

Republic of the Philippines  
City Government of Batangas  
Batangas City

**SANGGUNIANG PANLUNGSOD**  
**Ordinance No. 16**  
**Series of 2010**

**AN ACT PROVIDING FOR THE**  
**ENVIRONMENT CODE OF BATANGAS CITY**

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**WHEREAS**, enshrined in the highest law of the land, the Philippine Constitution, that the state shall promote the ideals of conserving and developing our patrimony; and declares as a policy the right to a balanced ecology when it says: “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”;

**WHEREAS**, the Presidential Decree No. 1152, also known as the “Philippine Environment Code”, stipulated that the environment shall be recognized as a vital concern of the government;

**WHEREAS**, under Section 458, No. 1 (vi) of the Local Government Code of 1991 “the Sangguniang Panlungsod shall protect the environment and impose appropriate penalties for acts which endangered the environment xxx such as activities which result in pollution, destruction of rivers and lakes, or of ecological imbalance,”

**WHEREAS**, protection and safeguarding of the environment is a primary concern of the Batangas City Government to ensure the rights of Batangas Constituents to a balanced and healthful ecology and the freedom of Batangueños to all risks, dangers and hazard of pollution which development and progress imminently generate;

**WHEREAS**, the City Environment and Natural Resources Office is created pursuant to City Ordinance 6 Series 1998 and Article 122 (n) of R.A. 7160 as a primary arm of the City Government of Batangas in the development and promotion of environment friendly communities for the protection and conservation of the city’s natural resources and in preserving the ecological balance of environment and its sustainable development as well as preventing and abating pollution in Batangas City;

**WHEREAS**, the Local Government of Batangas City has placed environmental protection as a basic foundation of the sustainable development of the city;

**WHEREAS**, the people of Batangas City put high premium value on environment and natural resources as a pillar of community development;

**WHEREAS**, the Batangas City Government recognizes that a clean and healthy environment is for the good of all and should therefore be a concern of all.

**WHEREAS**, the Local Government Code states that cities may impose and collect such reasonable fees and charges on business and occupations xxx;

**WHEREAS**, the Local Government of Batangas City, shall institutionalize City Environment and Natural Resources Office, with primary function to lead, develop and implement, in coordination with relevant government agencies, a comprehensive program of environmental protection and management of the city;

**NOW, THEREFORE**, the SANGGUNIANG PANLUNGSOD OF BATANGAS CITY, hereby promulgate this legal instrument:

**ARTICLE 1**  
**GENERAL PROVISION**

**Section 1. Short Title.** This code shall be known and cited as the “Environment Code of Batangas City,” and shall be commonly referred to as E-Code.

**Section 2. Purposes of this Article**

- a) To embody in this E-Code the shared vision of the constituents of Batangas City for the environment and its influence on sustaining the general welfare of the people of Batangas City;
- b) To codify the aspirations of the constituents as the basis of this E-Code.

**Section 3. Statement of Vision for the Environment of Batangas City**

- a) As a globally recognized component City in the CALABARZON Region, Batangas City is an epitome of good governance and leadership in the protection of the environment and the general welfare of its constituents. Its development path includes environment and natural resources management, sustainable ecotourism and resource-based livelihood, industrial and socio-cultural endeavors.
- b) Batangas City is a progressive community which provides quality education for youth, a peaceful and clean environment and a God-fearing community with high value for the environment.
- c) Batangas City firmly believes that these objectives can be achieved through a united action among its people in the protection and conservation of the city’s environment and natural resources; where the people actively cooperate with the local government units and other sectors with similar goals and principles.

**Section 4. Operative Principles.** This code is based on the vision, mission, goals and objectives of the City to attain sustainable development based on the following principles:

- a. Active participation of all Batangueños to attain sustainable development;
- b. The people are mere stewards of God’s gift of nature for the sustenance of their livelihood;
- c. The enactment and enforcement of laws concerning the protection, conservation and preservation of the environment and natural resources shall be just and consistent with the laws of nature;
- d. The use of environment-friendly and appropriate technologies is a basic foundation for a healthy and progressive generation;
- e. All development activities shall give importance and respect to the indigenous culture, practices and traditions of the Batangueños including gender and population concerns;

- f. The sustainable economic development of the City calls for a judicious use of its natural resources and equitable access to all in accordance with existing promulgated laws and that of nature;
- g. All residents of Batangas City have the right to be informed of all undertakings about the status, sustainable use, protection, preservation and conservation of environment and natural resources;
- h. Climate Change is a reality and adaptation and mitigation to its impacts can be addressed by intensifying preparedness through access, availability and provision of accurate information and skills to the people of Batangas City.

**Section 5. Declaration of Policy.** Cognizant of the enormous opportunities and potentials of the City's environment and natural resources and considering that the management and use of all these God's given gift transcends various boundaries, it is hereby declared the policy of the city government to secure its perpetual use for the enjoyment of the present and future generations consistent with promulgated laws and laws of nature.

