

EXCERPTS FROM THE MINUTES OF THE 30<sup>TH</sup> REGULAR SESSION OF THE SANGGUNIANG BAYAN OF BACOR, CAVITE HELD AT THE SESSION HALL, BACOR MUNICIPAL HALL, BACOR, CAVITE ON THE 31<sup>ST</sup> DAY OF MARCH 2008.

**PRESENT:**

HON. MIGUEL N. BAUTISTA ----- Acting Presiding  
Officer

HON. ROLANDO S. REMULLA ----- Councilor

HON. AVELINO B. SOLIS ----- Councilor

HON. HUBERT V. GERVACIO ----- Councilor

HON. REYNALDO M. FABIAN ----- Councilor

HON. NORMITA D. CELESTINO ----- Councilor

HON. AVELINO S. DE CASTRO ----- Councilor

HON. BAYANI M. DE LEON ----- Councilor

HON. GIANNE LOUISE OLEGARIO ----- Councilor (SKF-Pres)

HON. CATHERINE SARINO ----- Councilor (ABC-Pres.)

**Municipal Ordinance No. 4-H  
Series of 2008**

***AN ORDINANCE ENACTING THE BACOR ENVIRONMENTAL CODE.***

*Sponsored by Councilor Hubert Gervacio*

**WHEREAS**, pursuant to the powers of the Sangguniang Bayan of Bacor, Cavite, its members conducted a series of public hearings in aid of legislation intended to save and conserve the rapidly deteriorating environment of the municipality, among others.

**WHEREAS**, the Sangguniang Bayan hired legal consultants for the purpose of determining the existence of any municipal ordinance pertaining to the above-mentioned issue and assist the Sangguniang Bayan in drafting the necessary legislation to address the same.

**WHEREAS**, after conducting the necessary consultations and public hearing, a draft ordinance entitled the "Bacor Environmental Code" was presented to the Sangguniang Bayan for review and consideration.

**WHEREAS**, after a thorough deliberation on the merits of the said proposed municipal ordinance, the Sangguniang Bayan decided to suspend its Internal Rules and proceeded to vote on the said piece of legislation;

**NOW, THEREFORE:**

Be it ordained by the Sangguniang Bayan of Bacoor, Cavite in regular session assembled upon motion of Councilor Hubert Gervacio and unanimously seconded by all its members that:

Section 1. The Bacoor Environmental Code is hereby unanimously enacted. A copy of the said municipal ordinance is attached hereto as **Annex "A"**.

Section 2. Should any provision of the said municipal ordinances be declared void, the remaining provisions of the above-mentioned ordinance not affected thereby shall remain valid and in effect.

Section 3. The said ordinance shall take effect immediately after its publication in a newspaper of general circulation.

Section 4. Let copies of the said municipal ordinance be sent to the Office of the Municipal Mayor and to all the concerned departments of the municipal government of Bacoor, Cavite.

