



REPUBLIC OF THE PHILIPPINES  
PROVINCE OF ILOILO  
MUNICIPALITY OF PAVA

OFFICE OF THE SANDIGSIKANG BAYAN

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANDIGSIKANG BAYAN HELD ON DECEMBER 22, 2023 AT 9:00 A.M. IN THE SESSION HALL, MUNICIPAL BUILDING, PAVA, ILOILO.

**PRESENT:**

1. Hon. Edel C. Corral	Municipal Vice Mayor Presiding Officer
2. Hon. Jo Jan Paul Pareda	Municipal Councilor
3. Hon. Aral Corral	-do-
4. Hon. Jose Maria Trinaflec	-do-
5. Hon. Leonardo Salasa	-do-
6. Hon. Daniel S. Pareda II	-do-
7. Hon. Ray Domingo Jr.	-do-
8. Hon. Rina Salasa	-do-
9. Hon. Joshua Philippe Gumban	-do-
10. Hon. Edil J. Hernandez	-Iga President, Ex-Officio Member
11. Hon. Daniel Peral C. Zaldivaraga	-Iga Federation Pres., Ex-Officio Member

**MUNICIPAL ORDINANCE NO. 2023-40**

**AN ORDINANCE APPROVING THE 2023 REVISED ENVIRONMENTAL MANAGEMENT CODE OF PAVA, ILOILO**

Author	Hon. Daniel S. Pareda II
Sponsors	Hon. Daniel S. Pareda II Hon. Joshua Philippe M. Gumban Hon. Leonardo L. Salasa Hon. Jose Maria C. Trinaflec

Whereas, Section 16 of RA 7160 known as the General Welfare Law provides that "Every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, for its efficient and effective governance, and shall ensure and support, among other things, the preservation and enhancement of culture, promote health and safety and enhance the right of the people to a balanced ecology";

Whereas, the Municipality of Pava, recognizing that humans have both the fundamental right to a healthy and balanced ecology and quality of life in harmony with nature, through this Code codifies and abide by the principles and decisions on environment and development enunciated by our Constitution;

Whereas, the Municipality of Pava is cognizant of the damaging and irreversible environmental impact of socio-economic activities on the stability of the natural ecosystem, human health, and safety of the people and its municipality;

Whereas the Municipality of Pavia, Iloilo has evolved with rapid growth, especially in its economy, infrastructure, suburban, and housing developments, resulting in population growth. There is an imperative need to update the environmental management of the municipality of Pavia to align with the current technologies and practices to best protect the environment, the people, and the municipality from the growing menace of environmental pollution.

NOW THEREFORE, BE IT ENACTED BY THE SANGGUNIANG BAYAN IN SESSION DULY ASSEMBLED, THAT:

## ARTICLE I. GENERAL PROVISIONS

**Section 1. Title of the Ordinance.** This ordinance shall be known and cited as the 2023 Revised Environmental Management Code of Pavia, Iloilo.

**Section 2. Objectives and Purpose.** The purpose of this Code is to integrate the planning, implementation, monitoring, and evaluation of programs, projects, and activities on solid waste management, air quality management, water resources management, noise pollution management, and renewable energy through effective and efficient legislative actions with the end view of establishing a healthy and sustainable environment for a better quality of life for the people of Pavia, Iloilo. The Code thereof aims to:

- a. promote the principles of accountability, transparency, openness, and responsibility to the sustainable development and progress of the environment;
- b. regulate, control, and guide the future growth and development of the municipality in the pursuit of its common vision of progress through ecosystem within the context of waste management and utilization of the natural resources of Pavia, Iloilo;
- c. establish the mechanism for implementing the provisions of this Code.

**Section 3. Scope and Coverage.** It covers all general administrative ordinances enacted over the years, Sangguniang Bayan resolutions, and ordinances, as well as provisions from Executive Orders issued by the Local Chief Executive that pertain in the nature of ordinances relevant to the pollution, conservation, utilization, and management of the environment, specifically along the areas of land, air, and water in the Municipality of Pavia.

**Section 4. Declaration Policy.** Pursuant to the powers granted by RA 7160, otherwise known as the Local Government Code of 2001, it is hereby declared the policy of the Municipal Government of Pavia in partnership with the barangays, provincial and national government agencies, and the private sectors to protect the right of the people to a balanced and healthy ecology in accordance with the million hectares of nature and to enhance the quality of life of every individual consistent with the principles of sustainable development and responsible stewardship of God's Gift of Nature.

**Section 5. Basic Principles.** This code is anchored on the following principles:

**5.1 Principle of Sustainable Development.** In applying this principle, the Municipality of Pavia ensures the equitable and judicious utilization of natural resources to meet the needs of the present generation without compromising the needs of future generations.

**5.2 Principle of People's Participation.** The strategy towards sustainable development should be democratic, participatory, and in partnership with the private sector, non-governmental organizations, people's organizations, and other stakeholders that may be affected by the decision-making process and programs. The people must be informed and consulted and shall participate in planning, implementation, decision-making, and sharing the responsibility for transparency.

**5.3 Principle of Integration.** This code ultimately integrates national, provincial, municipal, and barangay policies, plans, and programs into local development initiatives.

**2.4 Principle of Lapsing Development:** This principle is the enactment of and enforcement of laws that meet the needs of every person in a holistic manner. It takes into consideration the impact of laws and policies on the lives of the disadvantaged sectors, the environment, and the health of its investments, and likewise safeguards resources for the needs of the future generation.

**2.5 Polluter's Pay Principle:** With finite resources being finite and development being inevitable, the polluter's pay principle is adopted to compensate for the external cost of pollution that affects the community and environment. This principle also calls for a legitimate compensation for the damage to the physical environment.

**2.6 User's Fee Principle:** To ensure the sustainability of the resource base and proper management for the maintenance of ecological balance, the principle calls for the levying of appropriate fees and charges to all users of the natural wealth of the municipality, subject to the provisions of existing applicable laws, rules, and regulations.

**Section 6. Definition of Terms:** As used in and for purposes of this Code, whether singular or plural terms unless the context indicates otherwise shall mean:

**Air Pollution** - any alteration of the physical, chemical, biological properties of the atmosphere, or any discharge (fumes of the liquid, gaseous or solid substances that will or likely to create or to render the air resources harmful, detrimental or injurious to the public safety or welfare or which will adversely affect their utilization for domestic, industrial, commercial, agricultural, recreational or other legitimate purposes.

**Abatement** - refers generally to a lessening, diminution, reduction, or moderation.

**Ambient Air Quality** - the atmosphere's average purity in broad area as distinguished from localized measurement taken at the source of pollution or the present characteristics or nature of the surrounding atmosphere.

**Ambient Noise** - means the all-encompassing noise associated with a given environment being usually composed of sound from natural noise and/or.

**Biological Diversity (Biodiversity)** - the variability among living organisms from all sources including terrestrial, marine and other aquatic ecosystems, and ecological complexes of which they are part. It includes diversity within species and between species and ecosystem.

**Biodegradable** - is any material that can be reduced into finer particles (degraded or decomposed) by microbiological organisms or enzymes (synonymous with compostable).

**Chain saw** - any portable power saw or similar cutting implement considered operative by an electric or internal combustion engine or motor mechanism, that may fall but not limited to the felling of trees or the cutting of timber (DAO No. 81-32).

**Composting** - is biological degradation under controlled conditions, the process of making biodegradable such as food waste, garden waste, animal waste, human waste into compost by mixing them with soil water biological active substances (optional) and air.

**Decibels (dB)** - is a measure of sound level and is equal to ten (10) times the logarithm of a square of a measured sound pressure level (SPL) divided by a reference sound pressure. The sound pressure is given in Pascals with a reference pressure taken as 0.0002 Pascal, which is generally the minimum human ear senses. Decibel "A" (dBA) is (in) measure of the total sound level when using "A" level network.

**Easement** - an act of releasing or relieving, an interest or land owned by another that entitles its holder to a specific limited use or enjoyment.

**Eco-Tourism** - environmentally sound and community-participated tourism activity in a given natural environment that enhances the conservation of bio-physical and cultural diversity.

promotes environmental understanding and education and yields socio-economic benefits to the concerned community.

**Effluent** - a general term denoting any waste-water partially or completely treated or in its natural state flowing out of a manufacturing plant, industrial plant or treatment plant and form of ponds and lakes.

**Effluent Standards** - any legal restriction and limitations or qualities, rates and/or concentrations or any combination of the physical, biological, chemical or biological conditions which an individual or any source is allowed to discharge into the body of water or land.

**Emission** - any measurable air contaminants, pollutants, gas streams or unwanted sound from a known source which is passed in the atmosphere.

**Endangered Species** - species or sub-species that is not critically endangered but whose survival in the wild is unlikely if the causal factors continue operating.

**Environment** - the quality, quantity, diversity and sustainability of renewable and non-renewable natural resources including the ambient environment such as the atmosphere, climate, sounds, and users that are critically determinants of the quality of life. In a broad sense it still include the total environment of man such economic, social, cultural, political, and historical factors.

**Environmental Compliance Certificate (ECC)** - a document issued by the DENR Secretary or the Director (Regional Director of EMA) certifying that based on the representation of the proponent and the proponent as reviewed and validated by the EIA Review Committee, the proposed project or undertaking will not cause a significant negative environmental impact and the proponent has complied with EIS System or PDCEB.

**Environmental Impact Assessment (EIA)** - the process of identifying and predicting the impacts of the proposed projects and programs on the bio-geophysical environment and on man's health and well-being and interpreting and communicating information about impacts in a manner which can be used by planners and decision-makers.

**Environmental Impact** - the probable effects or consequences of proposed undertakings on the physical, biological and socio-economic environment that can be direct or indirect, cumulative, positive or negative.

**Environmental Management** - the entire system which includes but is not limited to conservation, pollution monitoring, rehabilitation and enhancement or environmental regulation and minimization of pollution waste management administrative law and policy environmental education and information study and mitigation of the environmental impacts and environmental research.

**Environmentally Critical Project** - a project that has a high potential for significant negative impacts and are listed as such under PP-2148 and PP No. 903 Series of 1995.

**Exotic** - introduced from another country; foreign; not native to the place where it is found.

**Fauna** - refers to all species of animals.

**Flora** - all species of plants.

**Fugitive Particulates** - the particulate matter which escapes and become airborne from an enclosed industrial operation into the atmosphere without passing or being conducted through a fine pipe stack or other structure.

**Green Charcoal** - is another form of fuel of green charcoal manufactured from compostable organic cellulose material with the use of enzymes to break down the lignin or binding material after which it is molded and dried and used in charcoal-bbq stoves.

**Greening refers** to general term for the appropriate selection and planting of plants on, in, or next to buildings and in public parks. The goal of greening is usually a combination of environmental benefits and improving the visual appeal of surfaces, as well as the creation of green spaces.