**Section 6. Definition of Terms.** As used in this Code or may be used as reference in the future, the following words and phrases shall be defined as follows:

- a) Agricultural waste- refers to waste generated from planting or harvesting of crops, trimming or pruning of plants and waste or run off materials from farm and field. This also includes waste, either solid or liquid, derived from institutions that use, manufacture or dress crops or livestock such as food companies, abattoirs, etc
- b) Air pollutant – in accordance with Article 2, Section 5 (Definition of Term) of the Philippine Clean Air Act "Air pollutant means any matter found in the atmosphere other than oxygen, nitrogen, water vapor, carbon dioxide, and the inert gases all in their natural or normal concentrations, that is detrimental to health or the environment, which includes but not limited to smoke, dust, soot, cinder, fly ash, solid particles of any kind, gases, fumes, chemical mists, contaminated steam and radioactive substances;
- c) Air pollution - means any alteration of the physical, chemical and biological properties of the atmosphere, or any discharge thereto of any liquid, gaseous or solid substances that will or is likely to create or to render the air resources of the country harmful, detrimental, or injurious to public health, safety or welfare or which will adversely affect their utilization for domestic, commercial, industrial, agricultural, recreational, or other legitimate purposes;
- d) Airshed - refers to areas with common weather or meteorological conditions and sources of air pollution which affect the interchange and diffusion of pollution in the surrounding atmosphere.
- e) Alienable and Disposal Lands (A & D) – refer to those lands of the public domain, which have been declared by law as not needed for forest purposes.
- f) Ambient air quality – in accordance with Rule IV Section 1 (Definition of Terms) of the Philippine Clean Air Act – Implementing Rules and Regulation, ambient air quality refers to the atmosphere's average purity in a broad area as distinguished from discharge measurements taken at the source of pollution or the present characteristic or nature of the surrounding atmosphere;
- g) Ambient air quality guideline values - refers to the concentration of air over specified periods classified as short-term and/or long-term which are intended to serve as goals or objectives for the protection of health and/or public welfare. These values shall be used for air quality management purposes such as determining time trends, evaluating stages of deterioration or enhancement of the air quality. In general, used as a basis for taking positive action in preventing, controlling, or abating health impacts from air pollution;
- h) Ambient air quality standard - means the concentration of an air pollutant as listed under Philippine Clean Air Act of 1999, RA 8749 which, in order to protect public health and/or public welfare, shall not be exceeded in the breathing zone, at any time. Standards are enforceable and must be complied with by the owner or person in-charge of an industrial operation, process or trade;
- i) Batangas Coastal Areas- include the shorelines of Batangas Bay delineated by city land area and Isla Verde Island. The sea area includes the depths and breath of Batangas Bay including the delta of Calumpang River and the Isla Verde Passage portion.

- j) Biological Diversity – 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.
- k) Buffer Zones – are identified areas outside the boundaries of and immediately adjacent to designated protected areas and need special development control in order to avoid or minimize harm to the protected area.
- l) Bulky waste – refer to waste materials which cannot be appropriately placed in separate containers because of either its bulky size, shape or other physical attributes.
- m) “Business/es” - means trade or commercial activity regularly engaged in as means of livelihood or with a view of profit.
- n) “Business Transaction/s” - means an act of business dealings and or contract with relation to delivery, hauling, transport, treatment and disposal of substances and/or materials which are potential and actual sources of land, air, and water pollution.
- o) Built-up Areas – refer to the portions of land within the City or barangays that are actually occupied as residential, commercial, or industrial areas as embodied in a duly approved land use plan by the Sangguniang Panlungsod.
- p) Chemical mixture - means any combination of two or more chemical substances if the combination does not occur in nature and is not, in whole or in the past, the result of a chemical reaction, if none of the chemical substances and if the combination could have been manufactured for commercial purposes without a chemical reaction at the time the chemical substances comprising the combination were combined. This shall include nonbiodegradable mixtures.
- q) Chemical Substance - means any organic or inorganic substance of a particular molecular identity excluding radioactive materials and includes — any element or uncombined chemical; and any combination of such substances; or any mixture of two or more chemical substances.
- r) City – unless otherwise stated, this will refer to the City of Batangas.
- s) City Environmental Certificate - is a clearance issued by the City Environment and Natural Resources Office (City ENRO) during the construction stage of business, commercial, institutional, and industrial establishments. The City ENRO shall conduct an on-site inspection prior to the issuance of CEC where specific conditions are defined and imposed to each establishment.
- t) City Environmental Permit to Operate – is a permit issued by the City Government thru the City ENRO prior to the operation of business, commercial, institutional, and industrial establishments after compliance with the provision of the City Environmental Certificate.
- u) City Waters – include streams, lakes, subterranean and tidal waters within the territorial jurisdiction of a City that are not subject to private ownership and not included within national park, public forest, timberlands, forest reserves or fishery reserves; and covers marine waters included between two (2) lines drawn perpendicular to the general coastline from points where the boundary lines of the City touch the sea at low tide and a third line parallel with the general coastline and fifteen (15) kilometers from such coastline. Where marine waters between them, the third line shall be drawn equidistant from the opposite shores of the respective city.
- v) CNG (Compressed Natural Gas) - is a fossil fuel substitute for gasoline (petrol), diesel, or propane fuel. Although its combustion does produce greenhouse gases, it is a more environmentally clean alternative to those fuels, and it is much safer than other fuels in the event of a spill (natural gas is lighter than air, and disperses quickly when released).
- w) 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 isobath to include reefs, algal flats, sea-grass beds and other soft-bottom areas.
- x) Collection – refer to the act of removing waste from the source or from communal storage point.
- y) Composting – refer to the controlled decomposition of organic matter by micro-organism, mainly bacteria and fungi, into a humus-like product.
- z) Commercial Fishing – the taking of 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; (2) medium-scale commercial fishing; and (3) large-scale commercial fishing.

