



REPUBLIC OF THE PHILIPPINES
Province of Pampanga
Mabalacat City

Win 2,687

OFFICE OF THE SANGGUNIANG PANLUNGSOD

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MINUTES OF THE 121ST REGULAR SESSION OF THE SANGGUNIANG PANLUNGSOD OF MABALACAT CITY, PAMPANGA HELD ON FEBRUARY 10, 2016 AT JADE HALL,(LOT ONLY) XEVERA TABUN, MABALACAT CITY, PAMPANGA

PRESENT: Hon. Christian C. Halili - Presiding Officer/Vice Mayor
Hon. Benjamin D. Jocson - Member
Hon. Gerald Guttrie P. Aquino - Member
Hon. Froylan L. Galang - Member
Hon. Roland D. Peña - Member
Hon. Rogelio Q. Yumul - Member
Hon. Krizzanel C. Garbo - Member
Hon. Eduardo D. Sotto - Member
Hon. Carlo Nino C. Rivera - Member
Hon. Dwight Oliver P. Morales - Member
Hon. Oscar R. Aurelio, M.D. - Member

ABSENT: Hon. Amauri M. Tiglao - Member
Hon. Ruvielane S. Margarito - Member

CITY ORDINANCE NO. 45
Series of 2016

AN ORDINANCE
ENACTING THE ENVIRONMENT CODE OF MABALACAT CITY, PROVINCE OF PAMPANGA

Sponsored by: Hon. ROLAND D. PEÑA

Be it enacted by the Sangguniang Panlungsod of Mabalacat City in session assembled, that:

ARTICLE I : TITLE OF THE ORDINANCE

Section 1. Title of the Ordinance. This Ordinance shall be known as the Environment Code of Mabalacat City, Province of Pampanga, and shall be hereinafter referred to as the Code.

ARTICLE II : AUTHORITY

Section 2. Authority. This Code is enacted pursuant to the following laws:

a) 1987 Philippine Constitution – particularly:

(1)

Art. XII, Sec. 2 which states: "All lands of the public domain, waters, minerals, coal, petroleum, and other mineral oils, all forces of potential energy, fisheries, forests or timber, wildlife, flora and fauna, and other natural resources are owned by the State. xxx"

Art. II, Section 15 which states: "The State shall protect and promote the right to health of the people and instill health consciousness among them;" and

Art. II, Section 16 which states: "The State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature."

b) RA 7160, otherwise known as the Local Government Code of 1991, particularly:

Book 1, Title 1, Chapter 1, Section 3 (i) which states: "Local government units shall share with the national government the responsibility in the management and maintenance of ecological balance within their territorial jurisdiction, subject to the provisions of this Code and national policies.";

Book III, Title III, Chapter 3, Article 1, Section 455, (b) (2) (3) (vii) on the powers of the City Mayor which states: "Adopt adequate measures to safeguard and conserve land, mineral, marine, forest, and other resources of the city;" and

Section 458 (1) (vi), on the powers of the Sangguniang Panlungsod which states: "Approve ordinances and pass resolutions necessary for an efficient and effective city government and in this connection, shall: protect the environment from destructive activities such as dynamite fishing and other forms of destructive fishing, illegal logging and smuggling of logs, smuggling of natural resources products and of endangered species of flora and fauna, slash and burn farming, and such other activities which result in pollution, acceleration of eutrophication of rivers and lakes or of ecological balance."

Section 3. Purposes. The purposes for which this Environment Code is being enacted are the following:

a) For the Environment Code to be an instrument so that the vision/mission of the City may be realized;

b) Operationalize the mandate provided by the Local Government Code that local government units shall share with the national government the responsibility in the maintenance of ecological balance within their territorial jurisdiction;

c) Put into motion the powers of the City Government to enact ordinances and resolutions to protect the environment;

- d) Ensure that residents of the City, present and future generations, will enjoy a balanced and healthful ecology in accord with the rhythm and harmony of nature;
- e) Provide guidance to the City Government, other government agencies, business and commercial establishments as well as the general public in environmental protection and management;
- f) Set up institutional mechanisms which will oversee the implementation and monitoring of the Code;
- g) Provide a quick response mechanism for the City Government to take immediate actions on environmental law violations;
- h) Forge partnerships and other administrative arrangements with the DENR, EMB-DENR, and with other government agencies, non-government organizations, the academe, the church and other sectors in the sound management, development and protection of the environment of Mabalacat City; and
- i) Provide for funding support as may be needed to implement, monitor and strengthen environmental protection and management in the City.

Section 4. Declaration of policy. It is the policy of the City that all developments in its jurisdiction will conform to the laws of nature and to national and local laws relating to land, air and water.