**ENACTED** by the Sangguniang Bayan of Bacoor, Province of Cavite this 31<sup>st</sup> day of March, 2008.

**Attested by:**

**ORIGINAL SIGNED**  
**ATTY. KHALID A. ATEGA JR.**  
*Secretary to the Sangguniang Bayan*

**Certified by:**

**ORIGINAL SIGNED**  
**HON. ROSETTE M. FERNANDO**  
*Vice Mayor/Presiding Officer*

**Approved by:**

**ORIGINAL SIGNED**  
**HON. STRIKE B. REVILLA**  
*Municipal Mayor*

## Table of Contents

Article	I	Title of the Code
	Section	1. Title of the Code
Article	II	Authority and Purpose
	Section	1. Authority
	Section	2. Objectives and Purposes
	Section	3. Declaration of Policy
	Section	4. Definition of Terms
Article	III	Water Resource
	Section	1. Operative Principles
	Section	2. Water Resources Management Plan
	Section	3. Protection of Public Water Infrastructures
	Section	4. Drainage Systems
	Section	5. Health and Sanitation Measures
	Section	6. Water Usage and Classification
	Section	7. Prohibited and Punishable Acts
Article	IV	Solid Waste Management
	Section	1. Governing Laws
	Section	2. Operative Principles
	Section	3. Solid Waste Management Program/Plans
	Section	4. Role of the Municipality
	Section	5. Prohibited Acts
Article	V	Coastal Resources
	Section	1. Governing Laws
	Section	2. Operatives Principles
	Section	3. Conservation of Biological Diversity and Preservation of Heritage Items
	Section	4. Community Participation and Integration of National Government Agencies
	Section	5. Coastal Zoning and Management Guidelines
	Section	6. Prohibited and Punishable Acts
Article	VI	Air and Noise Pollution Management
	Section	1. Governing Laws
	Section	2. Operative Principles
	Section	3. Vehicle Emission Control
	Section	4. Industrial Pollution Control
	Section	5. Zoning Clearances and Building Permits
	Section	6. Ambient Air Quality and Noise Level Monitoring
	Section	7. Information and Education

- Section 8. Industry Group
- Section 9. Acts Prohibited and Punishable under this Code

Article VII

Penalties and Miscellaneous Provisions

- Section 1. Prohibited and Punishable Acts under this Code
- Section 2. The penalty provided in this Code shall be in addition to the penalty that may be provided by any other law or ordinance
- Section 3. Separability Clause
- Section 4. Repealing Clause
- Section 5. Effectivity Clause

## THE ENVIRONMENT CODE OF BACCOOR 2008

### ARTICLE I TITLE OF THE CODE

**Section 1. Title of the Code** - This code shall be known as the Bacoor Environment Code and shall hereinafter be referred to as the Code.

### ARTICLE II AUTHORITY AND PURPOSE

**Section 1. Authority** - This code is enacted pursuant to the provisions of Republic Act No. 7160, also known as the Local Government Code of 1991, particularly Sections 2(a), 2(c), 3(d), 3(e), 3(f) up to 3(m), 5(a), 5(c), 16, 17, 26, and 27, 33, 34, 35, 36, 129, 186, 289, thereof; including Sections 389(b)(9), 444(b)(3)(vii), 455(b)(3)(v), and 465(b)(3)(v).

**Section 2. Objectives and Purposes.** - This Code is enacted for the following purposes and objectives:

To promote the principles of ecologically sustainable development and protection of the environment in the Municipality of Bacoor;

To remedy, avoid or mitigate any adverse effects of economic activities on the environment;

To give proper weight to both long and short terms economic, environmental, social and equity considerations in deciding all matters relating to environmental resources, use, protection, restoration and enhancement.

**Section 3. Declaration of Policy.** - Cognizant of the enormous promise and opportunity for prosperity offered by the quality, quantity, diversity, and sustainability of our environment and natural resources through which we envisage to arrest in part the high rates of out-migration of the residents of Bacoor, as occasioned by the growing scarcity and declining productivity of our natural resources, it is hereby declared the policy of the Municipal government to secure for the use and enjoyment of present and future generations, the perpetual existence of adequate environment and natural resources in order to support indefinitely the sustainable development requirements of the Municipality.

**Section 4. Definition of Terms.** - As used in this Code, the following words and phrases shall be defined as follows:

***Alienable and Disposable (A and D) lands*** - refer to those lands of the public domain which have been declared by law as such.

***Biological diversity*** - means the variability among living organism 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.

**Coastal area/Zone** – is a band of dry land and adjacent ocean space (water and submerged land) in which terrestrial processes and uses directly affect oceanic processes and uses, and vice versa; its geographic extent may include areas within a landmark limit of one (1) kilometer from the shoreline at high tide to include mangrove swamps, brackish water ponds, nipa swamps, estuarine rivers, sandy beaches and other areas within a seaward limit of 200 meters isobaths to include coral reefs, algal flats, sea grass beds and other soft-bottom areas.

**Commercial Fishing** – the taking of fishery species by passive or active gear for trade, business or profit beyond subsistence or sports fishing, to be further classified as:

1. Small scale commercial fishing – fishing with passive or active gear utilizing fishing vessels of 3.1 gross tons (GT) up to twenty (20) GT;
2. Medium scale commercial fishing – fishing utilizing active gears and vessels of 20.1 GT up to one hundred fifty (150) GT; and
3. Large scale commercial fishing – fishing utilizing active gears and vessels of more than one hundred fifty (150) GT.