- aa) Conservation – means the wise-use and optimum utilization of natural resources.
- bb) Critical Watershed – refers to a drainage area of a river system, lake or water reservoir supporting existing and proposed hydroelectric power, domestic water supply, geothermal, irrigation works, which needs immediate rehabilitation and protection to minimize soil erosion, improve water yield and prevent possible flooding.
- cc) Devolution – refers to the act by which the national government confers power and authority as provided for by law.
- dd) Ecological Profile – refers to geographic-based instrument for planners and decision makers, which presents a description of the environment setting including the state of environmental quality and evaluation of the assimilation capacity of an area.
- ee) Ecotourism is defined as a nature-based or resource-based tourism, or purposeful travel to natural areas for both enjoyment and understanding about the cultural and natural history, and nature of the environment.
- ff) Effluent - means discharge from known sources which is passed into a body of water or land, or wastewater flowing out of a manufacturing plant, industrial plant including domestic, commercial, agricultural farms and recreational facilities
- gg) Emission - means the act of passing into the atmosphere an air contaminant, pollutant, gas stream and unwanted sound from a known source.
- hh) ENRO - this is the acronym that shall refer to Environment and Natural Resources Office as well as to the Environment and Natural Resources Officer both of which were created under City Ordinance No. 6 which need to be strengthened through institutionalization by this Environment Code.
- ii) Environmentally Critical Areas (ECA) – refer to the socially, ecologically, and geologically sensitive areas declared by law or valid proclamations as areas set aside as scenic/aesthetic and potential tourist spots; areas which are the habitat of endangered species; areas possessing unique historic, archeological, or scientific interests; areas traditionally occupied by indigenous communities; areas with critical slopes; areas frequently visited by natural calamities; prime agricultural lands; recharge areas of aquifers; water bodies; mangrove areas; coral reefs; mossy and virgin forests; river banks, and ; swamplands and marshlands.
- jj) Environmental Compliance Certificate (ECC) – refers to authorization issued by the DENR pursuant to law, in favor of a proponent, the project of which have been reviewed, evaluated and finally approved upon consideration that the project will not bring about an unacceptable impact and that the proponent has complied with all the requirements of PD 1586 as well as Proclamation 2146, otherwise known as Environmental Impact Assessment System.
- kk) Environmental Compliance Officer (ECO) – a person employed and designated by a business, commercial, institutional, and industrial establishments duly accredited by the City Government thru City ENRO for purposes of supervision and enforcement of existing rules and regulations for the protection of the environment and to promote general welfare. For establishment with DENR accredited PCOs, the same shall automatically serve as the ECO upon presentation of their accreditation to the City ENRO. The ECO will serve as the focal person/coordinator to the City Government where environmental issues within any business, commercial, institutional, and industrial establishments is a concern.
- ll) Environmental Impact Assessment – is a process that involves predicting and evaluating the likely impacts of a project on the environment during preparatory activities/construction, commissioning, operations and abandonment or de-commissioning and designing appropriate mitigating measures to protect the environment as well as the communities' welfare.
- mm) Environmental Management System - refers to the management of an organization's environmental programs in a comprehensive, systematic, planned and documented manner. It includes the organizational structure, planning and resources for developing, implementing and maintaining policy for environmental protection.
- nn) Environmentally acceptable – refer to the quality of being re-usable, biodegradable or compostable, recyclable and not toxic or hazardous to the environment as listed under the list of DENR environmentally acceptable materials.
- oo) Extended Producer Responsibility - is a strategy designed to promote the integration of environmental costs associated with products throughout their life cycles into the market price of the products.

- pp) “Fee” - is a charge fixed by law or ordinance for the regulation, monitoring and inspection of all business, industrial, commercial, or agricultural establishments.
- qq) Forest lands - include the public forest, the permanent forest or forest reserves, and forest reservations.
- rr) Forest product - means, timber, pulpwood, firewood, bark, tree top, resin, gum, wood, oil, honey beeswax, nipa, rattan, or other forest growth such as grass, shrub, and flowering plant, the associated water, fish, game, scenic, historical, recreational and geologic resources in forest lands.
- ss) Forest reservations - refer to forest lands which have been reserved by the President of the Philippines for any specific purpose or purposes
- tt) Forest Resources – include both living and non-living components of the forest. It also refers to the land, water timber and non-timber, wild flora and fauna, microorganisms found inside forest area.
- uu) Green Building Design - is designing a building to minimize energy consumption, use renewable or recyclable resources, protect the natural environment, and create health non-toxic work environment.
- vv) Green infrastructure refers to an interconnected network of natural features (vegetation, parks, wetlands, etc.) that provide beneficial “ecosystem services” for human populations. The benefits include pollution removal, carbon sequestration and groundwater recharge
- ww) Harmful - causing or capable of causing harm;
- xx) Hazardous substances – are substances which present either as: (a) short term acute hazards, such as acute toxicity by ingestion, inhalation or skin absorption, corrosivity or other skin or eye contact hazards or the risk of fire or explosion; or (b) long term environmental hazards which include chronic toxicity upon repeated exposure, carcinogenicity (which in some case result from acute exposure but with a long latent period), resistance to detoxification process such as biodegradation, the potential to pollute underground or surface waters, or aesthetically objectionable properties such as offensive odors.
- yy) Hazardous wastes – are hereby defined as substances that are without any safe commercial, industrial, agricultural or economic usage and are shipped, transported or brought from the country of origin for dumping or disposal into or in transit through any part of the territory of the Philippines. Hazardous wastes shall also refer to by-products, side-products, process residues, spent reaction media, contaminated plant or equipment or other substances from manufacturing operations, and as consumer discards of manufacture products.
- zz) Initial Environmental Examination (IEE) – refers to the document required of proponents describing the environmental impact of, and mitigation and enhancement measures for projects or undertakings located in an environmentally critical area.
- aaa) ISO 14001 – is an international standard that certifies an organization having and implementing an environmental management system
- bbb) Land use – refers to the human modification/changes of the natural environment to built environments such as residential, farms or fields, and industrial commercial areas.
- ccc) Mangrove - is a term applied to the type of forest occurring on tidal flat along the sea coast, extending along stream where the water is brackish.
- ddd) Metallic Mineral Resources – consist of mineral ores with gold, iron, copper, nickel, silver and other metals.
- eee) National Integrated Protected Areas System (NIPAS) – is the classification and administration of all designated protected areas to maintain essential ecological processes and life-support system. To preserve genetic diversity, to ensure sustainable use of resources found therein, and to maintain their natural conditions to the greatest extent possible as provided in RA 7586, otherwise known as the NIPAS Act of 1992.
- fff) Non-metallic Mineral Resources – consist of sand, gravel, boulder, clay and marble among others.
- ggg) Nuclear wastes – are hazardous wastes made radioactive by exposure to the radiation incidental to the production or utilization of nuclear fuels but do not include nuclear fuel, or radioisotopes which have reached the final stage of fabrication so as to be usable for any scientific, medical, agricultural, commercial, or industrial purpose.
- hhh) 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.
- iii) Person – includes natural as well as judicial persons.