Section 5. Definition of terms. As used in this Code, the following words and phrases shall mean as follows:

- a) "Administrative arrangement" refers to the agreement entered into between and among the City and other government agencies such as the DENR and EMB-DENR to this Code, whereby the City recognizes the authority, jurisdiction and mandates of the national agency and the national agency empowers and share with the City its enforcement and monitoring functions to ensure effective implementation of national laws in the City.
- b) "Biological diversity" means the variability among living organisms from all sources including terrestrial, marine, and other aquatic ecosystem and the ecological complexes of which they are part; this includes diversity within species, between species and ecosystems.
- c) "City" refers to Mabalacat City.
- d) "City ENRO" refers to the City Environment and Natural Resources Office.
- e) "DENR" refers to the Department of Environment and Natural Resources, which, under Executive Order 192, Series of 1987 is the primary government agency responsible for the conservation, management, development and proper use of the country's environment and natural resources.

f) "Discharge Permit" refers to the clearance or legal authorization granted by EMB to a person to discharge liquid waste or wastewater of specified concentration and volume into any sewer system or any water body and/or land.

g) "DOH" refers to the Department of Health.

h) "Effluent" refers to any wastewater, partially or completely treated, or in its raw natural state or liquid waste flowing out through a pipe or a single outlet structure from a manufacturing/industrial plant, domestic, commercial, recreational or wastewater treatment facilities.

i) "EMB-DENR" refers to the Environmental Management Bureau of the Department of Environment and Natural Resources

j) "Emission" refers to the act of passing into the atmosphere any air contaminant, pollutant, gas stream and unwanted sound from a known source.

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

l) "Environmental Compliance Certificate (ECC)" refers to the document issued by the EMB-DENR certifying that based on the presentation of the proponent, the project under consideration will not bring about an unacceptable environment impact and that the proponent has complied with the requirements of the environmental impact statement system and that the proponent will further comply with the obligations set forth in said ECC for its continued operations.

m) "Hazardous wastes" refer to substances that are without any safe commercial, industrial, agricultural, or economic usage and which may cause danger to health and safety of people, plants and animals.

n) "Mayor" refers to the City Mayor of Mabalacat City.

o) "Person" refers to natural or juridical person.

p) "Private lands" refer to lands owned by private persons.

q) "Public lands" refer to lands owned by the government.

r) "Solid wastes" refer to all discarded household, commercial wastes, non-hazardous institutional and industrial wastes, street sweepings, construction debris, agricultural wastes, and other non-hazardous/non-toxic solid wastes.

s) "Solid waste management" refers to the discipline associated with the control of generation, storage, collection, transfer and transport, processing, and disposal of solid wastes in a manner that is in accord with the best principles of public health, economics, engineering, conservation, aesthetics, and other environmental considerations, and that is also responsive to public attitudes.

t) "Waste management" refers to the practice of properly disposing wastes through segregation, recycling, and other activities.

ARTICLE III

LAND RESOURCES MANAGEMENT

Section 6. Operative Principle: Mabalacat City envisions to be a model in ecological management of lands.

a) Lands in the City shall be used for the purpose for which they have been classified. The Comprehensive Land Use Plan (CLUP) of the City, enacted pursuant to law shall be used as basis in land classification and use. The CLUP shall be reviewed and updated in accordance with the Local Government Code of 1991.

b) Private lands, whether for agricultural, residential, commercial or industrial purpose bear social functions. As such, landowners are enjoined to responsibly use these lands.

c) The necessary easements as provided by laws must at all times be observed in infrastructures.

d) Public lands must be devoted for public use. The City shall establish eco-parks for the enjoyment of its people.

e) All lands, whether public or private, must be maintained for their ecological functions such as water infiltration and recharge, soil fertility, soil stabilization and erosion control among others. All landowners, residents and all establishments must likewise ensure cleanliness at all times and must comply with the laws on integrated solid waste management and the toxic and hazardous wastes.

f) All remaining flora and fauna in the City shall be protected, conserved and restored.

Section 7. Green management of public lands.

All public lands in the City, whether owned by the national or city government shall be managed ecologically. For this purpose, the administrators of these public lands, in addition to the primary purpose for which the lands are being used shall have plans to ecologically manage the same. All offices holding said public lands must also ensure cleanliness at all times in their own areas and in their peripheries.

Section 8. Green management of private lands.

All private lands shall be, as much as possible placed in productive condition and be managed ecologically. For this purpose, private landowners shall put in productive use their landholdings. All landowners shall likewise ensure that their lands and/or buildings are clean at all times in their own areas and in their peripheries.

Section 9. Establishment of eco-park in every barangay.

Within one (1) year from the passage of this Code and upon consultation with Barangay Councils, every barangay in the City, except those that do not have public lands or open spaces, shall establish an eco-park or eco-parks which will showcase best environmental practices in the barangay and shall also serve as common playground for its residents. Open spaces in subdivision areas may be used as eco-parks. Every barangay is mandated to include in their annual budget the funds necessary to maintain said eco-parks.

Section 10. Requiring landowners to cut their grasses during summer months.