**De facto** open access condition result from the inability of the state in the case of marine resources, to enforce its ownership and authority by way of effectively excluding or regulating non-owners from the use thereof thereby rendering the utilization of the resource under open and unregulated conditioned as if there is owner or manager. The failure of regulatory control by resource owners or managers are inevitably results in the destruction of the resource and overall losses in public welfare. In the case of marine resources, de facto open access conditions lead to eventual declines in marine productivity, particularly fish catches in the municipal waters. Examples of destructive human activities in Bacoor occasioned by "de facto" open access regimes in municipal waters include the use of destructive fishing methods, over-fishing, destruction of fragile mangrove fish habitats and spawning grounds, improper garbage disposal, pollution, and acts resulting to siltation.

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

**Effluent** - is the general term denoting any wastewater, partially or completely treated, or in its natural state, flowing out of a manufacturing plant, industrial plant or treatment plant.

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

**Environment** - refers to the quantity, quality, diversity and sustainability or 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.

**Environment Compliance Certificate (ECC)** - refers to a clearance issued by the President or his duly authorized representative evidencing that the project has complied with the requirements of the Environmental Impact Assessment System and stating therein some conditions to be followed to ensure that the project will not bring about an unacceptable environmental impact.

**Lease** - is a privilege granted by the Municipality to a person to occupy and possess, in consideration of specified rental, any land of public domain in order to undertake any authorized activity therein.

**License** - is a privilege granted by the Municipality to a person to utilize natural resources within any land, without any right of occupation and possession over the same, to the exclusion of others, or establish or operate a manufacturing plant, or conduct any activity involving the utilization of the natural resources covered by the license.

**Mangrove** - is the term applied to the type of forest occurring on tidal flats along the sea coast, extending along streams where the water is brackish consisting of a community of plants including trees, shrubs, vines, and herbs.

**Municipal waters** - include streams, lakes, subterranean and tidal waters within the territorial jurisdiction of a municipality that are not subject to private ownership and not included within national park, public forest, timberlands, forest reserves or fishery reserves; and covers marine waters included between two (2) lines drawn perpendicular to the general coastline from points where the boundary lines of the municipality touch the sea at low tide and the third line parallel with the general coastline and fifteen (15) kilometers from such coastline. Where two municipalities are so situated that there is less than thirty (30) kilometers of marine waters between them, the third line shall be drawn equidistant from the opposite shores of the respective municipalities.

**Permit** - is a short term privilege or authority granted by the State to a person to utilize any limited natural resources or undertake a limited activity within a piece of land without any right of occupation or possession therein.

**Person** - includes natural as well as juridical persons.

**Public consultation** - refers to a public participation at which information is disseminated and opinions gathered in public in order to ensure that public concerns are fully integrated into the process of environmental impact assessment.

**Solid waste** - refers to all putrescible, non-putrescible and discarded materials (excludes human excrement) including but not limited to food waste, rubbish, ashes, street cleanings, dead animals, abandoned vehicles, sewage treatment sludge in non-liquid form, incinerator ash and residue, commercial, industrial, hospital, funeral, and agricultural waste; and special wastes, whether combustible or non-combustible such as paper, rags, cartons, woods, tin cans, lawn clippings, glass, or litter of any kind.

**Watershed** - is a land area drained by a stream or fixed body of water and its tributaries having a common outlet for surface runoff. Small watershed areas specifically refer to those that are identified by local governments or the proper agency as sources of water supply for particular local communities.

**Waste management** - includes both solid and liquid waste.

**Environmentally Critical Projects (ECP)** – projects that will most likely have high risks or negative environmental impacts. These projects include heavy industries, resource extractive industries, infrastructure projects and golf course projects.

### **ARTICLE III WATER RESOURCE**

**Section 1. Operative Principles** - Water resources in the Municipality shall be managed (a) for the primary purpose of meeting indefinitely the basic requirement for potable water of all residents of Bacoor and (b) for the secondary purpose of securing the availability of adequate supplies of water for the growing industrial, recreational and commercial development activities through water resources pricing in accordance with PD 1198, institution of local water pollution control legislation, and establishment of Bacoor Network of Watersheds. Further, it is hereby declared the policy of the Municipal government that water resources in the Municipality shall be equitably distributed.