- jjj) “Pollution” - means any alteration of the physical, chemical, biological, properties of any water, air and/or and resource of Batangas City, or any discharge thereto of any liquid, gaseous or solid waste, or any production of unnecessary noise, or any emission of objectionable odor, as will or is likely to create or to render such water, air and/or land resources harmful, detrimental or injurious to public health, safety or welfare, or which will adversely affect their utilization for domestic, industrial, agricultural, recreational or other legitimate purposes.
- kkk) Pollutant - A substance or condition that contaminates air, water, or soil. Pollutants can be artificial substances, such as pesticides and PCBs, or naturally occurring substances, such as oil or carbon dioxide, that occur in harmful concentrations in a given environment.
- lll) Production Forest – refers to areas with slope 0-15 percent, developed to supply commercial timber and non-timber products such as bamboo, rattan, horticultural crops (e.g. fruit/nut trees), mangrove, gums, and resins, spices, fiber trees, vines, palms or combination thereof.
- mmm) Protected Area – refers to identified portion of land and water set aside by law by reasons of their unique physical and biological significance, managed to enhance biological diversity and protected against destructive human exploitation, as provided in RA 7586, National Integrated Protected Areas System (NIPAS) Act of 1992.
- nnn) Protection Forest – refers to areas regardless of slope which are highly erodable or too rocky for establishment of production forest, developed for the primary objective of establishing vegetative cover to prevent erosion, conserve and produce water, and nurture wildlife.
- ooo) Public Consultation – refers to a stage of public participation at which information is disseminated and opinions gathered in public in order to ensure that public concerns are fully integrated into the process of the environmental impact assessment project development and management and policy formulation.
- ppp) Public Forest Lands – refer to those lands of the public domain which have been set aside by law for forest purposes. These lands may either presently forested or denuded.
- qqq) Quarrying – is the process of extracting, removing, and disposing quarry resources on public or private land.
- rrr) Quarrying permit – is granted to a qualified person for the extraction and utilization of quarry resources on public or private land.
- sss) Quarry Resources – means any common stone or other common mineral substances such as, but not restricted to marble granite, volcanic cinders, basalt, tuff, and rock phosphate; provided they contain no metals or other valuable minerals in economically workable quantities.
- ttt) RA 7160 – refers to the Local Government Code of 1991.
- uuu) Reclamation Forest – refers to a tract of forest land, forested or non-forested, and may contain both production and protection forest, developed for the additional or primary purpose of providing non-destructive recreational pursuits such as, but not limited to, camping, bush walking, bird watching, mountaineering, and observations/studies.
- vvv) Scoping – refers to the stage in the EIS system where information and assessment requirements are established to provide the proponent with a scope of work for the EIS.
- www) Standards for Noise-Producing Equipment – the installation of any noise-producing equipment shall conform to the requirements of Presidential Decree No. 1096 and other applicable laws as well as their implementing rules and regulations.
- xxx) Tree – a woody plant living for more than a year with one main stem or trunk which develop many branches, usually at some height above the ground.
- yyy) Transport - includes conveyance by air, water and land.
- zzz) VOC – Volatile Organic Compound - refers to organic chemical compounds which have significant vapor pressures and which can affect the environment and human health. VOCs are numerous, varied, and ubiquitous. Although VOCs include both man-made and naturally occurring chemical compounds, it is the anthropogenic VOCs that are regulated, especially for indoors where concentrations can be highest. VOCs are typically not acutely toxic but have chronic effects. Because the concentrations are usually low and the symptoms slow to develop, analysis of VOCs and their effects is a demanding area.
- aaaa) 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 source of water supply for a particular local community.
- bbbb) Waste Management – the proper disposition of both solid and liquid wastes.

cccc) Wildlife – living things and specially mammals, birds and fishes that are neither human nor domesticated and is living in a natural and undomesticated state.

## **ARTICLE II**

### **LAND RESOURCES AND CONSERVATION AREAS**

**(Urban, Agricultural, Industrial, Commercial, Residential, Institutional, Infrastructure, and Conservation Areas)**

#### **Section 7. Purpose of this Article**

- a) To provide guidelines in the formulation of Land Resources and Conservation Plan of the city anchored on the principle of sustainable development;
- b) To promote investment in ecotourism through a rational land resources and conservation planning;
- c) To ensure that land management respect the carrying capacity of the natural resources and ensure that development is within the assimilative capacity for solid waste and other pollutants from human activities;
- d) To promote land development of upland areas that ensure the environmental integrity of downstream areas including the coastal zone;
- e) To reduce vulnerability of land area of the city to extreme weather events resulting to storm surge, flooding, and landside.

#### **Section 8. Operative Principles**

- a) Land resource allocation is based on suitability and sustainability for various land uses, projected demand for the products and services of various sectors without adverse environmental impacts on other existing or proposed land uses in the area.
- b) Areas that are vulnerable to landslide, storm surge, severe flooding, subsidence and forms of geologic hazards and loss of floral and faunal biodiversity with changing climate condition must be allocated for conservation purposes.
- c) Groundwater recharge areas must be protected from groundwater pollution resulting from livestock productions, dumpsite of solid waste, sewage and industrial wastes.
- d) Land resource allocation and conservation areas should be consistent with the city development plan and the provincial physical framework plan.