All landowners, whether public or private, shall be required to cut and dispose properly the grasses during the months of February to June of every year to prevent grass fires.

Section 11. Protection of trees in the City.

The City recognizes that the matter of tree cutting in public and private lands is within the jurisdiction of the DENR. For this purpose, the Mayor, within sixty (60) days from the passage of this Code shall enter into administrative arrangements with the DENR for said agency to assist in protecting the trees within the City.

Section 12. Arbor Day in Mabalacat City

Pursuant to Section 4 of RA 10176 which states that "All provinces, cities and municipalities with their component barangays shall be required to declare an Arbor Day or Tree Planting Day, by appropriate proclamation of their respective local chief

executive through an ordinance passed by the respective local sanggunian, at a fixed date every calendar year as shall be deemed conducive to the proper time and season for planting trees in the respective localities”, Arbor Day in Mabalacat City shall be every **First Friday of July of every year.**

- a. Arbor Day Committee – an Arbor Day committee which will spearhead the planning and implementation of the City Arbor Day is hereby created to be composed of the following:
 1. The City Mayor – Chairman
 2. The SP Chairman of the Committee on Environmental Protection and Natural Resources – Vice-Chairman
 3. The ABC President
 4. The City ENRO
 5. The City General Services Officer
 6. The City Disaster Risk Reduction and Management Council Officer
 7. The City Agriculturist
 8. The City Schools Division Superintendent
 9. The City Chief of Police
 10. The DILG CLGOO
 11. Two(2) representatives from Accredited NGO's

- b. Compulsory Tree Planting - Pursuant to section 8 of RA 10176, all able-bodied citizens of Mabalacat City, who are at least twelve (12) years of age, shall be required to plant and support the maintenance of at least one (1) tree every year. Public and Private schools shall ensure the implementation of this requirement in their respective schools while Barangay Officials shall initiate guidelines on how to enforce it. The proof of compliance shall be a certification from the schools for students and the Barangay Captain for its constituents. This certification may be required by City Hall departments before the issuance of public documents like Mayor's Permit.

- c. The Arbor Day Committee shall specify the area within the LGU to be planted or reforested. The use of endemic or indigenous trees, especially the Balacat Tree, shall be encouraged. Areas to be planted include but not limited to :
 1. Public school grounds, gardens, or other available areas within the school.
 2. Idle or vacant public lands
 3. Public parks
 4. Private schools, parks and lands with owner's consent

- d. Maintenance of trees – pursuant to the IRR of RA 10176, the barangay which covers the tree planting site along with a deputized NGO shall be responsible

for the maintenance of trees. School administrators shall be responsible for trees planted in schools. Maintenance of trees planted in private lands shall be covered by a Memorandum of Agreement.

- e. City Nursery – There shall be a City Nursery under the supervision and control of the City Agriculture Office to ensure the supply of seedlings. The City agriculturists shall ensure that funds for the nursery are appropriated every year.
- f. Funding – funding for the Arbor Day shall be sourced from the 20% of the Internal Revenue Allotment.

Section 13. Declaration of Balacat Tree as City Tree.

The Balacat Tree (Zizyphus Talanai) from which Mabalacat City was named, is declared as the City Tree and shall be protected and propagated by the City Government. The City Agriculture Office shall ensure the continuous production of Balacat Seedlings all year round. They shall be given free to Mabalacat City residents.

The Balacat Tree is listed as a threatened species in the Department of Environment and Natural Resources Administrative Order 2007-01. As such, the Balacat Tree shall be protected in accordance with existing national laws.

Section 14. Registration of chain saws. Aside from DENR requirements pursuant to the Chainsaw Act, the City Government shall require all owners and operators of chain saws and similar tree-felling equipment to register the same with the City ENRO and to secure a permit prior to operation to the DENR-CENRO. The owners should provide a copy of the permit from DENR-CENRO to the City ENRO.

Section 15. Greening of street shoulders, islands and subdivision open spaces. Street islands as well as both shoulders of roads shall be planted with shade or medium size ornamental trees in a matter that is scientifically and agriculturally acceptable at intervals sufficient for healthy growth of such flora and create adequate shade. All subdivision developers shall be inspected to ensure that the spaces allotted for parks and playgrounds are planted with trees.

Section 16: Restoration of Lands damaged by industrial, commercial or other use: For industrial, commercial, mining, exploration or any development projects, there shall be clean-up or rehabilitation of areas affected by damages in the environment and the resulting deterioration of environmental quality as a direct consequence of a project's construction, operation or abandonment. This clause shall be included in the Environmental Compliance Certificate issued by the DENR-EMB.

ARTICLE IV

AIR QUALITY AND NOISE MANAGEMENT

Section 17. Operative Principle: Mabalacat City envisions to be a model City in air quality and noise management .

Section 18. Industrial air pollution control.