**Section 2. Water Resources Management Plan** - The Municipal Environment and Natural Resources Officer (MENRO) shall, together with the, DENR, DPWH and other national government line agencies, local water districts and private sector groups formulate a strategic management plan for efficient and sustainable utilization of water resources.

**Section 3. Protection of Public Water Infrastructures** - The MENRO shall identify the potential watersheds, inter-municipality waterworks and irrigations projects. He shall also ensure that engineering works and infrastructure projects within the Municipality do not adversely impact on water quality and project accessibility.

**Section 4. Drainage Systems** - The MENRO shall recommend necessary measures to ensure that adequate municipal and barangay drainage systems are established and maintained to prevent the negative effects of all types of effluents on both surface and underground water quality. Upon the MENRO's recommendation, the Mayor shall provide assistance to barangays for the purpose of ensuring that solid or liquid wastes are properly disposed for the protection of water resources.

**Section 5. Health and Sanitation Measures** - The MENRO shall study and recommend appropriate measures to improve environmental sanitation by expanding the use of sanitary toilets for waste disposal. Such studies must include, but not be limited to, possible direct investments in public health education and strict enforcement of the Plumbing Code and Sanitation Code.

**Section 6. Water Usage and Classification** - The provisions of DENR Administrative Order No. 34, series of 1990, otherwise known as the "Revised Water Usage and

Classification", and amendments thereto, are hereby adopted.

**Section 7. Prohibited and Punishable Acts** – The Sangguniang Bayan, upon the recommendations of the MENRO, and in coordination with the DENR and other local legislatures from neighboring municipalities, shall, within one (1) year upon effectivity of this Code, enact a unified ordinance for the purpose of defining the penalties and/or sanctions for acts in violation of the provision of this code, such as, but not limited to, the following:

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

In order to avoid deterioration of the quality of a Receiving Water Body (RWB), no industrial plant with high waste load potential shall discharge into a body of water where the dilution or assimilative capacity of said water body during dry weather conditions is insufficient to maintain its prescribed water quality according to its usage and classification.

No person shall discharge, wholly or partially, untreated or inadequately treated industrial effluents directly into bodies of water or through the use of bypass canals and/or pumps and other unauthorized means.

No industrial or manufacturing plant shall be operated without control facilities of wastewater treatment system in good order or in proper operation.

No industrial or manufacturing plant or source of pollution shall be operated at capacities beyond the limits of operation or capability of wastewater treatment facility in order to maintain the effluent quality within the standards or pertinent conditions required by law and/or as stipulated in the permit to operate.

No person shall build, erect, install or use any equipment, contrivance or any means the use of which will conceal and/or dilute an effluent discharge and which otherwise constitute a violation of the provisions of this Code.

The construction of houses and other physical structures within the seashore or banks of river, natural or manmade and banks of irrigation canals shall be governed by existing laws.

No person shall raise or lower or cause the raising or lowering of the water level of a stream, river, lake, marsh or pond, nor drain the same without the necessary government clearances and/or permits.

The construction or setting up of any structure, temporary or otherwise, that would destroy the scenic value as per determination by Department of Tourism (DOT) and or Local Tourism Office of natural waterways or result to the disruption of water flows shall be prohibited unless a water permit is secured.

## ARTICLE IV SOLID WASTE MANAGEMENT

**Section 1. Governing Laws** - The initiatives of the Municipal Government on Solid Waste Management (SWM) shall be consistent with existing national laws, namely:

*Republic Act 9003*, an act providing for a solid waste management program, creating the necessary institutional mechanisms and incentives, declaring certain acts prohibited and providing penalties, appropriating funds therefore and for other purposes.

*Presidential Decree 825*, otherwise known as the *Garbage Disposal Law of 1975*, prohibiting littering in public places and making it the responsibility of residents, institutions and commercial and industrial establishments to clean their surroundings, including streets and canals adjacent to their properties. It further provides for penalties for the improper disposal garbage and other forms of uncleanness.

