken jointly by contiguous municipalities to avoid future controversies in boundary lines; provided, further, that the amicable settlement of boundary disputes between municipal waters shall be governed by Section 118 and Section 119, RA 7160; provided, finally, that after 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, circular, directives and memoranda, including sanctions for the purpose of implementing the provisions of this section.

(1) Zoning – The zoning component of the plan shall classify municipal waters and boundaries or zones which will be based on the consultation, analysis and approval of the Technical Working Group of CUZCa or also known as Coastal Use Zoning of Cavite. The importance of water use zoning are the following:

1.0 Water use zoning can resolve or pre-empt some but not all of the conflicts among the different claimants to water use rights of a particular water body;

2.0 One of the management and regulatory instruments to address issues arising from the multiple uses of water bodies by various stakeholders;
3.0 Institutional arrangements and management capabilities among sectors are necessary to identify in order to address what type of action or support is needed from this sector especially the LGUs;

4.0 Provide basis for the provision of tenure to qualified coastal zone resident as a means to prevent incidence of squatting and/or unplanned settlements; and

5.0 Delineation of municipal waters can resolve trans-boundary problem, issues related to shipping and navigation, sustainability of municipal fisheries, coastal settlements issues and habitat alteration and degradation.

Section 58. Promotion of Conducive Policy and Complementary Province-Wide Fishery Ordinance – The Governor shall assist the municipal/city governments in reviewing and systematizing the ordinance pertaining to the coastal zone to identify the ordinances needed, reconcile conflicting provisions the municipalities/cities and between the provincial and municipal/city ordinances; provided that the Governor shall initiate measures towards the promulgation of a Complementary province-wide fishery ordinance in consideration of the fugitive nature of marine resources and the trans-boundary character of the issues and problems on coastal resources management.

Section 59. Monitoring of ICM Progress. The PG-ENRO through its ICM Division shall oversee the establishment and maintenance of a coastal and marine environmental information management system and network, in collaboration with other concerned national government agencies, institutions and LGUS.

Section 60. Water Quality Monitoring – The Governor, through the multi-sectoral Provincial Water Regulatory Board as provided in Section 32 of this Code, shall monitor the quality of its waters in coastal zones.

Section 61. Budget Appropriation for ICM - The Provincial Government shall allocate adequate funds every year from its Internal Revenue Allotment for the development and implementation of ICM programs, that such investments are in accordance with the duly validated and approved provincial/municipal/city ICM plans and programs.

Section 61a. Other Funding Options - Provincial Government may source local and international grants and donations in support of ICM implementation and in accordance with relevant laws. LGUs particularly coastal municipalities and city, as may be allowed under relevant laws, may raise revenues and secure funds to implement ICM program.

Section 62. Prohibited Acts

1. Biological diversity and heritage items shall not be jeopardized in the utilization, development and management of municipal waters. Unique marine features and productive habitats such as, but not limited to sea grass beds and coral reefs shall not be destroyed.

2. The gathering, extraction and/or removal of beach resources such as pebbles, sand and gravel and boulders for whatever purpose are hereby prohibited except those expressly allowed by law.

ARTICLE VIII

AIR AND NOISE POLLUTION MANAGEMENT

Section 63. Scope of Powers – The powers on air and noise pollution control are vested in the provincial and city government, pursuant to Section 17(b)(3)(iii) and Section 17(b)(4), respectively which 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:

Enforcement of the following pollution control and environmental laws, rules and regulations: (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 charges;

Abatement of noise and other forms of nuisance; and

Implementation of Cease and Desist Orders issued by the Pollution Adjudication Board.

Section 64. Governing Laws – This portion of the Code shall be governed by, but not limited to, the following national laws:

Republic Act No. 7160 (Local Government Code of 1991)

Presidential Decree No. 1881 entitled "Providing for the Prevention Control and Abatement of Air Pollution from Motor Vehicles and for Other Purposes".

Republic Act No. 8749 (The Philippine Clean Air Act of 1999)

Section 65. Operative Principles – The provincial government recognizes that, unless appropriate proactive measures are in place, the agro industrial development of the province will be associated with the production of increase amounts of air and noise pollutants thereby inevitably threatening the health and well-being of the people in Cavite, particularly from the increased utilization of fossil fuels by automotive vehicles and industries. Pursuant to Section 17, RA 7160, the provincial government reaffirms its authority to enforce pollution laws and take over the testing and apprehension of smoke belching vehicles and abatement of noise and nuisance in accordance with law.