The City in collaboration with EMB-DENR, shall ensure that commercial and industrial firms operating within the City which have air emissions shall have valid permit to operate air pollution sources from the EMB-DENR and comply with air quality standards, periodically tests the emissions of industrial firms and establish adequate capability to respond to citizen's complaints on industrial air pollution.

Section 19. Regulating noise pollution. The City shall be responsible in evaluating the noise generating potential of infrastructure projects as part of its responsibility in the grant of zoning clearances and building permits. All projects which generate potential noise level must conform to the standards established by the DENR, the Occupational Health and Safety Standards of the DOLE, the DOH and other offices.

Section 20. Prohibition of smoking in public places and public vehicles.

Smoking inside a public building except in duly designated smoking areas or an enclosed public place including public vehicles and other means of public transport is hereby prohibited.

Section 21. Measures against offensive odor.

The City shall require industries or other businesses whose operations emit odor which causes disturbances such as nausea, insomnia and overall discomfort to adopt measures that will mitigate the odor pollution including dilution by ventilation or dispersal, combustion or oxidation, neutralization or odor masking. Upon the evaluation and recommendation of the CENRO and City Health Office, operations of said industries or businesses will be suspended until such time that measures is in place.

Section 22. Promotion of environment-friendly alternative transport systems.

The City shall encourage the use of alternative and environment-friendly transport systems such as biking and electric-powered vehicles.

Section 23. Promotion of energy-saving practices.

The City shall put in place and encourage shift to energy-saving measures such as daylight saving time, efficient lighting systems and utilization of solar and wind energy and anti-idling in parking areas. Incentives will be given to establishments which will showcase best energy saving measures.

ARTICLE V

WATER RESOURCES MANAGEMENT

Section 24. Operative Principle: Mabalacat City envisions to be a model in sustainable water management. The City will ensure that the primary need of its residents and investors for domestic water will be perpetually met.

Section 25. Water quality monitoring. Within one (1) year from the effectivity of this Code, the Mayor, in consultation with DENR, DENR-EMB, NWRB, LWUA, other national government agencies and private sectors shall come up with a master plan for effective water quality monitoring of major water bodies and ground water in the City, including identification of potable water sources.

Section 26. Water quality standards. The City in collaboration with DENR-EMB, shall ensure that commercial and industrial firms operating within the City shall have valid permit to discharge wastewater from the DENR-EMB and comply with effluent standards specially those stated in DENR Administrative Order No. 35-91 and Republic Act 9275 or the Philippine Clean Water Act of 2004.

Section 27. Protection of riverbanks, easements, rights of way and greenbelts. The Mayor shall adopt adequate measures for establishing clearance and greenbelts along river banks as prescribed by law, and Presidential Decree No. 1067 which provide that “banks or rivers and streams and seashores of the seas throughout their entire length and within a zone of three (3) meters in urban areas, twenty (20) meters in agricultural areas and forty (40) meters in forest areas, along margins are subject to easement for public use in the interest of recreation, navigation, floatage, fishing and salvage”.

Section 28. Maintenance of drainage systems. The Mayor shall adopt necessary measures to ensure that adequate City and barangay drainage systems are established and maintained to prevent the negative effects of all types of effluents on both surface and underground water quality.

Section 29. Health and sanitation measures. The Mayor shall adopt appropriate measures to assist barangay officials improve environmental sanitation by expanding the use of sanitary toilets for waste disposal. Such assistance shall, if necessary include, but not limited to direct investments in public health, education and strict enforcement of the Building Code.

Section 30. Regulation of construction and development activities. Construction and development activities within the City shall be regulated in

consideration of the need to ensure that the water supply of the City continues to be sufficient for the needs of its residents. Contractors, developers and/or planners intending to develop areas in Mabalacat City shall submit their plans for consideration and approval to the City through its City Building Official.

Section 31. Creation of the City Water Resources Management Board (CWRMB). Within six (6) months upon the effectivity of this Code, the City Mayor shall organize a City Water Resources Management Board to be composed of the following:

- a. The City Mayor – Chairman
- b. The SP Chairman of the Committee on Environmental Protection and Natural Resources – Vice-Chairman
- c. The City ENRO
- d. The City Planning and Development Officer
- e. The City Building Official
- f. The ABC President
- g. The City Health Officer
- h. The City Zoning Officer
- i. A representative from the business sector

Functions of the CWRMB:

1. Shall advise the City Government on policies pertaining to the protection of water resources in the City.
2. Assist the national government in the enforcement of all national laws pertaining to water management
3. Hear and act on complaints on water pollution, multiple water-use conflicts and other water-related concerns of citizens and businessmen.
4. Design programs for the clean-up, rehabilitation and protection of rivers, creeks and other bodies of water within the City.
5. Set up mechanisms to require industrial and commercial users of water to come up with water recycling and reuse systems to minimize their consumption.

Section 32. Rainwater collection and harvesting. Collection and harvesting of rainwater shall be encouraged, especially to new buildings and dwellings.