*Presidential Decree 856*, otherwise known as the *Code of Sanitation of the Philippines*, prescribing requirements for refuse collection and disposal system by food establishments in cities and municipalities.

*Republic Act 6969*, also known as the *Toxic Substances and Hazardous and Nuclear Waste Act of 1990*.

*Republic Act 7160*, also known as the *Local Government Code of 1991* which provides for the devolution of certain environmental powers and responsibilities to the local government units, including the preparation and enforcement of their respective waste management programs.

*Section 2238*, of the Revised Philippine Environment Code which stipulates the general powers of city and municipal councils to enact ordinances and make such regulations on health and safety for the comfort and convenience of the community and the protection of property therein.

**Section 2. Operative Principles** - The Municipal government recognizes that the steadily increasing level of economic activities and population growth in urban and rural areas would lead to an increase in the volume of wastes and adverse impact on the health of our population and Bacoor's fragile ecosystems. Pursuant to Section 3(1), RA 7160, respectively, and in consideration of ecotourism and agro-industrialization as the Municipality's key development strategy, it is therefore its declared policy to encourage and support Solid Waste Management (SWM) programs.

**Section 3. Solid Waste Management Program/Plans** - As guide for interventions, the Municipal governments hereby adopts the Solid Waste Management (SWM) Program which shall contain the necessary standards/criteria pursuant to Section 16 and 17 of RA 9003:

**Section 4. Role of the Municipality.** - The Municipal government shall create the Municipal Solid Waste Management Board pursuant to Section 11 of RA 9003 which shall perform the following functions:

1. Develop a Municipal solid waste management plan.
2. Recommend measures and safeguards against pollution and for the preservation of the natural ecosystem.
3. Recommend measures to generate resources, funding and implementation of projects and activities as specified in the duly approved solid waste management plans.
4. Identify neighboring municipalities which share with Bacoor common solid waste management problems and are appropriate units for planning local solid waste management services on accordance with section 41 of RA 9003.
5. Develop an appropriate incentive scheme as an integral component of the Municipal Solid Waste Management Plan.
6. Oversee the implementation of the Municipal Solid Waste Management Plan.
7. Review every two (2) years or as 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.

**Section 5. Prohibited Acts.-** The Sangguniang Bayan, in coordination with the DENR - EMB, shall, within one (1) year upon effectivity of this Code, enact a specific ordinance for the purpose of defining the penalties and/or sanctions for acts in violation of the provisions of this Code, such as but not limited, to the following:

1. Littering, throwing, dumping of waste matters in public places, such as roads, sidewalks, canals, esteros or parks, and establishment, or causing or permitting the same.
2. Undertaking activities or operating, collecting or transporting equipment in violation of sanitation operation and other requirements or permits.
3. The open burning of solid waste.
4. Squatting in open dumps and landfills.
5. Open dumping, burying of biodegradable or non-biodegradable materials in flood prone areas.
6. Unauthorized removal of recyclable material intended for collection by authorized persons
7. The mixing of source-separated recyclable material with other solid waste in any vehicle, box, container or receptacle used in solid waste collection or disposal.

8. Transport and dumping in bulk of collected domestic, industrial, commercial and institutional wastes in areas other than prescribed centers of facilities.
9. The construction of any establishment within two hundred (200) meters from the circumferential boundary of open dumps or controlled dumps or sanitary landfills.
10. The construction or operation of landfills or any waste disposal facility and other waste management facilities not in accordance with the laws, regulations and guidelines of the concerned government agencies.
11. The disposal of non-biodegradable debris, dredge materials if such are contaminated with industrial wastes, as well as the disposal of plastics and litter in beaches and the sea itself is prohibited. Dumping of plastic debris such as discarded fishing nets and lines, packing bands, straps, synthetic ropes, plastic bags, bottle sheets, other containers and even medical equipment shall likewise be prohibited for it will not only reduce amenity of the marine environment but also poses threat to the safety of many marine mammals and birds that are prone to ingest such debris, and
12. No person shall dump or dispose wastes into the sea and any body of water, including shorelines and river banks, where wastes are likely to be washed into the water; provided, that dumping of waste and other materials into the sea or any navigable waters shall be permitted in case only of immediate or imminent danger to life and property, subject to existing national laws and regulations.