**Ground water** - water within the earth that supplies wells and springs

**Hazardous Substance** - the elements or compounds which discharge in any quantity present present to substantial damage to the public health and safety

**Incineration** - is the controlled process by which combustible wastes are burned and changed into gases and residues that contain little or combustible material

**Industrial Waste** - means any liquid, gaseous or solid matter, or other waste substance or a combination thereof, resulting from any process of industry, manufacturing, trade or business from the development, processing or recovery of any natural resources which may cause or tend to cause pollution or contribute to the pollution of water, air, land resources of the Philippines

**Initial Environmental Examination (IEE)** - refers to the documents required of proponents describing the environmental impact of and mitigation and offset measures for projects or activities located in an environmentally critical area involving areas outside the coverage of the Philippines Environment Impact Assessment System as mandated by the Local Chief Executive pursuant to Section 102 of the COM.

**Minerals** - refers to all naturally occurring inorganic substance in soil, gas, liquid or any intermediate state, sand and gravel, quartz, excluding energy materials such as coal, petroleum, natural gas, radioactive materials and geothermal energy

**Naturally Grown Trees** - any naturally occurring or growing trees with woody stem regardless of size and economic utility or end use, including the palm family such as Pandanus, and mangrove

**Noise** - means an acute, intermittent or statistically random excitation of any unobstructed sound

**Non-Degradable** - There are ten (10) groups of waste under this category such as: a) metals (in cast aluminum, iron, lead, copper, silver, etc.); b) glasses (bottles, cubes, broken glasses), bulbs, etc.; c) plastics (polyethylene, Styrofoam, polystyrene, tubes, pipes, buckets, polycarbonate (like, desks, chairs), polypropylene (trash), ultraviolet resistant, polycarbonate (from mattresses), etc.); papers; d) cartons; e) hard shells; f) bones; g) rocks.

**Nursery** refers to place where plants are propagated and grown to a desired size. Nursery is a center of seedling production where seedlings are produced and taken care of until transplantation in the main field. Mostly the plants concerned are for gardening, forestry, or conservation biology, rather than agriculture.

**Other Waste** - means garbage, refuse, wood residues, sand, lime, sludges, ashes, off-cuts, right-of-way stuffs, acids, chemicals and substances not covered by industrial waste which may cause or tend to cause pollution or contribute to the pollution of water, air, land and resources of the Municipality.

**Particulate Matter** - means any material, other than suspended water, which exist in a finely divided form as liquid or solid.

**Pollutant** - means any substance whether solid, liquid or gaseous which directly or indirectly affects the quality of any segment of the receiving environment so as to affect or tend to affect adversely any beneficial use thereof. It is hazardous or potentially hazardous to health, it emits objectionable odor, noise, temperature change or physical (thermal or seasonal) change to any segment of the environment. It is in excess of the allowable limit of concentration or quality standard as in any convention of the ordinance, contract or ordinance herein prescribed.

**Pollution** - means any alteration of the physical, chemical and biological properties of any water, air, or land resources, or any discharge thereof of any liquid, gaseous, or solid waste, or any production of unnecessary noise, or any emission of an objectionable odor as well, or is likely to cause or render such water and/or land resources harmful, detrimental, or injurious to the public health, safety or welfare, or which will adversely affect their utilization for domestic, industrial, agricultural, recreational, or other legitimate purposes.

**Quarry** - refers to an open excavation usually for obtaining building materials such as stone, sand, or limestone.

**Quarrying** - refers to the process of extracting, removing, and disposing of quarry resources found on or underneath the surface of ground or public lands.

**Recycling** - is the reuse, retrieval, and re-composition of elements or matter for any and all purposes necessary to healthy and productive living. It is the process by which waste materials are transformed into new products in such a manner that the original products may lose their original identity.

**Reduction** - means any process, including cooling, drying, dehydrating, degreasing, evaporating, and process concentration.

**Sewage** - means the water carried by human or animal waste from residences, buildings, industrial establishments, or other places, together with such water infiltration and surface water as may be present. The admixture of sewage, industrial wastes, and other wastes, as defined, shall be considered sewage.

**Sewage System or Sewerage System** - means pipes, conduits, pumping stations, force mains, constructed drainage canals, and other construction devices and appurtenances used for collecting or conducting sewage and industrial waste or other wastes to a point of treatment, discharge, or ultimate disposal.

**Synthetic** - means gas-borne particulates resulting from incomplete combustion consisting predominantly but not exclusively of carbon oxides and other combustible materials.

**Solid waste** - refers to waste from human and animal activities that is normally solid and discarded as useless and unwanted.

**Solid Waste Management** - is the purposeful systematic control of the generation, storage, collection, transport, processing, recycling, recovery, and final disposal of solid waste.

**Sorting at Source** - is the segregation or separation of wastes at the point of generation or at the very place where they are introduced into biodegradable and non-biodegradable.

**Tree Park** - refers to the land designated for tree-planting to be developed and maintained to enhance the biodiversity, improve the ecosystem, provide the populace with a healthy and sustainable environment, and serve as a show window for nature conservation. The establishment of a tree park is mandated by Republic Act 5732 and this Code.

**Watershed** - refers to the area of land on which rain water can be drained, a surface runoff via a specific stream tributary or river system to a common outlet that could be used as a dam for irrigation or a water supply take-off point.

## ARTICLE II: ENVIRONMENTAL IMPACT ASSESSMENT SYSTEM

### Section 1. Environmental Management Policies

A. The Municipality of Pavia hereby adopts policies as mandated by PD 1511, Series of 1997, that will promote environmentally friendly activities of business industry and

settlements in urban and suburban areas as far as infrastructure and social services are concerned.

B. It should be ascertained that any proposed project needing the approval of the municipal government and requiring the issuance of a permit will not have a significant negative environmental impact on the physical, biological, and socio-economic environment.

C. A yearly inspection of industries and premises shall be conducted to determine the preservation of the physical environment. Should there be findings of degradation, destruction, or violation of the environment, appropriate and immediate actions shall be initiated to mitigate the effects of such environmental degradation; and the full force of the law shall be applied to the violators.

**Section 2. Annual Environmental Assessment** - The operations, premises, facilities, and systems of all industrial, manufacturing and similar business establishments shall be subject to an annual environmental assessment which shall be conducted by the DENR, other concerned national agencies in coordination with the municipal government.

**Section 3. Environmental Impact Assessment or Statement** - This shall be required only from those industries, projects, and activities certified by the Environment Management Bureau or DENR, DENR as requiring such statement or assessment as well as to other activities may be determined by housing (and) Use Regulatory Board (HURB) and OAS – DCRS for major construction development activities may be required by the zoning Administrator of the Municipal Government through the MAND to submit an Initial Environment Examination (IEE) or Environmental Impact Assessment or Statement for review, as the case may be.

The Applicants shall submit the following requirements:

1. A detailed description of the proposed development or construction.
2. A detailed description of the physical, biological, and social environment in which the development or construction will occur.
3. A detailed description of existing plans that will be affected by the proposed development.
4. A detailed description of other action plans.
5. A detailed discussion of the possible direct and indirect impact on the proposed action in the physical, biological, and social environment.
6. Special emphasis on adverse effects, long-term effects, resource commitment, and benefit analysis.

## ARTICLE III: INSTITUTIONAL MECHANISM

**Section 1. Strengthening the Existing Office** - The existing MEMRO under the management of the Municipal Environment and Natural Resources Officer shall be strengthened in order to effectively perform and be more responsive to the assigned duties and tasks as mandated under RA 7160, DAO No. 30, and PTA Code. The Municipal Government shall make funds available for this purpose.

**Section 2. The MEMRO Structure** - For the efficient implementation of the various environmental programs, projects and regulatory services of the MEMRO, the following sections and units are hereby created:

Sections	Units
Environmental Services, Evaluation and Solid Waste Management	Executive Planning & Management
Finance and Administrative	Monitoring, Evaluation & Regulatory
Environmental Monitoring, Regulatory & Technical Services Section	Advisory & Information
Research, Forestry, Legal and Planning & Special Project Section	Enforcement

The Mayor, may upon recommendation of the MENC, create other sections and units as mayor deemed necessary, allocate funds and support additional personnel therein.

**Section 3. Jurisdiction of the MENC** - The MENC shall have jurisdiction and authority over all environmental and natural resources in the municipality, subject to the provisions of RA 7586 and all other applicable laws, rules, and regulations.

Pursuant to Section 5, RA 7586 and ensuring that the provisions of the code are pursued, the MENC shall coordinate all efforts of the Provincial, Municipal and Sangay governments, the DENR and other national and local government agencies offices, for the effective protection, development, management, rehabilitation and conservation of environment and natural resources in the municipality the regulation and supervision of the issuance of licenses and permits needed for the taking in use of the mining resources, the implementation of local orders, forest, pollution control, including waste management and the enforcement of environmental and natural resources laws, rules and regulations and perform such other functions as prescribed in this Code.

**3.1. Organizational Development:** A continuous capability-building program shall be provided to ensure proper implementation of environmental concerns. Also, it shall assist the Sangay councils, including barangay organizations, through the provisions of technical assistance, including but not limited to the development of environmental organization capability, participatory formulation of environmental programs, mobilization of a local and external pool of environmental specialists, and guidance in the formulation and implementation of environmental programs to include enforcement of environmental laws. Likewise, it shall encourage all barangays to create their respective Sangay Environment and Natural Resources Committee Council.

**3.2 Program Development:** Develop a ten-year environmental management framework plan for the promotion of government-driven, community-based and livelihood-oriented initiatives, particularly on ecological solid waste management.

**3.3 Linkages and Funds:** The Municipal Government shall allocate funds for the implementation of environmental programs and projects and likewise establish an internal and external linkage and recovering system that will maintain and expand local government-driven environmental initiatives.

**3.4 Information, education, and communication campaign:** The MENC shall conduct continuous information, education and communication campaigns and shall include the promotion and facilitate the holding of a municipal environment summit every June of each year where a cross-section of the community will discuss issues regarding natural resource utilization and management.

**3.5 Implementation, Monitoring, and Evaluation:** The local chief executives, together with the MENC, shall assign staff or personnel to monitor the effective implementation of the environmental laws and regulations, projects and programs in the municipality. The MENC is responsible to prepare reports, inspection and evaluation and recommendations to the Sangay Mayor.





**ARTICLE IV. BEAUTIFICATION, GREENING & TREES MANAGEMENT**

**Section 1. Beautification.** All barangays shall implement beautification and greening projects in their respective jurisdictions, including but not limited to the painting of trees along thoroughfares such as main and creeks and the planting of ornamental plants and flowers in front of residential and commercial establishments. Occupants of residential and/or commercial establishments shall be responsible for the cleanliness of the sidewalk and half of the public street facing from the line of property to the street from one property to the other.