Section 66. Vehicle Emissions Control – The Governor in coordination with the Land Transportation Commission (LTC) and the DENR, shall establish a permitting system to ensure that the emission of vehicles and industries operating within the province are in accordance with standards provided under Presidential decree No. 1181, entitled "Providing for the Prevention, Control and Abatement of Air Pollution from Motor Vehicles and Other Purposes". If necessary, the Governor shall allocate funds for the acquisition and maintenance of emission testing equipment.

Section 67. Industrial Pollution Control – The Governor, in close collaboration with the DENR, shall ensure that the industrial firms operating within the province comply with the air quality standards, periodically test the emission of industrial firms, and establish adequate capability to respond positively to related citizen complaints on air and noise pollution.

Section 68. Zoning Clearances and Building Permits - The Municipal Governments shall be responsible in evaluating the noise generating potential of infrastructure projects as part in the processing of zoning clearance and building permits. All projects, which generate potential noise and vibration levels contrary to ambient noise level standards establish by the Department of Health, shall be required to install soundproofing devices and eliminate vibration.

Section 69. Ambient Air Quality and Noise Level Monitoring – When necessary, the Governor, in close collaboration with the DENR shall establish, operate and maintain ambient air quality sampling and monitoring stations, the result of which shall be released to the public particularly to communities living near and around emission sources.

Section 70. Information and Education – The Governor shall implement a continuing program of education and information dissemination on air and noise pollution as an integral part of the pollution control policy of the provincial government.

Section 71. Industry Group – Pursuant to Section 33(e) of this Code, the multi-sectoral Water Resources Advisory Board shall organize industries for the purpose of sharing air pollution reduction and noise abatement techniques, work as a group with the government and non-governmental organizations on pollution and noise minimization and advise the Governor on the policy requirements to promote clear air in province.

Section 72. Acts Prohibited and Punishable under this Code shall include but not limited to the following:

- a) Causing, permitting or allowing the emission of particulate matter from any source whatsoever, including but not limited to vehicular movement, exportation of materials, construction, alteration, demolition or wrecking or industry related activities as loading, storing or handling without giving reasonable precautions to prevent the occurrence of such condition. Neither shall such person cause or permit the discharge of visible fugitive dust emissions beyond the boundary line of the property from which the emission originates.
- b) Storing, dumping, handling, processing, unloading or using in any process or installation, volatile compounds or organic solvents without applying known vapor emission control devices or systems deemed necessary and approved and ordered by the Governor and the appropriate national government agencies.
- c) Operating plant or source at capacities that exceed the limits of operation or capability of a control device to maintain the air emission within the standard limitations as provided under existing national laws, rules and regulations.
- d) Building, erecting, installing or using any article, machine, equipment or other contrivance, the use of which will conceal emission that otherwise would constitute a violation of any of the provision of this code.
- e) Any person intending to build, erect, install any chimney, from or through which air impurities maybe emitted, shall obtain a prior approval from the Governor. The requirement shall not apply for a chimney serving a private residence.
- f) It shall be unlawful for any operator of a vehicle to allow it to discharge air pollutants at levels greater than the acceptable concentration standard prescribed by the DENR.

- g) Causing, allowing or permitting the discharge of air pollutants that cause or contribute to an objectionable odor.
- h) Building, erecting, constructing, installing or implanting any new source, operate, modify or rebuild and existence source, or by any means cause or undertake any activity, which would result ambient noise level higher than the ambient standards. Neither shall such person emit or cause to emit or suffer to be emitted standards. Neither shall such or quality that the levels prescribed by the DENR for tolerable noise without first securing a clearance from the Municipal Mayor.
- i) Causing or permitting the creation of any unnecessary noise through the use of any device in any place adjacent to any hospitals, schools, or courts of justice.

ARTICLE IX

ECOTOURISM

Section 73. Scope of Powers - In addition to the powers, duties and functions of the Municipal, City Mayor and Provincial Governor to adopt adequate measures to safeguard and conserve land, mineral, marine, forest and other resources as provided under RA 7160, Sections 389(b)(9), 444(b)(3)(vii), 455(b)(3)(v) and 465 (b)(3)(V), respectively, the local governments shall also provide the following ecotourism services and facilities:

- a) For the municipality, ecotourism facilities and the tourist attractions, including acquisition of equipment, regulation and supervision of business concessions, and security services for such facilities pursuant to Section 17(b)(2)(xi), RA 7160.
- b) For the province, ecotourism development and promotion programs pursuant to Section 17(b)(3)(xii) RA 7160.

Section 74. Governing Laws – The provisions of this portion of the Code shall be governed by, but not limited to, the following national laws:

- a) Article II, Section 16 and Article XII, Section I of the Constitution
- b) Presidential Executive Order No. 120