## **ARTICLE V COASTAL RESOURCES**

**Section 1. Governing Laws.** The provisions of this Code shall be governed by, but not limited to, the following national laws:

1. RA 7160 (Local Government Code of 1991)
2. RA 8550, series of 1998 (Philippine Fisheries Code), Section 69 (Creation of FARMC's)
3. Presidential Decree No. 705, (Forestry Decree of 1975), as amended.
4. Presidential Decree 601 (Revised Coast Guard Law of 1974).
5. Republic Act 6975 (Local Government Act of 1990, creating the PNP-MARICOM under the DILG)
6. EO 247 series of 1995 entitled "Prescribing guidelines and establishing a regulatory framework for the prospecting of biological and genetic resources, their by-products and derivatives for scientific and commercial purposes, and

for other purposes”.

**Section 2. Operative Principles.** The Municipal government recognizes that our municipal waters, which contain valuable productive habitats wherein more than one-third of the people of Bacoor are directly dependent for livelihood, income and nutrition, is presently under “de facto” open access conditions which threaten the food security, long term livelihood, use and enjoyment of our fishing population in particular and the people of Bacoor in general. The Municipal government also hereby affirms the provisions of Article XIII, Section 2 of the Philippine Constitution, which provides that the State, through the component coastal municipalities, shall protect the rights of subsistence fishermen, especially local communities, to the preferential use of communal marine and fishing resources, both inland and offshore. It shall also protect its marine wealth and exclusive zone, and reserve its use and enjoyment exclusively to Filipino citizens.

The MENRO shall submit a Municipal Coastal Resources Management Framework (CRMF) to serve as guide for the municipality in undertaking, among others, the delineation, establishment, management, and maintenance and protection of its municipal waters within six (6) months upon effectivity of this Code.

In the minimum, the CRMF shall include working guides for conducting the following:

1. Preparation of zoning and management plans covering municipal waters.
2. Strengthening the fisherfolk organizations.
3. Organizational and institutional mechanisms.
4. Procedures for dealing with pollution (from liquid and solid waste) of municipal waters.
5. Regulations governing recreational, educational, and scientific use of municipal waters.
6. Investments, promotion, revenue generation and livelihood enhancement.
7. Procedures for dealing with abandoned, unproductive and illegal fishponds.
8. Rehabilitation of mangroves, coral reefs, sea grass beds and shorelines.
9. Development of alternative livelihood.
10. Formulation, promulgation, and enforcement of fishing laws, rules and regulations.
11. Reclamation infrastructure.

**Section 3. Conservation of Biological Diversity and Preservation of Heritage Items.-** Biological diversity and heritage items shall not be jeopardized in the utilization, development and management of our municipal waters. Unique marine features and

productive habitats such as, but not limited to, reefs, seagrass beds and corals, shall not be destroyed.

**Section 4. Community Participation and Integration of National Government Agencies.** - Management of our coastal resources and municipal waters shall be undertaken by communities in close collaboration with the Municipal government and barangay councils, national government agencies and instrumentalities, people's organizations, non-government organizations and the private sector in general in order to engage their active cooperation

**Section 5. Coastal Zoning and Management Guidelines.** The MENRO shall formulate a Municipal coastal zoning and management planning guideline which will serve as basis in formulating municipal coastal zoning and management plans. The plan shall be based on co-management approach where the municipal government shall work with resource users and build upon existing laws, particularly in the institutionalization of the Fisheries and Aquatic Resource Management Councils (FARMC) pursuant to RA No. 8550, series of 1998, Section 69.

a) Zoning - The zoning component of the plan shall classify municipal waters according to four (4) zones, namely: strict protection zone, recreation and ecotourism zones, rehabilitation or core zones and sustainable production use zones. The zoning plan shall achieve the following purposes:

1. Provide basis for the provision of tenure to qualified coastal zone residents as a means to prevent incidence of squatting and/or unplanned settlements.
2. Locate, delineate and set aside appropriate areas for industries to secure the environmental requirements for the growth and development of coastal communities, such as, but not limited to the identification of areas for settlements, agriculture, institutions, infrastructure, commerce, recreation, tourism, natural reservations and sanctuaries and areas of cultural and historical significance.
3. Delineate areas as sanctuaries, no-fishing zones, fishing gear restriction zones, and critical breeding and feeding areas of ecologically and economically important organisms.
4. Delineate natural areas for the exclusive use of specific user groups such as, but not limited to, areas for recreation, tourism, research and education.
5. Delineate Mangrove areas to be covered under stewardship agreements and other applicable tenurial instruments.
6. Delineate areas where construction is prohibited pursuant to Presidential Decree No. 1967 and DENR Administrative Order No. 05, series of 1997.

**Section 6. Prohibited and Punishable Acts.** - Within one (1) year upon effectivity of this Code, The Sangguniang Bayan shall develop a model fishery and aquatic resources ordinances for the purpose of defining the penalties and/or sanctions for acts in violation of the fishery provisions of this Code, such as, but not limited to, the following:

- a) The gathering, taking, or transporting of corals, giants clams, spawning fishes.
- b) The construction of tourist facilities directly in the water's edge where such would result to the loss or alteration of breeding and nursery grounds of fishes shall be prohibited.
- c) The conversion of wetlands into fish/prawn farms, and the extraction of freshwater in coastal areas that may result in the intrusion of saline water into the freshwater table shall be regulated through a system of permits issued by the local government chief executive having territorial jurisdiction thereto, subject to existing national laws, rules and regulations.
- d) The use of the following fishing gears or methods shall be banned and prohibited; air compressors, Electric light shiners, sagiwsiw, baby trawls ("likom-likom or palakaya"), "liba-liba or hulbot-gabot", beach seine, and fishing through the use of poisonous substances and mere possession of explosives.
- e) It shall be prohibited and punishable for any officer, member of the crew or passenger of any ship, boat or sea craft of any kind coming to dispose, dump or throw away garbage or waste at any port and waters within the territorial jurisdiction of the Municipality of Bacoor. Likewise, it shall be punishable under this Code for owners and masters of shipping companies who dispose or tolerate any personnel under his/her supervision and control to throw garbage and other wastes into the seas within the jurisdiction of the Municipality of Bacoor.
- f. It shall be unlawful for any vessel or any individual to spill oil or oily matters/substances within the territorial waters.

## ARTICLE VI AIR AND NOISE POLLUTION MANAGEMENT

**Section 1. Governing Laws.** - This portion of the Code shall be governed by, but not limited to, the following national laws;

1. Republic Act No. 7160 (Local Government Code of 1991)
2. RA 8749 (Clean Air Act of 1999)

**Section 2. Operative Principles.** - The Municipal government recognizes that, unless appropriate proactive measures are in place, the agro-industrial development of the Municipality will be associated with the production of increased amounts of air and noise pollutants thereby inevitably threatening the health and well-being of the people of Bacoor, particularly from the increased utilization of fossil fuels by automotive vehicles and industries. Pursuant to Section 17, RA 7160, the Municipal government reaffirms its authority to enforce pollution laws and take over the testing and apprehension of smoke belching vehicles and abatement of noise and nuisance in accordance with law.

**Section 4. Vehicle Emission Control.** - The Municipal Environment and Natural Resources Officer, in coordination with the Land Transportation Commission (LTC) and the DENR, shall establish a permitting system to ensure that the emission of vehicles and industries operating within the Municipality are in accordance with standards provided under R.A. 8749, the Clean Air Act of 1999. Such permitting system developed must be submitted by the MENRO to the Sangguniang Bayan within a year from the adoption of this Code so that funds may be appropriated therefor.

**Section 5. Industrial Pollution Control.** - The MENRO, in coordination with the DENR, shall ensure that the industrial firms operating within the Municipality comply with the air quality standards, periodically test the emission of industrial firms, and establish adequate capability to respond positively to related citizen complaints on air and noise pollution.