**Section 2. Greening of the Iloilo Airport Gateway.** Pursuant to the signed Memorandum of Agreement between LGU Iloilo, neighboring municipalities, and the City and Provincial Government of Iloilo, the Municipality of Favos is responsible for maintaining the greenery within its jurisdiction as a gateway to the Iloilo Airport. For tree-growing activities, it is hereby recommended to use various species of flowering trees, such as *Kanauang*, *Mahoe*, *Delonix*, *Saribud*, *Lobelia*, *Solan*, *Robinson*, *Mangrove*, and *Calathea*.

**Section 3. Inventory of Trees in the Municipality.** There shall be an inventory of trees that shall be classified by species, age, location, ownership and other related data to be submitted to the Municipal Environment and Natural Resources Office. All trees shall be numbered and entered into the registry for monitoring and management purposes.

**Section 4. Tree Planting.** The Municipality of Favos hereby adopts the RA 10176, otherwise known as an Act Reviewing the Observance of Arbor Day by Authorizing the Local Government Units the Responsibilities for Celebrating the Day for Tree Planting as an Annual Event. Section 6 states that all able-bodied citizens of the Philippines who are at least twelve (12) years of age shall be required to plant one (1) tree every year.

The MERNRO shall be responsible for identifying the areas and the species of trees to be planted within the municipality, in coordination with the barangays.

**Section 5. Maintenance of Trees.** The barangay offices shall be responsible for the monitoring and maintenance of trees planted in public areas, while the landowner is responsible for the maintenance and monitoring of trees planted in privately owned areas.

**Section 6. Municipal Tree Park Establishment or Development:** The municipality of Pava shall Section 2.4 of RA No. 5721 or its Act Providing for the Establishment of Municipal and City Forests, Tree Parks, or Reservoirs, Amending to that purpose RA No. 2294. Every municipality or city must make efforts to establish, develop, and maintain a permanent forest, tree park, or reservoir with public land owned by the municipality or city, as required by the act.

**Section 7. Tree Park Management:** The Municipality of Pava shall establish a Research, Forestry, Legal and Planning, and Special Project Section under the DENRO department and shall include regulatory requirements to plan, maintain, protect, promote, and manage the municipal tree park, including all other tree species of the municipality.

**Section 8. Municipal Nursery:** The Municipality of Pava and its component barangays, schools, NGOs, and private institutions, in coordination with the DENRO and Municipal Agriculture Office as the lead agencies, shall work hand in hand in establishing the municipal nursery as a support system for the production and supply of planting material for the Tree Park and in support of the goal of the National Droughting Program, or NDFP, to plant 1.5 billion trees in 1.5 million hectares for a period of six (6) years, from 2011 to 2016, which expands its coverage from 2016 to 2038 pursuant to the implementation of Presidential Executive Order 163 series of 2015. This Code hereby resolves to utilize the one (1) hectare of allocated land area in Brgy. Tugon as the designated Municipal Nursery of Pava, Inc.

### **Section 9. Protection and Conservation.**

**§1. Under this Code, the Municipality of Pava hereby adopts the framework of Republic Act No. 2971 of 1963, An Act to Prohibit the Cutting, Destroying, or Injuring of Planted or Growing Trees, Flowering Plants and Shrubs, or Plants of Scenic Value Along Public Roads, or Parks, Public Premises, or Any Other Public Ground, Except when the cutting, denuding or felling is necessary for public safety or the prompt harvest is necessary to enhance beauty and only upon approval of the Local Chief Executive or the Municipality or the duly authorized representative of the MDRDO in the case of trees in the bank of rivers and creeks and the owner of the land, subdivision or lots of same parcel along road and in other areas for the common use of its citizens.**

**§2 Cutting, Gathering, and/or Utilization of Timber Within Private Lands:** A cutting permit for harvesting of planted trees within private lands is not necessary but must be covered with transport documents to be used by the DENR when trees shall be moved or transported from the cutting area as per DAO No. 79 series of 1995. In the case of harvested premium species as listed in DENR AO No. 78 series of 1987 as amended, a special cutting permit shall be secured from the appropriate department before harvesting or cutting as per DAO No. 71 series of 2000. The DENR shall not issue any Certificate of Verification Clearance-Self Monitoring Form unless issued in cutting permit for harvested premium species to the applicant unless a certification from the Planning Strategy concerned certifies that the trees to be transported or cut are planted and a certification from the concerned municipal government affirms the facts and statements indicated in the aforementioned certification. The applicant and/or permit holder shall replace every tree cut or harvested by planting two (2) vigorous seedlings. In the event that the permit holder has no available planting material, the municipal government will assist by providing the same.

**§3 Trees Protection:** The Municipality of Pava hereby adopts the prohibitions and implementing Rules and Guidelines of RA 9147, or Wildlife Resources Conservation and Protection Act and RA 6946, or the Coastal Protection Act of 1995, in cutting trees within public and private lands for any legal purpose, other planted or naturally growing or belonging to premium, endangered, critically endangered, or threatened species.

**§3.1** The Municipality of Pava will deputize the DENRO, Pava HAP, barangay officials, and tenets who have been duly organized in the municipality, to assist the municipal government and the DENR law enforcement personnel in monitoring, apprehending, and prosecuting the violators of this code and DENR law rules and regulations.

§ 2.2. All owners and operators of power saws, chainsaws, and similar cutting equipment must register their equipment with the DENRO and obtain an annual permit from the concerned municipal government to operate it for legitimate purposes in order to ensure that no bees are cut. Any person, establishment, corporation, or other entity failing to register their chainsaw, or violating the provisions of this Code and RA 9170 shall be held liable for the penalties categorized and indicated in this Code.

§ 3.2. All illegal products and accessories used in the commission of the crime of destruction, loss, and equipment used by the DENRO and other law enforcement groups of the municipality of Paoay shall be turned over to the nearest office of the DENR, and after determining that there is a prima facie case against the offender, the proper action shall be taken in accordance with the provisions of the Code.

## ARTICLE V. BIODIVERSITY

**Section 1. Measures and Safeguards to Conserve Bio Diversity** – The DENRO shall provide extension and on-site services and facilities related to the management and protection of wildlife resources pursuant to RA No. 9147 and its IRR, for conservation of endangered and threatened species of flora and fauna that is endemic and unique in heavily protected. The main concerns shall include the following:

- 1.1 Regulation of mining, cutting, possession and transporting of ecologically important flora and fauna
- 1.2 Establishment of seed banks and herbaria for the sustainable program management and improvement of ecologically and economically important flora and fauna
- 1.3 Rehabilitation of critical habitats and wildlife
- 1.4 Identification and proclamation of critical habitat to be co-managed with the DENR and other interested stakeholders (NGOs, PAs, etc.) pursuant to RA 9147
- 1.5 Adoption of flagship species which shall serve as emblem of conservation to include provincial and municipal species pursuant to section 30 of RA 9147, Adoption of Cebuano as the flagship species of Paoay, and establishing a program to perpetuate its existence.

**Section 2. Inter-LDG Agreement Against Trafficking Flora and Fauna** – The Municipal Government, through the DENRO, shall coordinate with the different municipalities and barangays and consolidate their efforts in curbing the illegal trafficking of flora and fauna. Such cooperation and efforts, funds, resources, and services shall be affected through the signing of the memorandum of agreement. To effectively regulate and conserve biodiversity, the said party shall extend its necessary assistance in educating the people within the concerned community.

**Section 3. Declaration of Wildlife Sanctuary** – The municipal government shall declare existing tree parks and protected areas as wildlife sanctuaries to serve as homes for migratory and endemic birds and other wildlife in the locality.

The duly declared sanctuaries shall be managed and conserved as such by the Municipal Government and shall be supported by the province in close coordination of DENR, DA and other Government agencies and NGOs.

**Section 4. Prohibited Acts** – unless otherwise allowed by this Code and in consonance with RA 9147, it shall be unlawful for any person to (withhold and knowingly exploit wildlife resources and their habitats or undertake the following acts:

- a) Killing, harming or capturing of birds and other animals.
- b) Destruction of their natural habitats such as removal of their nest and breeding areas.

- c) No hunting or shooting of birds and other wild flora to either the living area especially along creeks and rivers and lake parts.
- d) No gathering and collecting of any wildlife species
- e) Using electric current (AC or DC) as an type of trap as a method of fishing in all creeks and rivers. Only fishing hook and rod is allowed.
- f) Contents of the waste program shall be processed in accordance with RA 9472 and other pertinent laws, rules and regulations.

#### ARTICLE 16 – ECO TOURISM

**Section 1. Tourist Areas**—Designated areas for tourism is identified under the Comprehensive Land Use Plan (CLUP) and Doing Chronicle of the Municipality to include historical landmarks, rivers and creeks that be explicitly designated for Eco-Tourism.

Areas for tourism are normally prone to high concentration of waste due to periodic influx of people and the establishments of support industries. In developing Eco Tourism areas, measures to maintain the ecological values that form the very basis of the industry existence and ecological wellness shall be paramount and adopted. It shall therefore:

- a) Impose strict anti-fishing campaign in tourist areas as specified and ensure that all facilities are adequately equipped to insure proper waste disposal.
- b) Declares all historical landmarks, rivers, creeks, and other natural beauty and resources as Eco Tourism areas and shall require the construction of tourism facilities and infrastructures to be designated zones as indicated in the CLUP, the purpose of which is to avoid expanding, disturbing, or altering all fragile habitats and ecosystems to human encroachments.
- c) Undertake the rehabilitation of historical structures, rivers, creeks, and conserve the diversity of bi-tora and fauna to include the declaration of sanctuaries for migratory birds and other wildlife.

**Section 2. Provision for Environment Friendly Tourism Development**—with the devolution to the Municipal Government tourism development and promotion functions by the local government units, it is imperative for the municipality to ensure that tourism activities do not compromise environment. It shall be the policy of the municipality to incorporate in tourism development program strategies specific to the protection and conservation of environment and resources (i) historical landmarks, creeks, and river banks and potential tourist areas and the like.

The following are the provisions to be observed:

- 2.1 Educate the local community on practices of tourist and tourist establishments that would endanger or damage the environment, including public participation in monitoring and enforcement activities as well as in the environmental assessment of tourist projects.
- 2.2 Encourage commitment among tourism establishments operators in a Code of Conduct for sustainable tourism that shall be formulated and enforce by them.
- 2.3 Control such negative impacts of tourism activities as:
  - 2.3.1 Disappearance of endemic wildlife due to human presence disturbing their breeding habits.
  - 2.3.2 Construction clearing of forest, land reclamation sites and other infrastructure requirements.
  - 2.3.3 Damage on rivers and creeks caused by water pollution from factories and other establishments.
  - 2.3.4 Elimination of Eye Sore - eradication of unauthorized posting of posters or promotional materials on public places (existing ordinance No. 2002-19, enacted on October 18, 2002).