#### **Section 9. Regulatory Provisions**

- a) Updating of Land resources and conservation plan should use watershed approach to assess the consequences of land resources change at high elevation like forest or agriculture on the urban and coastal ecosystems and on the environmental services of each ecosystem. All stakeholder shall be consulted in the planning, implementation, monitoring and sharing in costs and benefits of the land use plan.
- b) The land resource and conservation plan must be subjected to strategic environmental impact assessment to ensure the sustainability of the ecosystem services within the administrative boundary of the city.
- c) The Batangas City Government, led by City ENRO, shall initiate the formation of Water Quality Management Area based on Clean Water Act for the Calumpang River Watershed in cooperation with the Local Government Units of Lipa City, San Jose, Ibaan, Taysan, and Rosario.
- d) Containment facilities for noise and dust pollution and scrubber for volatile organic carbon resulting to odor nuisance must be provided by each establishment that produces such pollution. Otherwise, these must be transferred to industrial zone. The refilling station for liquefied petroleum gas (LPG) or storage facility for LPG tanks must be transferred to industrial zone to avoid potential fire accident in the residential area. Auto repair shops must have adequate parking areas for the vehicles being repaired. The used oil must be placed in containers to prevent pollution of the domestic water supply. The welding shops must ensure that the power supply of the electrical service line will not create competition with the power requirements of the neighborhood. The Bureau of Fire Protection must



monitor the quick response plan for any fire accident of these establishments including the gasoline station. The staff of these establishments must have at least fire drill under the supervision of the Bureau of Fire Protection. "Strictly no smoking" signages must be put up in gas stations and engines of vehicles must be shut off during refueling. Otherwise, the customer will not be served.

- e) Vacant lots in the residential, commercial and industrial areas shall be free from illegal dumping of garbage and toxic and hazardous wastes.
- f) Lots to be developed as commercial parking spaces shall be planted by trees in rows per column of the space provided for parking to serve as greenbelts and infiltration gardens to capture runoff and prevent flooding.
- g) Buildings shall have septic tanks lined in accordance with the National Building Code and Sanitation Code of the Philippines standards.
- h) High rise buildings shall ensure properly designed fire escapes for the size of population to be evacuated.
- i) The electrical load and integrity of the electrical connections and wiring should be audited by the Bureau of Fire Protection (BFP) every 3- 5 years to prevent accidental fire due to faulty electrical wiring.
- j) The three (3) meter easement in urban areas and twenty (20) meters easement in agricultural areas between the creek or river and private properties shall be free from squatters and must be kept as conservation land and planted with trees and bamboo for protection of the river bank.
- k) Geo-hazards mapping shall be done and identified areas must not be allocated for human habitation. Settlements on identified geo-hazard prone areas must be informed of the potential threats to their properties and lives..
- l) GIS-based cadastral survey shall be established including the Batangas Bay Region for tax mapping, land use planning and monitoring, environmental monitoring, animal and human disease surveillance and monitoring among others.
- m) A copy of the Land resources and conservation Plan must be provided for each barangay as guide for barangay development and environmental management planning and monitoring of land use development in private properties.
- n) Security sensitive areas such as industrial zones along the roads shall have proper signages like 'no parking or viewing allowed'. This is to prevent locals or tourists to be subjected in unnecessary interrogations from security forces of the companies.
- o) Urban forestry must be well-planned to avoid conflict with electrical distribution lines and traffic accident.

## **Section 10. Prohibited and Punishable Acts**

- a) Anybody who will illegally dispose toxic and hazardous wastes into vacant designated industrial or non-designated areas.
- b) Anybody who will illegally dispose domestic waste into vacant residential, industrial or commercial lots or non-designated areas.
- c) Videoke bars with noise level intolerable to the surroundings.
- d) Non-compliant of the existing furniture, welding and auto repair shops, commercial parking spaces, gasoline stations and other establishment emitting noise and odor nuisance.
- e) Owner of vacant residential or commercial lots, which are used for illegal dumping of domestic solid waste and hazardous solid chemical waste, will be notified by the Barangay government and the City ENRO, respectively, to do the clean up if the individual who illegally disposed the solid and toxic and hazardous waste will fail to comply.

## **Section 11. Fines and Penalties**

- a) Violation of Article II Section 10 (a) shall be penalized by doing the needed clean up and treatment of the soil and water affected and will be fined with the amount of PhP 5,000.00 for every offense or imprisonment of not more than one (1) year or both, at the discretion of the Honorable Court.
- b) Violation of Article II Section 10 (b and e) shall be penalized by doing the needed clean up of the dumped solid waste and will be fined with the amount of PhP 500.00 or the equivalent community

environmental work for the first offense, Php 1,000.00 for the second offense and Php 5,000.00 for the third and each succeeding offense or imprisonment of not more than one (1) year or both, at the discretion of the Honorable Court.

- c) Violation of Article II Section 10 (c) and (d) will be fined with the amount of Php 1,500.00 or equivalent community environmental work for first offense, Php 5,000.00 or equivalent community environmental work or imprisonment of not more than one (1) year for the second and each succeeding offense or both, at the discretion of the Court .

### **ARTICLE III**

#### **GREEN BUILDING DESIGN AND INFRASTRUCTURES**

##### **Section 12. Purpose of this Article**

- a) To promote human health and safety of the occupants of the building, livable and comfortable building environment, environmental stewardship and sustainability practices in the construction, operations, and renovations of City buildings;
- b) To encourage private developers and building owners of large office, hotels, shopping malls, high-rise residential, and mixed-use projects to design, construct, and operate environmentally responsible buildings;
- c) To minimize the negative environmental impacts of development and construction practices such as the depletion of natural resources, air and water pollution, solid waste, deforestation, toxic wastes, health hazards and global warming;
- d) To reduce the impacts of land development on ecosystem services that the landscape provide to the community like groundwater recharge, pollution control, carbon sequestration, minimization of urban heat island effect, provision of natural green space, and provision of habitat for birds, butterflies and eco-friendly insects among others.
- e) To promote the use of renewable building materials, installation and use of insulation and energy reduction and efficiency measures, waste minimization, incorporation of green architecture and reduction of greenhouse gases emission and other toxic and hazardous waste.
- f) To institutionalize environment-friendly systems and technologies for planning, designing, construction and maintenance of buildings and green infrastructure supporting city government efforts towards green city.
- g) To enhance the beauty of nature in the city while rehabilitating its environment from further deterioration.