**Section 6. Zoning Clearances and Building Permits.** - The MENRO shall likewise be responsible in evaluating the noise generating potential of infrastructure projects as part of the processing of zoning clearance and building permits. All projects, which generate potential noise and vibration levels contrary to ambient noise level standards established by the Department of Health, shall be required to install soundproofing devices and eliminate vibration.

**Section 7. Ambient Air Quality and Noise Level Monitoring.** - When necessary, the MENRO, in close collaboration with the DENR shall establish, operate and maintain noise and ambient air quality sampling and monitoring stations, the result of which shall be released to the public particularly to communities living near and around emission sources.

**Section 8. Information and Education.** - The MENRO shall implement a continuing program of education and information dissemination on air and noise pollution as an integral part of the pollution control policy of the Municipal government.

**Section 9. Industry Group.** - The multi-sectoral Water Resources Advisory Board shall organize industries for the purpose of sharing air pollution reduction and noise abatement techniques, work as a group with the government and non-governmental organizations on pollution and noise minimization and advise the Mayor on the policy requirements to promote clean air in the Municipality.

**Section 10. Acts Prohibited and Punishable under this Code** shall include but not limited to the following:

1. Causing, permitting, suffering or allowing the emission of particulate matter from any source whatsoever, including but not limited to, vehicular movement, exportation of materials, construction, alteration, demolition or wrecking or industry related activities as loading, storing or handling without giving reasonable precautions to prevent the occurrence of such condition. Neither shall such person cause nor permit the discharge of visible fugitive dust emissions beyond the boundary line of the property from which the emission originates.
2. Storing, dumping, handling, processing, unloading or using in any process or installation, volatile compounds or organic solvents without applying known vapor emission control devices or systems deemed necessary and approved and ordered by

the Mayor and the appropriate national government agency.

3. Operating plant or source at capacities that exceed the limits of operation or capability of a control device to maintain the air emission within the standard limitations as provided under existing national laws, rules and regulations.
4. Building, erecting, installing or using any article, machine, equipment or other contrivance, the use of which will conceal emission which would otherwise constitute a violation of any of the provision of this Code.
5. Building, erecting or installing a chimney serving industrial establishments, which causes air impurities without a prior approval by the Mayor. The building of such for residential uses shall be exempted.
6. Operating a vehicle which discharges air pollutants at levels exceeding the standard set forth by the DENR.
7. Causing, allowing or permitting the discharge of air pollutants that cause or contribute to an objectionable odor.
8. Building, erecting, constructing, installing or implanting any new source, operate, modify, or rebuild and existing source, or by any means cause or undertake any activity, which would result in ambient noise level higher than the ambient standards. Neither shall such person emit or cause to emit or suffer to be emitted noise greater in volume intensity or quality than the levels prescribed by the DENR for tolerable noise without first securing a clearance from the Municipal Mayor.
9. Causing or permitting the creation of any unnecessary noise through the use of any device on any street adjacent to any hospitals, schools, or courts of justice.

## **ARTICLE VII PENALTIES AND MISCELLANEOUS PROVISIONS**

**Section 1.** Until specific ordinances classifying prohibited acts and providing penalties therefor are enacted, Prohibited and punishable acts under this Code shall be uniformly penalized and be fined an amount not less than One Thousand Five Hundred Pesos (Php 1,500.00) but not to exceed Two Thousand Five Hundred Pesos (Php2,500.00) or an imprisonment of not less than thirty days but not to exceed one year or both fine and imprisonment at the discretion of the court.

**Section 2.** The penalty provided in this code shall be in addition to the penalty that may be provided by any other law or ordinances. Provided however, that the prosecution or law enforcer shall charge the offender or violator with the law providing a heavier penalty in case it appears that a single act is punishable by two or more laws, ordinance and provisions thereof with different penalties or in case filing more than one charges may amount to double jeopardy.

**Section 3. Separability Clause.** – If, for any reason or reasons, any part of the 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 4. Repealing Clause.** – All Ordinances, resolutions, Circulars, Memorandums or Rules and regulations inconsistent with the provision of this Code are hereby repealed and modified accordingly.

**Section 5. Effectivity Clause.** – This Code shall take effect immediately upon approval.