### Section 3. Prohibited Act

It is hereby prohibited for any person to commit any acts of vandalism or unauthorized posting of posters or promotional materials on public places, buildings, walls, fences, poles, parks, trees, post and other facilities.

## ARTICLE VI. WATER RESOURCES MANAGEMENT

**Section 1. Public Statement of Water Utilization.** In line with the provisions of the Constitution and as embodied in the Water Code of the Philippines, all waters belong to the state. The ownership of water by the state means that water cannot be subject to acquisitive prescription. However, the code allows the use and development of water by administrative concession. The government, through the National Water Resources Board (NWRB), exercises control and regulation of the water resources pertaining to their utilization, exploitation, development, conservation, and protection.

In the observance of the above-mentioned principle, the Municipality of Pava shall ensure an equitable appropriation and/or distribution of water resources to its constituents consistent with the order of preference established by the state as follows:

- a. Domestic use - water for drinking, washing, bathing, cooking or other household needs, home gardens, and watering of lawns, or domestic animals; water for supplying the water requirements of the community;
- b. Municipal use - water for supplying the water requirements of the community;
- c. Irrigation use - water for producing agriculture crops;
- d. Power generation - water for producing electrical or mechanical power;
- e. Fisheries - water for the propagation and culture of fish as a commercial enterprise;
- f. Livestock raising - water for large herds or flocks of animals raised as a commercial enterprise;
- g. Industry - water in factories, industrial plants and mines, including the use of water as an ingredient of a finished product;
- h. Recreational - water for swimming pools, bath houses, water skiing, and other similar facilities in resorts and other places of recreation;
- i. Other purposes.

**Section 2. Basis for Action.** With the increasing impaction and intensification of economic activities, the use of water has become its complementarity in the past where basic needs are no longer satisfied. Timely preventive measures shall be taken to prevent water uses that could jeopardize the needs of the general public. These concerns call for appropriate action and strategies at the municipal level to complement the national effort to ensure sustainable utilization of water resources.

**Section 3. Water Resources.** With the growing population and the expansion of economic activities, the need for water has been increasing at a faster rate. This has brought about a serious imbalance between supply and demand for potable and usable water. In light of this condition, it becomes imperative for the Municipality of Pava to provide and secure water for the current and future generations living within its territorial boundaries.

3.1.) shall be the responsibility of the Municipality of Pava to identify existing and potential water sources for domestic and municipal use within the territory of the municipality to ensure that there are sources of water to satisfy the needs of its present and future. This calls for the complete inventory of surface, river, creek, stream, and other sources, along with the subsurface aquifer systems. Databases shall be established for these water resources with

adequate information on quality and quantity. Meter plans should be established on how these water resources will be protected, tapped, and developed.

3.2 A data inventory of the water resources, including their physical characteristics, locations, and uses, shall be maintained and updated by the municipality for future assessment. These data inventories shall be the basis of municipal water resource policy and water resource system analysis. These data shall be stored and compiled for easy access and updating through a dynamic information system.

3.3 The Municipality of Pevek shall likewise determine the contaminated water resources in the municipality, such as the salt-affected areas and chemically contaminated areas, as well as 5m environmentally affected areas. These areas shall be restricted from utilization and exploitation, and the municipality shall provide an advisory notice to this effect. In the overall strategy, these areas will be targeted for rehabilitation.

3.4 The Municipality of Pevek shall regulate water consumption on a periodic basis to optimize its use. The approach shall be holistic enough to include all the major users of water and comprehensive enough to determine possible cause-and-effect scenarios of water utilization.

3.5 Apart from satisfying the immediate demands, the Municipality of Pevek shall adopt long-range planning for the development of water resources to come up with adequate supply to meet increasing demand.

#### Section 4. Water Quality and Monitoring

Private water shall have priority over industrial water. Any person operating a purifying station for commercial purposes shall submit samples for monthly testing according to Bureau of Food and Drug Administration (BFAD) standards.

Through the DENR and the Municipal Health Office the Municipality of Pevek shall undertake:

- a. Monitoring of water quality
- b. Emergency response
- c. Compliance with the framework of the Water Quality Management Action Plan
- d. To take active participation in all efforts concerning water quality protection and rehabilitation.
- e. Coordination with other government agencies and civil society and the concerned sectors in the implementation of measures to prevent and control water pollution.

4.1 It shall be the responsibility of the Municipality of Pevek to ensure that the quality of water is within the limits of the National Standard for Drinking Water (NSDW), conforming to physical, chemical, biological, and radiological requirements. The Metro Manila and Water, Sewer, and Bulk Water Supply Corporation, and any other distribution agencies existing and operating within Pevek, Inc., may be summoned anytime should drinking water quality be in question.

4.2 Water for direct consumption shall conform to the acceptable requirements of bacteriological quality. To this end, any and all water distribution agencies in the LGU Pevek shall be directed to employ appropriate disinfection or chlorination to ensure that the water is free from harmful bacteria or any micro-organisms.

4.3 The general public shall be notified in advance and shall be advised accordingly if water of sub-standard quality has entered the supply system. Remedial measures shall be instituted at once to correct any defect or damage in the system.

- 4.4 Since poor distribution systems can be a prime cause of water contamination, it shall be the duty of the Municipality to direct concerned agencies to maintain and perform repairs on the distribution system given such circumstances.
- 4.5 The Municipality of Pavia shall come up with a program for monitoring wastewater in the community. Likewise, the municipality shall institute measures to compel the private sector to come up with treatment programs for domestic and industrial effluent before discharging it into the environment.
- 4.6 The discharge of wastewater to the environment either by land spreading, seepage, or infiltration of natural bodies of water shall be regulated by the Municipality of Pavia.
- 4.7 Illicit and point sources of pollution, such as gas stations and petroleum product reservoirs, should be identified and their locations mapped out in location to the existing water resources. The Municipality of Pavia shall come up with a monitoring program for fugitive effluents and require business operators to submit mitigating measures in the event of the accidental release of chemicals.
- 4.8 Among all natural watercourses, such as rivers, streams, and brooks, the need for assessments shall be in accordance with the established assessments of the National Water Resources Board (NWRB) and shall be adopted and enforced by the municipality.
- 4.9 Intensive efforts shall be employed to avert the water crisis. In extreme cases where the said occurrence is already inevitable, the Municipality of Pavia shall impose water appropriation based on the order of precedence stated above.
- 4.10 All rules on water sanitation provided in Chapter 4 – "Water Supply" of the Code on Sanitation of the Philippines (P.D. 859) pertaining to water supply shall apply in this Code.

**Section 5. Aquatic Resources.** All rivers, streams, seepers, and municipal waters, including utility and animal slugs in these bodies of water, within the municipality, are considered aquatic resources.

**Section 6. Creation of Barangay Sub/Saga Task Force -**

There is hereby created a Barangay Sub/Saga Task Force under the authority and that all spearhead the strict protection, monitoring and maintenance of the Agusan and Tugay rivers and creeks in the Municipality of Pavia:

- a. **Composition** – The task force shall have the following composition:

Chairman	- MWNCO
Vice Chairman	- Municipal Agriculturist
Members	- Chairman on Environmental Protection, IS Member
	- Peace Hall
	- All Pulang Barangays who will be automatic chairperson in the barangay
	- an SH Chairpersons
	- NGOs

- b. The municipal mayor shall organize the Barangay Sub/Saga Task Force through an Executive Order, provided that, such Executive Order specifies the powers, duties and functions of the task force.

**Section 7. Illegal Construction along Waterways.** No person shall construct any building or introduce any improvement within 3 meters from the creek sides inside the municipal proper and residential areas and within 20 meters from dikes/banks and creek sides and similar waterways in agricultural areas.

**Section 8. Deep Well Drilling and Bulk Water Processing.** No person shall commence or start drilling without securing a permit from the National Water Resources Board and a clearance from the DENR, or Municipal Government, which will determine the appropriate depth, location, spacing, and manner in which such drilling or wells may be dug or excavated. The construction of wells with water pumps should be beyond 25 feet.

It is hereby mandated that this Code shall adopt the provisions of the Municipal Ordinance 2017-05 or Revised Ordinance Regulating the Disposal of Surface Water from the Streets and Plots and Underground Water in the Municipality of Parañaque for Sustainable Development and Protection from Over-exploitation and Pollution.

**Section 9. Water Pollution** – The municipality shall formulate and implement water pollution control and management program consistent with the provisions of RA 9273 (Clean Water Act) and DAO 02-10 and its IRR and in coordination with the DENR - EMB, Metro Manila Water District and the NWA.

The production, utilization, storage and distribution of hazardous toxic and other substances such as radio-active material, heavy metals, pesticides, fertilizers and oils and disposal and dumping of untreated waste water, toxic sludge and other substances that may pollute the river or any source of water resulting from any normal operation of industries, commercial establishments and other human activities as well as those resulting from accidental spills and discharges as hereby regulated.

**Section 10. Clean-up Operation** – It shall be the responsibility of the polluters to contain or remove and clean clean-up water pollution incidents at their own expense. Failure to do so shall subject the polluter to civil and/or criminal liabilities concerned to be established, determined, removed and clean-up operations in which expenses there as shall be charged to the person responsible to such pollution.

**Section 11. Wastewater Treatment and Disposal** – wastewater discharges from the manufacturing industrial sector, surface run-off from agricultural area, industrial areas that carry a mixture of toxic pollutants on rivers and other surface water resources, community or domestic sources shall be treated either physically, biologically or chemically prior to disposal in accordance with the rules and regulations set by the municipality or its component barangays in coordination with DENR, DA, PPA and other concerned agencies.

#### **Section 12. Administrative Requirements**

All industries located in the municipality shall be required to establish a waste water treatment facilities and corresponding discharge permit from the DENR-EMB must be submitted prior to the issuance of business permit.

Resource users and industrial establishment shall adopt precautionary measures, such as but not limited to Environment Impact Assessment (EIA) as a planning tool, pollution prevention, clean production techniques, recycling and waste audits that will minimize waste generation in all stages of operation.

#### **Section 13. Effluent and Discharges**

**13.1 Discharge of Wastewater.** Wastewater from manufacturing plants, industries, community, or domestic sources shall be treated either physically, biologically or chemically prior to disposal in accordance with the rules and regulations promulgated by competent authorities. The owners or operators of facilities that discharge regulated effluents pursuant to the Clean Water Act shall be required to secure a permit to discharge. As part of the permitting procedure, the Municipal Government shall encourage the adoption of waste minimization and waste treatment technologies when such technologies are deemed cost effective.

**13.2 Illegal Dumping of Solid Wastes.** The dumping or disposal of solid wastes into the rivers and creeks and any body of water in the Municipality, where the wastes are likely to be washed into the water is strictly prohibited.



13.3 No industrial or manufacturing plant shall be operated beyond the limits of their operation or the capacity of their respective waste water treatment facilities in order to maintain the effluent quality within the standard required by permit/consent or as prescribed in the Code.