##### **Section 13. Operative Principles**

- a) The City Government recognizes and accepts its responsibility to implement and promote building practices that protect city's natural and built environment.
- b) The Batangas City Government shall finance, plan, design, construct, manage, renovate, maintain and decommission its buildings and facilities to be sustainable.
- c) Green building design in the construction and remodeling of city buildings can result in significant cost savings to the city over the life of the buildings.
- d) It integrates building materials and methods that promote environmental quality, economic vitality, and social benefit through the design, construction and operation of the built environment.
- e) It integrates sound, environmentally responsible practices into one approach that looks at the environmental, economic and social effects of a building or built project as a whole.
- f) It emphasizes efficient management of energy and water resources, management of material resources and waste, protection of environmental quality, protection of health and indoor environmental quality, reinforcement of natural systems, and the integration of the design approach

## Section 14. Regulatory Provision

### 1. Building Design

- a) The Batangas City Government shall finance, plan, design, construct, manage, renovate, maintain and decommission its buildings and facilities to be environmentally sustainable.  
Such design in the construction and remodeling of city buildings can result in significant cost savings to the city over the life of the buildings.
- b) The City Government thru the City Engineers Office shall implement and promote building practices that protect city's natural and built environment and shall incorporate Green Building design in all future city infrastructure projects and renovations.
- c) Land developers, landscape and building architects, engineers, owners and contractors of buildings should reduce negative impacts of the building and landscape development and use mitigating measures allowed by existing environmental policy to address the remaining impacts. They are required to comply with building standards that promote and support renewable energy as well as other energy efficient technologies and environment-friendly materials and technologies within the premises of the buildings
- d) The City Engineer's Office shall review the building design submitted for building permit application, and evaluation of the implementation of the construction and constructed building;
- e) Building location and design should have minimal environmental impacts to reduce site disruption of the environmentally sensitive areas.
- f) The City ENRO with the approval of the City Mayor may issue green building and infrastructure permit for purposes of availing of the incentives of not more than 25% deduction in building permit.
- g) City ENRO shall monitor the environmental management of the green building and infrastructure and full compliance with the permit provisions shall be recommended to City Tax Office for 5 % deduction in annual basic property tax for a period to be recommended by the City Treasurer but not to exceed five years provided that said property complies with the provisions of this E-code.
- h) Pre- Construction, Construction Phase and Decommissioning
  - i. Conserve existing natural areas and restore damaged areas to provide habitat and promote biodiversity;
  - ii. Rescue large trees on the proposed building site and transplant to open space.
  - iii. Prevent the loss of soil during construction by storm water runoff and protecting topsoil by stockpiling for reuse;
  - iv. Maintain or preferably reduce existing impervious cover while maintaining density by stacking floor plans or tucking parking under buildings;
  - v. Manage construction demolition and wastes with a jobsite recycling plan

#### Health and Safety

- Use environmentally preferred products, which have a lesser or reduced effect on human health and the environment when compared with competing products or services that serve the same purpose, in constructing and renovating building to enhance worker safety and health, reduced liabilities, reduced disposal costs, and achievement of environmental goals.

#### Air-conditioning and Ventilation

- Avoid the use of materials with high volatile organic carbon emissions to have sound indoor environmental quality that would enhance occupant health, comfort and productivity.
- Eliminate environmental contamination with filtration devices for air and water systems.
- Separately ventilate mechanical rooms, storage rooms for hazardous materials, and spaces with copiers and printers.

#### Energy Conservation Techniques]

- Adopt site lighting criteria to maintain safe light levels while avoiding off-site lighting and night sky pollution;
- With dwindling supply of fossil fuel and concerns on the impact of greenhouse gases on climate change, optimize energy and utilize renewable energy sources;
- Maximize day-lighting and natural ventilation.

#### Water Saving and Conservation Techniques

- Develop and implement a storm water management plan that protects receiving stream channels or storm sewer from excessive erosion by implementing a stream channel protection strategy and quantity control strategies.
  - Reuse or recycle water for on-site use when feasible to protect and conserve water.
- i) Building design shall specify materials and systems that simplify and reduce maintenance requirements. Adopt such buildings design that would require less water, energy, and toxic chemicals and cleaners for maintenance.
- j) Protect the health of building occupants, construction workers, installers and/or maintenance staff by using products that are safe. Reduce pollutant sources in both interior and exterior environments. Use low-emitting, low Volatile Organic Compound materials and finishes. Also include walk-off mats to decrease toxins entering the vicinity from people's shoe.
- k) Recognize local developers promoting green building design and owners of buildings with green design.