ARTICLE VI SOLID WASTE AND HAZARDOUS WASTE MANAGEMENT

Section 33. Operative Principle: Mabalacat City envisions to be a model in waste management and free from any form of pollution. The City recognizes that the

increasing level of economic activities and population growth would lead to an increase in the volume of wastes and have adverse impact on the environment and health of the populace, and hereby adopts the following principles:

a) The City shall adhere to the provisions of RA 6969, otherwise known as the "Toxic Substances and Hazardous Nuclear Wastes Control Act of 1990", and RA 9003, otherwise known as the "Ecological Solid Waste Management Act of 2000". The Municipal/City Ordinances on Solid Waste Management also forms part of this Code.

Section 34. The City Solid Waste Management Board The City Solid Waste Management Board shall be composed of the Mayor as head with the following as members:

- a) Chairman of the Committee on Environmental Protection and Natural Resources of the Sangguniang Panlungsod who shall act as the Vice-Chairman.
- b) President of the Association of Barangay Councils;
- c) One representative from NGOs whose principal purpose is to promote recycling and the protection of air and water quality, provided that such NGO should first be accredited by the Sangguniang Panlungsod
- d) A representative from the recycling industry;
- e) A representative from the manufacturing or packaging industry; and
- f) A representative from DENR or EMB and other concerned government agency possessing relevant technical and marketing expertise as may be determined by the Board.
- g) The City Health Officer
- h) The City Planning and Development Officer
- i) The City Agriculture Officer
- j) The Chief of Police
- k) The City ENRO who shall act as the Board Secretary

The City Solid Waste Management Board may, from time to time, call on any concerned agencies or sectors as it may deem necessary and shall have the following duties and responsibilities:

- (1) Develop the City Solid Waste Management Plan that shall ensure the long-term management of solid waste, as well as integrate the various solid waste management plans and strategies of the barangays in its area of

jurisdiction. In the development of the Solid Waste Management Plan, it shall conduct consultations with the various sectors of the community;

(2) Adopt measures to promote and ensure the viability and effective implementation of solid waste management programs in its component barangays;

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

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

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

(6) Oversee the implementation of the City Solid Waste Management Plan;

(7) Review every two (2) years or as the need arises the City 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;

(8) Develop the specific mechanics and guidelines for the implementation of the City Solid Waste Management Plan;

(9) Recommended to appropriate local government authorities specific measures or proposals for franchise or build-operate-transfer agreements with duly recognized institutions, pursuant to R.A.6957, to provide either exclusive or non-exclusive authority for the collection, transfer, storage, processing, recycling or disposal of city solid waste. The proposals shall take into consideration appropriate government rules and regulations on contracts, franchise and build-operate-transfer agreements;

(10) Recommended measures and safeguards against pollution and for the preservation of the natural ecosystem; and

(11) Coordinates the efforts of its components barangays in the implementation of the City or Solid Waste Management Plan.

Section 35. Requiring wastebaskets/waste receptacles. All public utility vehicles such as jeepneys, buses, tricycles and taxis shall put up their own wastebaskets/waste receptacles in their vehicles. All commercial establishments, schools and other institutions shall provide the appropriate number of waste receptacles in accordance with existing City Ordinance on waste segregation.

Section 36. Prohibiting littering, spitting, urinating and/or defecation of human or other wastes in public places and vacant lots. It shall be prohibited for any person to litter, spit, urinate, defecate human waste or excreta and otherwise dump wastes in vacant lots, sidewalks, street plazas, public landmarks and all other public places in the City.

Section 37. Barangay and police officers to be in the forefront of integrated waste management. Every barangay official, police officer in the City shall have the responsibility to ensure that the provisions of RA 9003 and related ordinances are enforced. For this purpose, every barangay official and police officer shall ensure that their respective areas of assignments are clean and shall assist in the apprehension of violators. Other persons such as personnel of the City Traffic Enforcement Group may also be deputized to enforce RA 9003 and related ordinances.

Section 38. Segregation and collection of solid waste at barangay level. As provided for under Section 10 of RA 9003, segregation and collection of solid waste shall be conducted at the barangay level specifically for biodegradable, compostable and reusable waste. Every Barangay Chairperson shall make a quarterly report on their activities in this regard and submit the same to the City ENRO.

Section 39. Toxic and hazardous wastes. Storage of hazardous chemicals and the disposal of hazardous waste shall be in accordance with RA 6969.

- a. All sources of pathogenic and medical waste such as hospitals, medical and dental clinics and funeral parlors should ensure that their waste are treated and disposed of according to RA 6969 and other DOH and DENR regulations.
- b. All gasoline and filling stations located in the city shall install oil and water separation facility including facilities in the storage of used oil and grease into sealed receptacles. All these are mandatory-preconditions before the issuance or renewal of business permits by the City. These stations shall ensure that their storage tanks, whether under or above ground, are always in good and safe condition by undertaking, among others, periodic maintenance and monitoring of fugitive effluents. The station operators shall ensure the safety from fire and explosion hazards of their respective facilities by installing appropriate signage for the general public and by attaching proper gadgets and devices to prevent gaseous or fume emissions.