## ARTICLE VII. MINERAL RESOURCES MANAGEMENT

**Section 1. Permit to Extract, Remove, and Dispose of Minerals** – No person, corporation, partnership or government entity, voluntarily shall be allowed to extract, remove and dispose and transfer of minerals from public waters, public and private lands authorized under a permit issued by the Governor accordance with this Code and other pertinent laws, rules and regulations.

The Provincial Mining Regulatory Board (PMRB) created under section 43 of RA 7047 and Section 24 and 25 RA 7070 shall among others, accept, process and evaluate applications and determine administrative fees for quarry, sand and gravel, firing materials (coal, quartz) and other stone mining permits.

**Section 2. Verification of Area** – The provincial government through the MCHRO in coordination with the PEWRD shall conduct field verification of the applied area and submit the corresponding report in which the recommendation shall form part of the conditions of the permit.

**Section 3. Suspension or Revocation of Permit** – without prejudice to other pertinent provisions, Permit the MCHRO in coordination with the PEWRD may recommend that the permit issued may be suspended or revoked to the Governor for the following grounds:

3.1 Failure to comply with the terms and conditions of the permit and SCC;

3.2 Violation of any provision of this Code;

3.3 Failure to pay the excise tax two (2) consecutive years;

3.4 Any misrepresentation in any statement in the application or those made later in support thereof or in statements required of permit holders;

3.5 If the quantity of the minerals allowed in the permit has been exhausted prior to the expiration of the permit;

3.6 When national interest and public welfare so requires or for environmental protection and ecological reasons.

Upon revocation of the permit, the said area shall automatically be returned back to its original status. Notwithstanding the foregoing provisions, the suspension or revocation of the permit shall not release the Permit holder from any and all obligations to the public or private party particularly environmental remediation/ ecological management at the time of suspension or revocation.

**Section 4. Delivery Receipts** – The permit holders shall at all times issue to truck drivers engaged in hauling from the permit area, sand, gravel, and other quarry materials allowed by the permit, delivery receipts for the purpose of inspection by the Punong Barangay, MCHRO/PEWRD and the city authorized representative of the Provincial Governor or by competent court.

**Section 5. Basis of Arrest and Confiscation** – The absence of any foregoing documents shall be considered prima facie evidence of illegal mining and shall cause the seizure/confiscation of the minerals, mineral products and by-products and the tools and equipment including conveyance used in the commission of the offense in favor of the government pursuant to PD 1281, subject to further investigation.

It is found that the minerals, mineral products seized has been mined, extracted or removed without valid permit or authority under existing mining laws, rules and regulations, final confiscation can be effected followed by the complaint for theft of minerals.

**Section 6. Custody of Confiscated Minerals, Mineral Products, Tools, Equipment and Conveyance** – Any apprehensions made by duly authorized personnel in the name of the Government, the minerals, mineral products, tools, equipment and conveyances used shall be deposited or to be nearest PNP station.

#### **Section 7. Prohibited Acts**

- 7.1 Extracting of quarry materials covered by this Code without first securing a permit.
- 7.2 Misrepresentation of the application for permit false permits, permits, or present submit false or forged document/documents which are required therefor.
- 7.3 Removal or destroy without authority or permission of the Government the aforementioned ground or vertical markers.
- 7.4 Failure or refusal to place or erect signboards in the premises of the area covered by the permit.
- 7.5 Failure or refusal to keep or open the books of accounts for inspection of the proper authority.
- 7.6 Failure or refusal to submit monthly or quarterly returns of extraction and its production.
- 7.7 Falsify books of accounts or entries therein.
- 7.8 Failure or refusal to issue to drivers, haulers and transporters delivery receipt or knowingly issue to them false or false delivery receipts.
- 7.9 Failure or refusal to present on inspection or demand of delivery receipts while extracting, hauling or transporting quarry materials.
- 7.10 Issuance presentation or transmittal of open sales delivery receipts.
- 7.11 Sell or convey for a price or consideration quarry materials extracted under a gratuitous permit.
- 7.12 Extract sand and gravel in rivers within one (1) kilometer distance from any Government or Private structure for public use.
- 7.13 Obstruct, prevent or hinder through violence or intimidation, the Governor or his deputies/representatives from the performance of their functions, authority and duties under this code.
- 7.14 Obstruct, prevent or hinder by intimidation, any permit holder, from extracting, hauling, transporting and otherwise using and disposing of quarry materials under or by virtue of a duly issued permit.

**Section 8. Reclamation** – permit holders shall socio-economically and biologically rehabilitate the excavated mined-out and disturbed areas to the conditions of environmental safety, as may be provided in the implementing rules and regulations of RA 7542.

### **ARTICLE IX. SOLID WASTE MANAGEMENT**

**Section 1. Statement of Policies.** Consistent with Department of Environment and Natural Resources (DENR) framework of promoting a sustainable urban environment, the Municipal Government hereby adopts a systematic, comprehensive and ecological solid waste management program as provided in R.A. 9003, otherwise known as "Ecological Solid Waste Management Act of 2000".

- 1.1 Ensure the protection of public health and environment;

1.2 Utilize environmentally sound methods that maximize the utilization of valuable resources and encourage resource conservation and recovery;

1.3 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;

1.4 Ensure the proper segregation, collection, transport, storage, treatment and disposal of solid waste through the formulation and adoption of the best environmental practices in ecological waste management excluding incineration;

1.5 Encourage greater private sector participation in solid waste management;

1.6 Encourage cooperation and self-regulation among waste generators through the application of market-based instruments;

1.7 Institutionalize public participation in the development and implementation of national and local integrated, comprehensive and ecological waste management programs; and

1.8 Strengthen the integration of ecological solid waste management and resource conservation and recovery goals into the academic curricula of formal and non-formal education in order to promote environmental awareness and action among the citizenry.

**Section 2: Municipal Solid Waste Management Board.** An Executive Order was issued on July 31, 2014, An Order Organizing the Municipal Solid Waste Management Board of the Municipality of Pinar, Province of Misamis Occidental with the composition as follows:

<b>Chairperson:</b>	Mayor
<b>Members:</b>	<ul style="list-style-type: none"> <li>- Chairman or Committee on Environmental Protection</li> <li>- MDTAO</li> <li>- Ligas ng mga Prinsipe</li> <li>- PNP Federation President</li> <li>- PDPFP local Representative</li> <li>- Pans-Multi-Purpose Cooperative</li> <li>- Academic Representative/District Supervisor</li> <li>- Municipal Health Officer</li> <li>- Municipal Engineer</li> <li>- Municipal Agriculturist</li> <li>- MUCORDAO Rep</li> <li>- Planning Officer</li> </ul>

The Board has identified to conduct its regular quarterly meetings, special meetings whenever necessary shall be scheduled upon by the Mayor as the Chairperson.

**Section 3: Duties and Responsibilities of the Members.** The Municipal Solid Waste Management Board shall have the following duties and responsibilities:

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

(3.2) Approve measures to promote and ensure the quality and effective implementation of solid waste management programs in its component barangays;

(3.3) Monitor the implementation of the Municipal Solid Waste Management Plan through its various political subdivisions and in cooperation with the private sector and the NGOs;

(3.4) Adopt specific revenue-generating measures to ensure the viability of its Solid Waste Management Plan;

(3.5) Convene regular meetings for purposes of planning and coordinating the implementation of the solid waste management plans of the respective component barangays;

(3.6) Review every two (2) years or as the need arises the Municipal Solid Waste Management Plan for purposes of ensuring its sustainability, viability, effectiveness and relevance in relation to local and international developments in the field of solid waste management;

(3.7) Coordinate the efforts of component barangays in the implementation of the Municipal Solid Waste Management Plan.

**Section 4. Barangay Solid Waste Management Committee.** Every barangay shall create a Barangay Solid Waste Management Committee to be headed by the Punong Barangay with the following members:

- a. Barangay Kagawad specifically the chair of the committee on health and environment as agreed by the council;
- b. SK Chairman;
- c. School Principal or representative;
- d. Representative from the Parents / Teachers Association;
- e. Representative from Homeowners Associations;
- f. Representative from religious organizations;
- g. Representative from NGOs, PO's and other as determined by the council.

**Functions of the Barangay Solid Waste Management Committee**

- a. Formulate Barangay Solid Waste Management Plan consistent with that of the Municipality;
- b. Separate and collect biodegradable, combustible and reusable waste;
- c. Establish material recovery facility;
- d. Source out funds;
- e. Allocate barangay fund;
- f. Organize barangay core committees;
- g. Submit monthly report to the Municipality.

**Section 5. Solid Waste Management Plan.** The Municipal Government of Pavia, through its Solid Waste Management Board shall prepare its 10-year solid waste management plan consistent with the national solid waste management framework and components of which are provided in R.A. 9003. The waste management plan shall be for re-use, recycling, and composting of wastes generated in the municipality. The solid waste management plan shall place primary emphasis on implementation of all MSWMs re-use, recycling and composting while identifying the amount of landfill and incineration capacity that will be needed for solid waste which cannot be re-used, recycled, or composted. The municipal solid waste management plan shall be reviewed and updated every year by the MSWMB.

**Section 6. Institutional Roles in Solid Waste Management.** Pursuant to the relevant provisions of R.A. TMC, otherwise known as the Local Government Code of 1991, the LGUs shall be primary responsible for the implementation and enforcement of the provisions of R.A. 9003 and the Code within their respective jurisdictions. Specifically, cooperation from the following institutions shall be encouraged in undertaking certain roles:

(6.1) The church shall be used as venue for public campaigns focusing on moral obligations to protect the ecological values of their respective communities.

(6.2) The schools shall be required to devote at least thirty minutes (30 minutes) each week to teach basic on the concepts of Ecological Waste Management through various strategies such as: its inclusion in the local curriculum, setting up of material recovery facilities for practical applications to the learning process and implementing school-wide waste recycling program.

(6.3) The MOWD shall devote at least one day in a week to conduct public campaigns on waste segregation in various forms such as focused-group discussions, lecture consultations, site visitations and other organized fora until such time that compliance to segregation reaches substantial level of at least 70%.

(6.4) The non-government organizations shall be mobilized to participate in partnership programs with either the barangay or municipal government in the implementation of ecological waste management.

## **Section 7. Implementation**

**7.1 Mandatory Segregation of Solid Wastes.** The Municipality of Pava is hereby directed to adopt the implementation of Executive Order No. 19 signed of 2015, *An Order Enforcing the Mandatory Segregation and Collection of Wastes in all Offices of the Local Government of Pava.*

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

(1) There shall be a separate container for each type of waste from all sources. In the case of bulky waste, it will be collected and placed in a separate and designated area; and

(2) The solid waste container depending on its use shall be properly marked or identified for on-site collection as "compostable", "recyclable", "non-recyclable" or "special waste", or any other classification as may be determined by the MOWD.