## 2. Green Infrastructures

- a) Green infrastructure includes green roofs, porous and permeable pavements, rain gardens or bio-retention basins, planter boxes, green parking, rain water tanks, downspout connection systems, bio-swales, pocket wetlands, community forest and trees and protection of the riparian lands and native landscapes. Storm water shall be captured and reused by directing it back into the ground through infiltration and evapo-transpiration. This reduces flooding risk and improves water quality.
- b) Protect the quality of surface and groundwater, minimize storm water runoff and associated flooding and erosion and preserve natural groundwater recharge and wetland areas. Preserve soil hydrology by minimizing mass grading and impervious surfaces to keep as much rain water on-site as possible for absorption and infiltration to the ground. This will also allow natural cleaning of water. Decentralize and localize management of urban runoff to integrate water management throughout the watershed. Control urban runoff and pollution at the source of the problem, rather than at the end of the storm drain outlet. The City Engineer's Office shall conduct a city-wide land development strategies and planning along with the creation of infrastructure for storm-water management.
- c) Landscaping should use drought tolerant, native and non-invasive vegetation appropriate for site conditions, including but not limited to levels of moisture availability, soil depth, shade, slope stability, extreme wind speed, and proximity to existing or future dwellings and power lines. Plantings shall include a mix of trees or shrubs and living ground cover. Organic fertilizers and green label pesticide should be used. This provides habitats for diverse native flora and fauna. Landscaping plan shall be furnished to the City ENRO for evaluation.
- d) Commercial areas with significant parking areas should install tree boxes or infiltration gardens to capture runoff.

### ARTICLE IV ECO-INDUSTRIAL PARK DEVELOPMENT

#### Section 15. Objectives of this Article

- a) To promote sustainable industrial development through eco-industrial networking among existing industries and small and medium enterprises (SMEs) and future industrial parks, industries and SMEs in the city
- b) To promote pollution prevention, cleaner production, waste minimization, and establishment of functional environmental management in each SME and industry
- c) To promote business networking that recover, recycle and re-use by-products and sharing of services and marketing of products among locators within and outside the industrial park and with SMEs in the city
- d) To improve the economic performance of the participating companies, businesses and SMEs while minimizing their environmental impacts

## **Section 16. Operative Principle**

Self regulation in environmental management of the eco-industrial community is more preferable to command and control

- 1. Eco-Industrial Park (EIP) development integrates business success environmental excellence, and community connections to create economic opportunities and improved ecosystems
- 2. Reduce toxic materials risks through materials substitutions and integrated site-level waste treatment
- 3. Link the EIP community members in the surrounding region as consumers and generators of usable by-products via resource exchanges and recycling networks
- 4. Minimize EIP community members' contributions to greenhouse gas emissions
- 5. Emphasize cleaner production and pollution prevention, especially with toxic substances
- 6. Adopt the Philippine Economic Zone Authority (PEZA)'s guidelines in establishing EIP community

## **Section 17. Regulatory Provisions**

- 1. City ENRO, DENR-EMB, PEZA and industries with excellent environmental performances are the champions of industrial ecology and eco-industrial development in the city.
- 2. The community of manufacturing/power industries, services, agro-industries, SMEs and businesses in the city is viewed like an ecosystem, wherein waste materials and energy, information and products linked them together to be more economically and environmentally efficient in reducing the cost of expensive waste disposal, treatment, and fines brought about by the lack of environmental management techniques. They share ideas and resources for their benefits and the people of Batangas City and for their eco-industrial networking.
- 3. By working together, the community of industries, SMEs and businesses seeks a collective benefit that is greater than the sum of the individual benefits each company would realize if it optimized its individual performance only.
- 4. Green building design and infrastructure should be adopted for new industrial park and for renovation of existing and additional facilities for EIP community members.
- 5. City ENRO shall organize information campaign among industries, SMEs, businesses and service providers on industrial ecology and eco-industrial park development. This provides the stakeholders a common understanding of the industrial ecology concepts and potential options for improving the environmental and economic performance of the EIP members and the industrial park services and facilities.
- 6. City ENRO shall organize EIP working groups for business networking of recruitment of other stakeholders.
- 7. City ENRO shall organize future multi-stakeholder conference to create local vision of eco-industrial park development, establish community interest and stimulate planning capacity to meet the challenges.
- 8. City ENRO shall conduct survey on by-products of each participant of the EIP community for potential by-product exchange and other potential business networking within the industrial park and among individual industries, SMEs, recyclers and service providers.
- 9. City ENRO shall recruit by-product exchange broker who would be responsible for maintaining the cohesion of the exchange network as well as for sales and marketing.

10. City ENRO shall link the EIP with PEZA program on EIP development and to other industrial states in Calabarzon.
11. City ENRO shall conduct feasibility study for any business networking. The EIP working groups shall assist the network of locators to get fund for implementation process and to address any potential regulatory constraints.
12. EIP members with the adequate level of knowledge on eco-industrial networking and available information may start transaction without need for any further encouragement.
13. City ENRO shall create a map and webpage on network of business transactions and appointments of exchange.
14. City ENRO shall set and monitor performance indicators for business networking.
15. City ENRO shall set and monitor performance indicators for community projects.
16. City ENRO shall create a feedback system to the participants and other stakeholders.
17. City ENRO shall develop incentive for active members of EIP community.

## **ARTICLE V FOREST RESOURCES**

### **Section 18. Purpose of the Article**

- a) To develop, utilize and manage forest resources in a sustainable manner;
- b) To ensure conservation of biodiversity, and the management of watersheds within the city;
- c) To strengthen capabilities of local or national government agencies, private sector, and the civil society organizations, in the implementation of plans, programs, projects and activities related to forest resources, watersheds, bio-diversity, climate change and similar concerns.

### **Section 19. Operative Principles**

The City of Batangas shall adopt good environmental governance in the management of its forest resources. All forest management undertakings including policy formulation shall in accordance with the principles of participatory, accountability and transparency. This shall be done in order to:

- a) To preserve and maintain the ecological, economic and cultural services of the forest resources to support economic growth and development requirement of the city.
- b) To protect and rehabilitate the watersheds as to assure abundant supply of water requirements for domestic, agricultural, fisheries, industrial and recreational water.
- c) To ensure that activities conducted within the forest lands are in accordance with national guidelines, rules and regulations and that the remaining natural forests shall be managed for non-destructive purposes only such as ecotourism, habitat for wildlife, and preservation of plants for future generations.