Section 40. Anti-littering. Littering or throwing of garbage, filth or other waste materials in public places such as public buildings, roads, sidewalks, canals, esteros, rivers, sewers, parks and establishments is prohibited.

Section 41. Central MRF. The City's central Materials Recovery Facility shall be used for consolidation and final segregation of solid waste coming from the City's garbage collectors and from the barangays prior to final disposal in a DENR-accredited sanitary landfill. It shall not be used as a dumpsite. The central MRF shall also serve as a model for composting and other best practices in solid waste management.

ARTICLE VII -MINERAL AND QUARRY RESOURCES

Section 42. Operative Principle: The City recognizes the importance of mineral resources for growth and development, and the rights of the people to a safe and self-sustaining environment within the framework of responsible and sustainable exploitation, development and use.

Its equitable, responsible and judicious use shall continue to be strictly regulated and monitored to prevent its ill-effects on rivers and embankments and enhance water quality. No person, corporation, partnership or government entity/instrumentality shall be allowed to take and dispose of minerals from public waters and public and private lands outside the limits prescribed by existing laws and without the necessary permit from appropriate agencies.

Section 43. Any person applying for a quarry permit from the Province and requiring a favorable resolution from the Sangguniang Panlungsod must secure a letter of endorsement from the City Mayor through the City Environment and Natural Resources Office, attesting to the full compliance by the applicant of the pre-requisites for issuance of the permit.

ARTICLE VII INSTITUTIONAL MECHANISMS TO IMPLEMENT THE CODE

Section 44. Operative Principle. Mabalacat City envisions all of its citizens united in environmental protection and management.

a) The City recognizes that the sound management of the environment cannot be done by the City alone. For this purpose, it shall enter into partnership arrangements with DENR, DENR-EMB, NWRB, other government agencies, non-government organizations, business entities, religious and all other sectors of the community in environmental protection and management.

b) The Mayor shall call upon the entire citizenry of the City and rally the people towards environmental conservation, protection, restoration and enhancement.

Section 45. Creation of City ENRO. The Office of the City ENRO is hereby created and will be headed by a City ENRO with the salary grade of a City Department Head.

The CENRO's staff shall be composed of two divisions:

a. Environment and Pollution Control Division

- One (1) Senior Environmental Management Specialist, SG -18, as Head
- One (1) Solid Waste Mgt officer, SG-16
- One (1) Air/Water Mgt Officer, SG-16

b. Permits, IEC, and Natural Resources Division

- One (1) Permits Officer, SG-16
- One (1) IEC Officer, SG-16
- One (1) Quarry, Forestry, Wildlife Officer, SG-16

c. Administrative Staff

- One (1) Admin/Secretary, SG-6
- One (1) Driver, SG- 4
- One (1) Clerk, SG-4

The City ENRO will take the lead to implement the Code and related ordinances as well as other environment and natural resources laws rules and regulations and relative thereto shall:

1. Take charge of the office on environment and natural resources.
2. Provide technical assistance to the Mayor in carrying out measures to ensure delivery of basic services and provision of adequate facilities relative to environment and natural resources services.
3. Develop plans and strategies on environment and natural resources consistent with the provisions of the Code and implement them upon the approval of the Mayor.
4. Formulate measures for the consideration of the Sangguniang Panlungsod necessary to strengthen the implementation of the Code or when the Code or portions thereof requires amendment or addendum and all matters relative to the protection, conservation, utilization, application of appropriate technology and other matters related to environment and natural resources.

5. Provide technical assistance to the Sangguniang Panlungsod in enacting ordinances and passing resolutions that requires environmental considerations such as but not limited to adoption of a comprehensive land use plan and enactment of an integrated zoning ordinance for the City.
6. Coordinate with government agencies and NGOs in the implementation of measures to prevent and control land, air and water pollution with the assistance of the DENR.
7. Be in the frontline of the delivery of services concerning environment and natural resources, particularly in the renewal and rehabilitation of the environment during and in the aftermath of man-made and natural calamities and disasters.
8. Inspect, monitor and evaluate compliance of establishments, issue notice of noncompliance and recommend to the Mayor revocation or non-renewal of their Business permit/s and cessation of their activities on the basis of their failure to comply.
9. Exercise such other powers and perform such other duties and functions as prescribed by the law or ordinance.

Section 46. Information and education campaigns. The Mayor shall come up with yearlong sustained information and education campaigns designed to educate and elicit people's participation in environmental protection and management. The City School's Division of Mabalacat shall formulate plans and programs on how to integrate environmental education in the curriculum.