(3) The MOWD shall recommend strategies and explore means to facilitate segregation at source, e.g. scheduled collection of each type of waste, door-to-door collection, etc.

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

**7.2 Collection of Biodegradable and Recyclable Wastes.** The barangays shall be mainly responsible for implementing the mandatory segregation of solid wastes, particularly biodegradable and recyclable sites. Proactive training on various recycling techniques to be undertaken with the assistance of the MOWD.

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

(1) Reduce the volume of garbage for disposal;

(2) Prevent health and environmental risks associated with uncollected household wastes;

- (2) Franchise interested groups to pursue a waste business venture; and
- (4) Develop an Ecological Solid Waste Management Center within the recycling activities to be implemented.

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

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

- (1) There shall be a scheduled collection of trash to be prepared by the MENDCO and the person that bring such trash outside the establishment except on the day designated for the collection. This collection schedule may be changed with any reason depending on certain circumstances. Under unpredictable circumstances, the MENDCO shall be directed to give at least one day notice of interruption in collection schedule to the barangay officials for proper information dissemination.
- (2) The use of separate collection schedules and/or separate trucks or haulers shall be required for specific types of wastes. Otherwise, vehicles used for the collection and transport of solid wastes shall have the appropriate compartments to facilitate efficient sorting of sorted wastes while in transit.
- (3) Vehicles shall be placed inside plastic bags or sacks. These bags or sacks shall be brought out in front of the gates of the residence, houses and commercial establishments. Households in the vicinity should deposit their waste along the main street accessible to municipal garbage trucks at least 30 minutes before the collection schedule. Under no circumstances will uncontained and scattered waste be collected.
- (4) Trees, shrubs and grass cuttings should not be mixed with the above cited wastes. They should be placed inside a separate plastic bag or sack.

**Section 8. Responsibilities of Solid Waste Personnel.** The solid waste personnel that include the MENDCO, MENDCO Staff, truck drivers, and garbage collectors under the supervision of the MENDCO. These personnel shall ensure that:

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

**Section 9. Health Care of Solid Waste Personnel.** All personnel directly dealing with collection of solid waste shall be equipped with personal protective equipment to protect them from the hazards of handling solid waste. Necessary training shall be given to the collectors and personnel to ensure that the solid wastes are handled properly. These personnel shall be subjected to free periodic medical tests.

**Section 10. Establishment of Material Recovery Facilities.** There shall be established Material Recovery Facilities (MRF) in every barangay or cluster of barangays or areas deemed suitable within the municipality. The MRF's shall be located in areas approved by the barangay government or heads of secondary associations and institutions. The MRF shall be designed to receive collected reusable wastes for final sorting, processing, storage, and selling recyclable material efficiently and in an environmentally sound manner. It is the responsibility of the association or group managing the MRF to maintain its sanitary condition.

**Section 11. Composting/Management of Biodegradable Waste.** Composting of agricultural wastes and other compostable materials including but not limited to garden wastes, shall be encouraged. Residential houses with available yards shall be required to make their compost pits within their lots for biodegradable wastes. Households with no spaces available for the above-stated pits shall deposit such wastes in covered/ leak-proof containers for pick-up and transport to a designated area for such type of wastes.

**Section 12. Destination of Collected Wastes.** There shall be facilities for the different types of wastes collected. A waste stream or flow duly approved by the Solid Waste Management Board shall be strictly followed:

- a. For Compostable and Biodegradable wastes - Compostable and biodegradable waste will be generated and processed through the MRF On Wheels or Compactors of the LGU Peñin, and then the by-product will be donated to the organic farmer;
- b. For Recyclable wastes - it will be collected and segregated in the MRF, or Material Recovery Facilities of Barangay;
- c. For Residual wastes - LGU Peñin will continue with the existing approach to garbage disposal which is to deliver the residual waste to the Integrated Waste Management Facility of Peñin City, Inc. and Isla Sanitary Landfill in Calapan;
- d. For Hazardous and Infectious wastes - with approved Resolution by either LGU Peñin and the Hazard Waste Transporter for proper treatment and disposal of hazardous and infectious or COVID-19 related waste.

**Section 13. Garbage Fee and Collection System.** This Code mandates to hereby adopt the approved *Municipal Ordinance 2016-07* otherwise known as: *Ordinance Establishing a Garbage Collection System in the Municipality of Peñin, Atene and Fixing the Fees Thereof.*

**Section 14. Solid Waste Facility and Final Disposal.** The municipality of Peñin, being the smallest in terms of land area, has a topography that is not suitable for establishing its own disposal facility. It shall be imperative for the Local Chief Executive in enter into a memorandum of agreement with other municipalities or cities of equal size like Sanitary Landfill in Peñin City, to use their disposal facility aside from the Calapan dumpsite in Isla City.

**Section 15. Restriction of Waste Disposal.**

No industries or manufacturing factory shall be allowed to operate in the municipality without proper solid waste management plan and waste water treatment disposal facilities.

All industries and commercial establishments shall subject their operations and processes, facilities and systems to annual environmental assessments which shall be conducted by the municipality and its component barangays concerned and the DENR.

**Section 16. Disposal of Waste from Hospital, Funeral Parlors, Gasoline Stations and Food Establishments**—The indiscriminate disposal of hospital and funeral waste, gasoline station waste, and food establishment waste is strictly prohibited.

Hospitals and medical clinics shall be required to construct adequate waste-water treatment facilities proper and implement their respective solid waste management program in accordance with the requirement of the DCH RA 9000 and RA 9003 which shall include among other, segregation of their ordinary and infectious waste of which the former shall be disposed in a sanitary landfill while the later is specific treatment shall be specified such as: autoclaving, pyrolysis and other non-buried technologies except incineration as prohibited in RA 9743.

- a. Funeral parlors shall be required to prepare and implement their own waste management program and construct adequate waste water treatment facilities.

- Gasoline stations shall be required to construct oil-water separation facilities and undertake the proper disposal of the recovered oil in accordance with RA 5005, and
- Food establishments shall be required to create a kitchen waste management plan as to waste classification, such as food scraps, food containers, and paper waste. For restaurants dealing with oil disposal, it is imperative to provide grease traps or grease dumpsters as an environmentally friendly way to dispose of leftover grease and oil from fryers. Can straddle restaurant oil disposal policies from grease collection companies. These companies will heat, filter, and purify the grease or turn it into fuel.

**Section 17. Illegal Dumping and Throwing of Wastes.** Dumping or throwing or placing of wastes in areas not designated for such purpose is strictly prohibited pursuant to Municipal Ordinance No. 2012-07, otherwise known as the Ordinance Amending Portions of the Anti-Littering Ordinance of 1997 For Illegal Dumping on water bodies, the household's, lot owner or employees or operators of a business establishment adjacent or nearest to the dump waste shall be liable liable to legal dumping.

**Dumping of Wastes in the Rivers, Creeks, Canals and Any Body of Water** – The dumping or disposal of solid waste into the river or any body of water in the municipality is prohibited. The throwing of garbage or waste material in rivers and creeks will increase the BOD resulting in death to fishes and other marine life.

**Section 18. Information, Education and Communication (IEC)**– The Solid Waste Management Board shall conduct regular information, education, and communication drives in partnership with the private institution about proper waste segregation, source reduction, recycling, composting, waste collection schedules and fees, and related health and environmental concerns.

### **Section 19. Legal Provisions on Solid Waste Management**

**Section 19.1 Banning of Open- Burying of Waste.** Any other form of open burning of waste, including agricultural such as 'dayam' and those already covered by the Municipal Ordinance 2015-03, otherwise known as the Ordinance Prohibiting Open-Burning and Prescribing Penalties Thereof is prohibited in the jurisdiction of the Municipality of Pavia

**Section 19.2 Anti-Littering.** Pursuant to the existing Municipal Ordinance No.2015-07, otherwise known as the Ordinance Amending Portions of the Anti-Littering Ordinance of 1997, this Code reinforces adopting the anti-littering law of the Municipality of Pavia

**Section 19. 3 Use of Plastic Collapsibles, Sandbags and Styrofoam.** This Code mandates the Municipality of Pavia to adopt the approved Municipal Ordinance 2020-014 otherwise known as An Ordinance Regulating the Use of Plastic Collapsibles and Sandbags as Packaging Materials for Wet and Dry goods and the Use of Polystyrene, commonly known as Styrofoam, in Public Markets, Stores, and Shops in Pavia, Its, and Prescribing Penalties Thereof for misgaging residues or plastic wastes.

**Section 19.4 Installing Trash Receptacles on All Public Transport.** This Code mandates the adoption of the approved Municipal Ordinance No. 2008-02, otherwise known as the Amending Ordinance Requiring All Operators and/or Drivers of Every Public Utility Vehicle, Tricycle, Tricycle or Motorized to install Trash Receptacles in Their Respective Units

**Section 20. Incentive Program**– create programs or projects to rewarding the best practices of barangay, businesses, schools and NGOs, may it in a form of cash or equipment useful for solid waste management.

## **ARTICLE X. HAZARDOUS AND TOXIC WASTE MANAGEMENT**

**Section 1. Operation of Motor Repair Shops, Public Utility Vehicle Terminals, Car Wash Centers and Gasoline Stations.**



- b) All business establishments under this classification in the Municipality of Pavia shall install oil and water separation facilities, including facilities for the storage of used oil and grease in sealed receptacles. These are minimum requirements for the issuance of business permits by the municipal government.
- c) Gasoline stations shall ensure that their underground storage tanks are always in good condition by undertaking periodic maintenance and monitoring fugitive effluents.
- d) Gasoline station operators shall ensure the safety of their respective facilities from fire by explosion hazards by installing appropriate signage for the general public and by attaching amber-painted and devices to prevent gasoline or fume emissions.
- e) They shall provide for an easement or buffer zone of at least 50 meters from actual potential groundwater resources, their tanks, or other bodies of water, leaching or adjoining their gasoline stations.
- f) An adequate drainage system should be provided for liquid run-off.
- g) Slopes and berms should be planted around the site in open space and an buffer strips to preserve ecological balance.
- h) They shall not adversely affect the appropriate or profitable uses of the other properties in the area.

**Section 2. Fuel Gas Retail Operations.** The owner of the fuel gas retail site shall provide safe storage for flammable substances for sale. No retailing shall be allowed in congested areas.

**Section 3: Toxic Substances and Hazardous Waste Control.** The Municipal Government of Pavia shall require all persons and entities dealing with toxic substances and hazardous materials to comply with full disclosure procedures in the following manner:

(3.1) Manufacturers are required to present a material fact sheet, which should explain or describe the quantity, toxicity, ignitability, flammability, and leaching potential of the chemicals manufactured.

(3.2) Transporters are required to submit to the Municipal Government ahead of time a manifest, which will contain the material fact sheet, the origin and destination of the material in transport, the transport time, and the route where the hazardous or toxic material will traverse.