ARTICLE VIII

FUNDING

Section 47. Operative principle. The City shall ensure sustainable funding for environmental protection and management.

Section 48. Funding. Within six (6) months from the passage of this Code, the Mayor shall submit to the Sangguniang Panlungsod for its consideration the Annual Budget necessary to implement and monitor this Code. The plan shall include the budget for the operations of the City ENRO.

Section 49. Special account. There is hereby established a special account to be known as Environmental Account in the books of the City. All collections from fines environmental projects of the City shall accrue to said account and shall be used solely to finance environmental projects. The Mayor upon the recommendation of the City ENRO shall issue the guidelines for the proper and judicious disbursements of said funds. In no case shall personal services be charged against the Environmental Account. The SP Committee on Environmental Protection and Natural Resources shall act as the oversight body for the Special Account.

ARTICLE IX

PENALTIES

Section 50. Policy. Penalties that will be imposed for violations of this Code have the primary purpose of educating the violator of the importance of environmental protection and management. The City shall however impose punitive measures to those who will continue to violate this Code.

Section 51. Persons responsible for violation of Code. Any person who violates any of the provision of this Code shall be penalized as herein below set forth. In case of partnerships or corporations, the managing partner or executive officer shall be held responsible for the violation of this code. If the violator is a minor, the City Social Welfare and Development Officer shall inform the parent or guardians about the offense.

Section 52. Environmental community work. Immediately after the passage of this Code, the Mayor shall issue the necessary guidelines on the imposition of environmental community work. Environmental community work, rather than punitive aims to inculcate upon the violator the importance of environmental protection and management. It has the objective of turning the violator into an advocate.

Section 53. Violation of Sections 7 and 8 on Green Management of Public Lands and Private Lands shall be penalized as follows:

First offense Fine of five hundred pesos (Php 500.00), and four (4) hours environmental community work and/or one (1) day imprisonment.

Second offense Fine of one thousand pesos (Php 1,000.00), four (4) hours environmental community work and/or two (2) days imprisonment.

Third and subsequent offense Fine of five thousand pesos (Php 3,000.00) and/ or thirty (30) days imprisonment.

Provided, that for the first and second offense, the Mayor is authorized to compromise the case by imposing only the fine and environmental community work if the offender does not contest the citation against him.

Section 54. Violation of Section 16 on registration of chainsaws. The violator shall be penalized by a fine of not less than one thousand pesos (Php 1,000.00) but not more than three thousand pesos (Php 3,000.00) and/or imprisonment of not less ten (10) days but not more than twenty (20) days at the discretion of the court.

Section 55. Violation of Section 19 on industrial air pollution control standards and section 27 on water quality standards. Any person who violates the quality standards for industrial air pollution and water pollution shall be penalized in accordance with the penalties set by the DENR-EMB. In addition, the violator shall be required to render four (8) hours environmental community work. After three violations for the same offense, the City ENRO may recommend to the City Mayor the cancellation or non-renewal of the Business Permit of the violator.

Section 56. Violation of Section 27 on smoking in public places and public vehicles. Any person caught smoking shall be penalized as follows:

First offense Fine of five hundred pesos (Php 500.00) and four (4) hours environmental community work.

Second offense Fine of one thousand pesos (Php 1,000.00) and four (4) hours environmental community work.

Third and subsequent offense Fine of two thousand pesos (Php 2,000.00) and four (4) hours environmental community work.

Section 57. Violation of Section 34 and Section 35 on putting up of wastebasket/waste receptacle in public vehicles and on littering, spitting, urinating and/or defecation of human and other wastes in public places and vacant lots.

First offense Fine of five hundred pesos (Php 500.00), four (4) hours environmental community work and/or one (1) day imprisonment.

Second offense Fine of one thousand pesos (Php 1,000.00), four (4) hours environmental community work and / or two (2) days imprisonment.

Third and subsequent offense Fine of five thousand pesos (Php 5,000.00) and thirty (30) days imprisonment.

Provided, that for the first and second offense, the Mayor is authorized to compromise the case by imposing only the fine and environmental community work, if the offender does not contest the citation against him.

Section 58. Violation of Section 38 on Toxic and Hazardous Waste, Pathogenic and Medical Waste.

First offense Fine of five hundred pesos (Php 500.00), four (4) hours environmental community work and/or one (1) day imprisonment.

Second offense Fine of one thousand pesos (Php 1,000.00), four (4) hours environmental community work and / or two (2) days imprisonment.

Third and subsequent offense Fine of five thousand pesos (Php 5,000.00) and cancellation of the establishments Business Permit.

Section 59. Violation of Section 39 on Anti-littering.

First offense Fine of five hundred pesos (Php 500.00), four (4) hours environmental community work and/or one (1) day imprisonment.

Second offense Fine of one thousand pesos (Php 1,000.00), four (4) hours environmental community work and / or two (2) days imprisonment.