(3.3) Primary users are required to present to the municipal government and maintain for periodic inspection by competent authorities a disclosure document that will contain the quantity of the chemicals, type of use, storage facilities, and safety measures.

(3.4) Secondary users shall likewise be required to submit to the municipal government and maintain, for periodic inspection by competent authorities, a disclosure document similar to that required of the primary users.

**Section 4. Manufacturer of Toxic and Other Chemical Substances.** All industrial establishments engaged in the manufacture, processing, and utilization of chemical substances shall submit to municipal authorities a comprehensive occupational safety and health program that considers conditions within their complex and immediate vicinity. The Municipal Government of Pavia, through the Municipal Government and Natural Resources Office, shall promulgate the necessary (provision) guidelines and regulations for chemical handling within the municipality.

**Section 5. Quarterly Inspection of Entities Engaged in Chemical Manufacturing.** All businesses engaged in chemical use and manufacturing shall be subjected to a quarterly inspection by the Municipal Government and Natural Resources Office to ensure compliance with safety measures and appropriate procedures. However, if public safety so requires, the municipal authorities shall conduct an uncheduled inspection.

**Section 6, Disposal of Clinical Wastes.** All hospitals, clinics, and laboratories, both private and public, and other health establishments that produce safety waste, waste sharps, and/or genetic waste in proper storage from clinical wastes in accordance with the duly approved practices and technologies by the Department of Health (Hospitals, Clinics, and Laboratories, both private and public, and other health establishments shall register as hazardous waste handlers with the EMS-CENR.

**Section 7, Use of Farm Chemicals.** All users of fertilizers, pesticides, and other farm chemicals in farms, plantations, and other places shall observe precautionary measures in handling, applying, storage, and disposal, as well as safety practices as indicated in the labels of the chemicals and instructions for farm technicians.

**Section 8, Sewerage and Sewage Disposal.** It is prohibited to discharge any untreated sewer waste or sewage that poses a danger to public health, safety, or general welfare into any drainage channel or stand. There shall be appropriate sewage tanks to process such waste prior to pumping it out for acceptable disposal methods, imposing a minimum of three chambered septic tank is necessary to prevent floating. Flush the septic tanks every 3 years or earlier, as required.

**Section 9, Disposal of Hazardous, Toxic Substances and Special Wastes.** Title Code mandates the Municipality of Pavia to adopt the approved Resolution No. 2020-116 and 2020-117 of Authorizing and Approving the Chief Executive to enter into Memorandum of Agreement (MOA) with Negligence, OTC (MCO) for the transportation and disposal of hazardous and non-hazardous waste of the Municipality of Pavia, Inc.

## ARTICLE III. AIR QUALITY MANAGEMENT

**Section 1, Policy Statement on Air Quality.** In line with the Clean Air Act (RA 8749), Local Government Code (RA 7162), and other relevant laws, the Municipality of Pavia is part of the governing board and is responsible for managing and maintaining the air quality in the municipality. It must also follow the (quality standards set by the Governing Board when it builds the municipal or shed in line with Sections 7, 8, RA 8749, (MO 2020-01), and its RR. With the assistance of the DENR-EMB, prepare and develop an action plan consistent with the Integrated Air Quality Framework to attain and maintain ambient air quality standards within the municipal or shed. To prepare and implement the program and other measures, including regulation, whenever it is necessary to protect the health and welfare of the residents of the municipality. To develop a procedure for carrying out the action plan for the municipality in coordination with the (DENR-EMB).

**Section 2, Policy Statement on Air Quality from Motor Sources:**

2.1 The municipality and its component barangays, in collaboration with (LTO and DENR-EMB, will (attain and maintain) ambient air quality standards; effect) prescribe the maximum concentration of air pollutants permissible in the atmosphere consistent with public health safety and general welfare.

2.2 It will be the policy of the municipal government of Pavia that (RA 8749 and DAO 2020-01) its implementing rules and regulations be complied with to prevent the excessive emission of carbon monoxide, particulate, and sulfur dioxide from motor vehicles. The implementation of anti-smoking testing and no smoking area be closely coordinated with concerned government agencies.

2.3 The municipality and its component barangays, through a memorandum of agreement with the Department of Transportation and Communication (DOTC) through its Land Transportation Office (LTO), shall assist each other to regulate vehicle operators not to allow them to discharge air pollutants at levels greater than acceptable (environmental) standards as prescribed by the DENR pursuant to the Clean Air Act and its implementing rules and regulations (DAO 2020-01).

The municipality of Pavia, through the office of (DENR), in collaboration with the (LTO and the (DENR-EMB) shall:

- a. Subject motor vehicles, including those in transit, to a regular motor testing

7. Support efforts for the enforcement of the Clean Air Act
8. The municipality, through the MENDCO, is coordinating with the DENR, LTO, and Police (PNP) to conduct an information campaign against smoke belching and the use of untested gasoline, as well as promoting alternate fuels. Strict monitoring and apprehension of smoke belchers. The municipality shall see to it that equipment needed for this activity is made available.
9. It shall be unlawful for owners of motor vehicles to emit or inhale air pollutants at levels greater than the acceptable concentration standards prescribed by the DENR pursuant to RA 8749.

**Section 3. Industrial Pollution Control:** The Municipality of Pavia, with the help of MENDCO and in close collaboration with DENR-EMB and the concerned barangays concerned, shall ensure that the industrial firms operating in the municipality comply with the air quality standards through periodic emission testing of industrial firms.

Establish adequate capacity to respond positively to citizen complaints about air, noise pollution, and other nuisances as defined by law.

#### **Section 4. Abatement of Air Pollution from Other Sources**

In accordance with the provisions of the Clean Air Act and its implementing rules and regulations, the municipality, through its MENDCO, shall implement the following:

- 4.1 Except in specified smoking areas, smoking in an enclosed station and in public places, whether open or enclosed, in the municipality shall be strictly prohibited pursuant to RA 9511, the Anti-Smoking Law of the Philippines.
- 4.2 No person shall discharge from any source whatsoever such quantity of air contaminants or other materials that constitute nuisance as defined under Articles 684 to 707 of RA 386, the Civil Code of the Philippines.
- 4.3 Causing, permitting, suffering, or allowing the emission of particulate matter from any source, including but not limited to vehicular movement, construction, alteration, demolition, welding, or industry-related activities, or loading, storing, or handling without giving reasonable precautions to prevent the occurrence of such conditions. Neither shall such person cause or permit the discharge of visible fumes or dust whatsoever beyond the boundary line of the property from which such emission originates.
- 4.4 Storing, dumping, handling, processing, or loading, or using in any process or installation volatile compounds or organic solvents without applying known vapor emission control devices or systems deemed necessary and ordered by the local chief executive and concerned national agencies.
- 4.5 Operating pollution sources at capacities that exceed the limits of operation or capability of a control device to maintain the air emission within the standards set forth as provided under existing local and national laws, rules, and regulations.

#### **Section 5. Establishing Air Ambient Quality Compliance**

- 5.1 The municipality shall provide funds for the acquisition of required equipment, the training of personnel, and the development and enforcement of the monitoring system and network for the maintenance of the municipality's inherent air quality. Furthermore, the municipality shall closely coordinate with DENR-EMB and conduct ample public consultation to secure adequate guidance for air quality index set under DDO No. 87 series of 2009.
- 5.2 In coordination with DENR-EMB, the municipality shall likewise formulate its Air Quality Action Plan consistent with the Integrated Air Quality Framework under RA 8749 and by the

determination of ambient air quality standards set by the DENR, thereby establishing an air shed in the municipality for which an inventory of all pollution sources should be done. Through the air shed, the governing board will be established.

1.3 The establishment of an ambient air quality monitoring and evaluation system by the DENRO and the capability to build personnel to conduct monitoring and evaluation procedures are a must.

1.4 To ensure compliance with air quality standards for suspended particulate, sulfur dioxide, nitrogen dioxide, photochemical oxidants, ozone, and carbon monoxide, and the indices to compare whether atmospheric standards are within acceptable levels established by the DENR, the Local Executive Chief through the DENRO shall:

(a) Coordinate with the DENR in the conduct of inspections of all establishments of potential pollution sources, including all equipment emitting potential air pollutants, iron factories, food processing plants, and the like, to ensure that such establishments are complying with established standards pursuant to RA 8749 and its implementing rules and regulations;

(b) Require all establishments having air pollution resources in any part of their operations to submit a copy of their ECC, CHC, and permit to Operate Air Pollution Sources issued to them by the DENR-DMD as a prerequisite to the issuance of their license or permit;

(c) Inform all these establishments in the municipality of the policy of adhering to the air quality standards. Refusals of owners and operators of business establishments to comply with the provision shall be grounds for the denial or revocation of the application for a business permit, the revocation of the existing business permit, and the recommendation of DENR for the revocation of the ECC and permit to operate air pollution sources;

(d) The DENRO shall conduct periodic inspections of these industries.

#### Section 6. On Fugitive Particulate

No person shall allow the emission of fugitive particulate for vehicular movements, transport of materials, construction, alteration, demolition or wrecking, or industry-related activities such as loading, storing, or handling without taking reasonable precautions to prevent emission, which will include but are not limited to the following:

6.1 Covering or installation of nets or other measures and putting up of warning signs to cover loaded trucks and garbage trucks transporting materials liable to give rise to airborne dust like construction materials, cement, flour, lime, sand, and gravel, filling materials, and similar soils;

6.2 Installation of nets and other materials that could serve the purpose around the boundary line of the property from which the construction, alteration, demolition, or wrecking is undertaken so that fugitive dust remains within the premises while the activity is being undertaken.

#### Section 7. On Storage and Handling of Inert Compound

No person is allowed to place, store, or hold any stationary tank, reservoir or other container of more than 150,000 liters capacity of any volatile organic compound unless such tank, reservoir, or container is pressure-efficient and, under normal conditions, prevents vapor or gas loss or leakage or is designed or equipped with adequate vapor loss control devices, as determined and certified by competent authority.

#### Section 8. On Open Burning

No person or organization shall ignite, cause to be ignited, or maintain any open fire except in the following activities pursuant to the Clean Air Act:

- a. Open fire for the cooking or food for human consumption;

- b) Fires for industrial or commercial purposes
- c) Fires for the prevention and control of pests and diseases
- d) Fires for the disposal of dangerous materials or waste when there is no practical alternative method for disposal, provided that a clearance is secured from the concerned government agencies or local government
- e) Fires for burning pesticides in the fields or in the vicinity of the housing
- f) Fires purposely set for recognized forest wildlife management practices

### Section 4. Reducing the Emission of Substances That Deplete the Ozone Layer

The Municipality of Pavia, in cooperation with the chemical sector established by the DENR, and wishes to contribute to preventing the depletion of the ozone layer and seek to:

- a) Require entrepreneurs not to use substances in manufacturing activities such as the cleaning of washbasins, cameras, and electronic equipment.
- b) Require retailers not to promote, store, transport, and distribute made of chlorofluorocarbons, or CFCs, and instead buy timer, timer timers that do not use such substances.
- c) The use of aerosols with chlorofluorocarbons (CFC) is banned in the Municipality of Pavia. Appliances that are labeled CFC-free shall be encouraged.
- d) The use of air conditioners, refrigerators, and other similar appliances that emit fluorine gas that is hazardous to health and to the ozone layer is hereby regulated. All information given shall be uniform for consumers to purchase names and models that do not use the CFCs, and when the unit undergoes services, the owner should require the CFCs to be captured instead of being released directly into the atmosphere.