Third and subsequent offense Fine of five thousand pesos (Php 5,000.00) and cancellation of the establishments Business Permit in applicable.

Section 60. Violation of any provision of this Code to which no specific penalty is imposed or commission of any of the prohibited acts which do not carry a specific penalty, shall be penalized by a fine of not less than five hundred pesos (Php 500.00) but not more than five thousand pesos (Php 5,000.00) at the discretion of the court.

ARTICLE X

ADMINISTRATIVE PROCEDURE ON THE IMPOSITION OF FINES, ENVIRONMENTAL COMMUNITY WORK AND FILING OF CASES

Section 61. Policy: The administrative procedure on the imposition of fines, environmental community work and filing of cases shall be simple and expedient.

Section 62. Issuance of citation tickets. Violators of the provisions of this Code will be issued a Citation/Violation Ticket by the Police, Barangay Captains or any other deputized officer and will be informed of the infraction committed, corresponding fines to be paid, the hours required for environmental community work, and the imprisonment penalty imposable.

Section 63. Payment of fines and rendering of environmental community work. If the violator does not contest the citation, the violator shall pay the fine and render environmental community work. Otherwise, the violator shall be brought to the police station for the filing of the necessary charges in court.

Section 64. Procedure in cases where violation of provision includes suspension or cancellation of business license. The violator shall be given citation ticket and be required to explain within seventy two (72) hours why the

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business establishment will not be suspended or closed, or why no criminal charges shall be filed against the violator. Said explanation shall be given in writing to the City ENRO who shall evaluate the explanation, and if unsatisfactory, either recommend to the Mayor the suspension or cancellation of the business permit, or file the corresponding cases in court as the case may be.

Section 65. Administrative sanctions. Officials of the concerned local government who fail to comply with this Code when required, or who fail to enforce the provisions of this Code and its Implementing Rules and Regulations shall be charged administratively in accordance with the Ombudsman Law, Civil Service Rules and Regulation, RA 7160 and other existing laws, rules and regulations.

ARTICLE XI

MISCELLANEOUS PROVISIONS

Section 66. Authority of the Mayor to issue supplemental guidelines or Implementing Rules and Regulations. The Mayor may from time to time issue supplemental guidelines to strengthen the implementation of this Code.

Section 67. Repealing clause. All City ordinances, resolutions, circulars, memoranda, executive orders or rules and regulations inconsistent with the provisions of this Code are hereby repealed or modified accordingly.

Section 68. Separability clause. If for any reason or reasons, any part of the provision or provisions of this Code shall be held unconstitutional or invalid, other parts hereof which are not affected thereby shall continue to be in full force and effect.


Section 69. Effectivity clause. This Code shall take effect after the lapse of ten (10) days from the date of publication in a newspaper of general circulation, and after three (3) consecutive weeks posting in prominent places within the City and a review of the Sangguniang Panlalawigan.

ENACTED: This 10th day of February 2016 on motion of Hon. Roland D. Peña, duly seconded by Hon. Galang.

CERTIFIED CORRECT:


AILEEN G. PEÑA
SP Secretary

ATTESTED BY

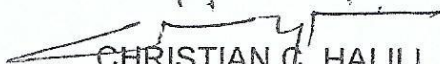

CHRISTIAN C. HALILI
Vice Mayor/Presiding Officer

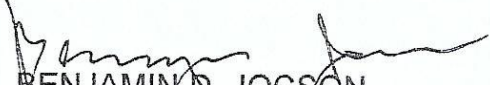
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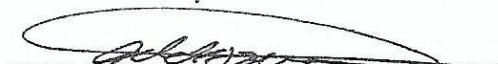
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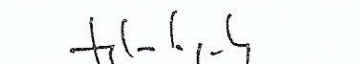
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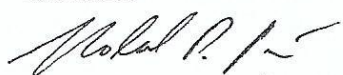
APPROVED:


CHRISTIAN C. HALILI
Presiding Officer

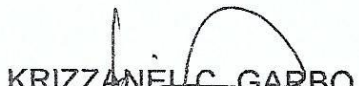

BENJAMIN D. JOCSON
Member



GERALD GUTTRIE P. AQUINO
Member

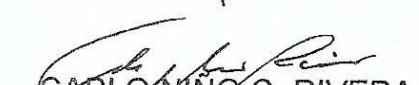

FROYLAN L. GALANG
Member


ROLAND D. PEÑA
Member

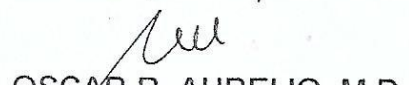

ROGELIO Q. YUMUL
Member


KRIZZANEL C. GARBO
Member



EDUARDO D. SOTTO
Member


CARLO NINO C. RIVERA
Member


DWIGHT OLIVER P. MORALES
Member


OSCAR R. AURELIO, M.D.
Member

APPROVED:


MARINO P. MORALES
City Mayor


02/21/16