4.1 The use of Fire Extinguishers: The use of yellow-tinted fire extinguishers containing halons is prohibited. Instead, extinguishers that contain dry powder or CO<sub>2</sub> shall be used.

4.2 Reducing Carbon Dioxide (CO<sub>2</sub>) Emissions: The municipality government and its component barangays shall consider the following local actions to curtail the necessary emissions of CO<sub>2</sub>:

### ARTICLE XII. NOISE POLLUTION MANAGEMENT

Section 1. Policy Statement: It is the desire of the Municipality of Pavia to create a peaceful, orderly, and conducive place to live in, develop, maintain, and improve conditions under which man can thrive in productive and enjoyable harmony with each other and attain an environmental quality of life and the well-being of people.

Section 2. Noise Reduction: The Municipality, through the MENRO, in coordination with the component barangays, shall appropriately set standard limits for noise pollution and measures for noise reduction for both mobile and stationary sources such as vehicle mufflers, construction and digging equipment, stationary engines, factories, pub-houses, restaurants, nightclubs, bars, and amusement parks.

No person or establishment, whether natural or juridical, shall build, erect, construct, install, or import any new source, operate, modify, repair, or by any means cause or undertake any activity that shall result in an ambient noise level higher than the ambient standard. Such person or unit shall not emit or show the emission of noise greater in volume, intensity, or quality than the levels prescribed by the DENR-DMM for tolerance noise without first securing a clearance from the local executive chief. Furthermore, it is prohibited to create unnecessary and excessive noise or a noise adjacent to hospitals, schools, courts of justice, and religious establishments.

**Section 3. Standard for Noise-Producing Equipment:** There will be established standards for noise-producing equipment such as construction equipment, transportation equipment, stationary engines, electrical or electronic equipment, and such other conveniences. The standard shall set a limit on the acceptable level of noise emitted from given equipment for the protection of public health and welfare, considering, among others, the magnitude and duration of the use, the degree of noise reduction attainable through the application of the best available technology, and the cost of compliance. The installation of any noise-producing equipment shall conform to the requirements of 20-1086 and other applicable laws, as well as their implementing rules and regulations.

**Section 4. Community Noise Standards -** An appropriate standard for ambient noise levels shall be established considering location, zoning, and land use classification.

**Section 5. Ambient Noise Quality Standards -** For the purpose of establishing ambient noise quality standards within the municipality, they shall be classified as follows:

**Class AA:** A section is a contiguous area that requires quietness, such as areas within 100 meters from school sites, nursery schools, hospitals, and special homes for the elderly.

**Class A:** refers to a section or contiguous area primarily used for residential purposes.

**Class B:** a section or contiguous area that is primarily a commercial area.

**Class C:** a section primarily reserved as a light industrial area.

**Class D:** a section that is primarily reserved as a heavy industrial area.

Table 1: Environmental Quality Standard for Noise in General Areas

Category of Areas	Daytime	Morning and evening	Night Time
AA	55 db	45 db	40 db
A	55 db	45 db	40 db
B	55 db	50 db	45 db
C	70 db	55 db	50 db
D	75 db	60 db	55 db

The standards are applied to the arithmetic median of at least seven (60%) of the point of maximum noise level.

The above comply with the specific period of time are as follows:

Daytime 6:00 am to 6:00 pm  
 Morning 6:00 am to 9:00 am  
 Evening 6:00 pm to 9:00 pm  
 Night Time 10:00 pm to 6:00 am

#### Section 6. Measurement of Noise Level

The noise level shall be measured by a standard sound level that meets the specifications of the American National Standards Institute (ANSI) 33.4-71, or other specifications accepted by the DENR-EMB. The weighting network with "A" characteristics shall be used for measurement.

- The method of measurement of noise shall be as follows:
- A sound meter shall indicate the figure, with its indicator showing no fluctuation or any other fluctuations.

- d) The sound level meter records the average of the highest peak for each respective fluctuation when the indicator detects periodic or intermittent fluctuations with almost regular higher peaks.
- e) The sound level meter records the figure at the higher end of the 90 percent range of the level when it detects irregular and dry fluctuations.
- f) Measure the noise level at the boundary line of the factory, construction site, establishment, or business, which is 30 meters from the boundary of a residential site or any public or private facilities, for the part of a fixed source of pollution.
- g) In the absence of any measuring device, the sound shall be contained within the vicinity of the source. In any case, even from the neighborhood, the sound shall be toned down so as not to disturb the vicinity or cause a nuisance.

**Section 7. Regulated Acts:**

**7.1 Commercial Operation of Voicebox, Karaoke, Public Address or Sound System, Live Bands and Combo Musc, Discoboy, Pops, Cocktail Lounges, Night Clubs, and other similar entertainment establishments.**

- a) Secure the necessary barangay clearance or permit.
- b) Should be 100 meters away from schools, hospitals, homes for the elderly, and religious establishments.
- c) Sound intensity should be contained and heard only within the room, building, or compound.
- d) Unlawful to minors under 18 years old, unless accompanied by adults or guardians during school hours (7:00 a.m. to 5:00 p.m.), except on Saturdays, Sundays, and holidays.
- e) Regulate or regulate the time of operation and close it in the points to operate.
- f) Those already in operation should amend or establish the necessary safeguards to avoid any complaints.

**7.2 Residential Homes/Private Parties/Meetings, Use of Karaoke and Videos, TV, Sound System, Live Bands, and Combo Musc.**

- a) There is no need to secure a barangay clearance or mayor's permit.
- b) Lower and contain the volume of the sound within the room, building, or compound to prevent creating noise, nuisance, or disturbance in the neighborhood.
- c) Can be held anytime.
- d) Hold only in an area where it is allowed.

**7.3 Public Benefit Games, Rerogays, Tourist Festas, and Paryahan**

- a) The necessary barangay clearance and mayor's permit should be secured.
- b) Lower the volume of the sound system starting at 10:00 PM and turn it off at 12:00 midnight.

**7.4 Auto Repair, Motor Shops, Equipment Depot, and Vehicleing Shows must be located away from residential areas, and those existing should provide the necessary safeguards to avoid complaints from the neighborhood. Should secure the necessary permit from the barangay and the mayor's permit.**

**7.5 Demolition jobs, Construction sites: big size of hammer, heavy equipments, cranes, etc.**

- a) Requires barangay clearance and a mayor's permit.
- b) The operation must take place exclusively between 6:00 a.m. and 6:00 p.m.
- c) Install warning signs.
- d) Providing enclosed enclosed safety in the workplace.

Exemptions include special occasions such as Christmas celebrations, New Year celebrations, weddings, birthdays, baptisms, and family-oriented activities, including the use of wine.

**Section 8. Enforcement and Penalties:** It shall be the duty of the barangay leaders to monitor and remind concerned parties to lower the volume and eventually turn off the sounds. Pursuant to existing Municipal Ordinance No. 2008-02, any owner, operator and manager of the above-named establishments and machines that violate the Code shall be penalized. The Municipal Ordinance requires the Operator, User, and Control in any Private or Public Establishment of Equipment or Machine that has Noise Characteristics or Manifest in the Physical and Acoustic Vibration of the Residents in the Municipality of Pinar del Rio and Imposes Penalties for violators thereof.

### ARTICLE III. MISCELLANEOUS PROVISIONS

**Section 1. Comprehensive Land Use Plan and Municipal Zoning:** This Code hereby adopts the 2017-2028 Comprehensive Land Use Plan, its accompanying Zoning Ordinance, and Sector Studies, which were enacted prior to the revision of this Code. Its publication was a separate document that does not affect its implementing guidelines in relation to this code.

**Section 2. Renewable Energy:** The Municipality of Pinar del Rio shall increase, attract, and contribute to the use of renewable energy by adopting the Local Energy Code of Pinar del Rio as an ordinance existing the local energy code of Pinar del Rio to promote energy efficiency and conservation, increase the implementation of energy projects, formulate local and national policies on energy development utilization, management efficiency, safety, resilience, and development, and for such other related purposes, and provide funds therefor.

**Section 3. Environmental Awareness Celebrations:** The Municipality of Pinar del Rio shall promote the following activities regularly: Arbor Day, Solid Waste Management Awareness Week, and Water Awareness Month. The MDCMO shall promote plans and actions during the celebration highlighting the environmental achievements of the municipality in accordance with the priorities and policies of this Code.

### ARTICLE XIV. PENAL CLAUSE

Any person, natural or juridical, who violates any provisions in the different articles of this Code shall be penalized with two thousand five hundred pesos (P 2,500.00) or six (6) months imprisonment, or both, at the discretion of the court.

### ARTICLE XV. FINAL PROVISIONS

**Section 1. Repealing Clause:** All ordinances, resolutions, local laws, and other provisions, including those enacted in other codes of the municipality of Pinar del Rio, in accordance with the provisions of this Code, are hereby repealed and/or modified accordingly.

**Section 2. Separability Clause:** If for any reason any part of the provision of this Code shall be held unconstitutional or invalid, other parts hereof, which are not affected, shall continue to be in full force and effect.

**Section 3. Effectivity Clause:** This ordinance shall take effect three (3) days (15 AM) following its posting for three consecutive weeks in a local newspaper with general circulation.

**Section 4. Enforcement Clause:** The Municipality of Pinar del Rio, all barangay officials, Pinar PNP, MCAHO, RPU, and MPO, including officers and volunteers who are able and concerned about the implementation of the code, are deputized to enforce and ensure the implementation of its provisions of this code.



BE IT ORDERED FURTHER, to Annex copies of this ordinance in the Sangguniang Panlalawigan of the Province of Iloilo for review, DDO, and other concerned agencies to their respective and appropriate offices.

ENACTED this 22<sup>nd</sup> day of December, 2023 at Iloilo, Iloilo Philippines.

Approved:

I HEREBY CERTIFY to the correctness  
of the above-quoted ordinance.

  
Agnes G. Guebara  
Secretary to the Council

ATTESTED BY:

  
HON. ROSEL G. DURIGON  
Municipal Vice-Mayor  
Presiding Officer

APPROVED:

  
HON. LAURENCE ANTHONY B. GORRACETA  
Municipal Mayor