### **Section 20. Regulatory Provisions**

- a) The exploration, development and use of the natural resources within the city shall be regulated in accordance with existing laws, rules and regulations, as well as applicable ordinances.
- b) No cutting, destroying or injuring of planted or growing trees, flowering plants and shrubs or plants of scenic value along public roads, in plazas, parks, school premises or in any other public ground shall be permitted unless when the cutting, destroying, or injuring of same is necessary for public safety, or such pruning is necessary to enhance its beauty. Permit shall be secured from the City ENRO.
- c) The conversion of forest lands into residential, commercial, recreational or eco-tourism purposes is hereby prohibited.
- d) The occupation of forest lands including watersheds, river banks and seashores is strictly prohibited.
- e) No person shall use, sell, manufacture, and import chainsaws without the corresponding permit from the DENR. The City ENRO shall issue a clearance for the chainsaw as requirement for DENR permit and be copy furnished of the permit.

- f) The cutting, possession, transports, and/or extraction of timber, minor forest products, and other forest resources, particularly those under the National List of Threatened Philippine Plants and their Categories such as Almaciga tree(s) (DAO No. 74, S. 1987), Tindalo, Akle, Molave trees (R.A. No. 3572) and Philippine Teak, and the list of other Wildlife Species, without the necessary permit from the DENR is hereby prohibited.
- g) Cutting of Centennial trees in the City is hereby prohibited.
- h) Cutting of trees for charcoal making for commercial purposes is strictly prohibited.
- i) Cutting of trees in public and private places without necessary permits is strictly prohibited unless it becomes urgently necessary to save the life or property of an individual from eminent destruction. This obligation springs from the right of the state to interfere on the private affairs of its private citizens on the ground of self preservation.
- j) There shall be no cutting of tree(s) on a strip of twenty (20) meters wide on both sides of creeks or rivers bordering or traversing land areas. If the said area or strip is already bereft of trees, then said area shall be reforested by trees of known economic value, as well as native to the location.

## **Section 21. Institutional Set-Up**

- a) The City Environment and Natural Resources Officer (City ENRO) shall be responsible in the sustainable development of the existing forest resources, conservation of biodiversity, and the management of watersheds within the city.
- b) The City ENRO shall coordinate with concerned local or national government agencies, private sector, and the civil society organizations, in the implementation of plans, programs, projects and activities related to forest resources, watersheds, bio-diversity, climate change and similar concerns.
- c) The City Government thru the City ENRO shall implement programs and enforce laws for the sustainable development of the existing forest resources, conservation of biodiversity, and the management of watersheds within the city.
- d) All concerned offices of the city government, including the Philippine National Police and other law enforcement agencies based in the city, shall provide the necessary assistance to the City ENRO in the enforcement of laws, rules and regulations affecting forest resources inside the city.
- e) All public and private elementary and secondary schools shall include in their curricula subjects on environmental education to include topics on the threats of environmental degradation and its impact on human well-being, the responsibility of the citizenry to the environment and the value of conservation, protection and rehabilitation of natural resources and the environment in the context of sustainable development.

## **Section 22. Sustainable Development of Forest Resources**

- a) The extent, condition, status, and over-all situation of forest resources in the city shall be determined and updated annually by the City ENRO upon consultation with the various barangays and in coordination with the DENR.
- b) Bare, degraded and open public forest lands shall be reforested with appropriate indigenous tree species, medicinal or fruit-bearing trees.
- c) A city tree park shall be established, protected and managed. Each barangay shall also establish and maintain their respective forest parks and gardens.
- d) The Sangguniang Kabataan and the Sangguniang Barangays shall plant ornamental or fruit-bearing trees or plants at an interval of not less than two (2) meters or more than ten (10) meters along both sides of the road within their jurisdiction, provided that said trees or plants will not prevent the use of the sidewalks and roads or will not be an obstruction to any utility service.
- e) The owners of idle private lands shall plant trees inside their private lands. Incentives shall be formulated to promote utilization of vacant lots for gardening.
- f) Both shoulders of all roads or streets of a subdivision, compound, or condominium projects or similar human settlements must be planted with rows of ornamental and/or shade plants or trees at a distance of not less than two (2) meters nor more than ten (10) meters. No city environmental certificate and permit to operate, locational clearance and development permit shall be granted unless

there are provisions for the planting of ornamental and/or shade trees or plants, the species of which must be indicated in the plan.

- g) Owners or operators of commercial complex, resorts, factories, industrial and business establishments to be built within the jurisdiction of Batangas City must provide areas of their estate for planting trees and luscious vegetation or provision on greenbelts.

### **Section 23. Conservation of Wildlife and Bio-Diversity**

- a) The City ENRO shall establish and maintain an updated data base of wildlife information in coordination with the DENR.
- b) The City ENRO shall develop and establish a program for the conservation of endangered, threatened, extinct, or rare species of wildlife flora and fauna.
- c) Breeding or propagation of wildlife for commercial purposes shall not be allowed unless duly authorized by the City ENRO and the DENR.

### **Section 24. Watershed Management**

- a) The City ENRO shall undertake the profiling of the watersheds within the city with particular emphasis in the identification of hazardous or risk-prone areas.
- b) The City ENRO shall develop and implement programs, such as adopt-a-watershed program, to reforest and/or rehabilitate bare and denuded portions of watersheds and protection and/or stabilization of hazardous or risk-prone portions of these watersheds. Active participation from the community, government- and non-government organizations, private individuals and establishments are encouraged in these programs.
- c) Owners and/or operators of resorts, swimming pools, business establishments engaged in the processing, preparation, bottling, refilling, and/or selling of mineral drinking waters, purified drinking waters, and all other types of drinking waters shall be encouraged to share and actively participate in the protection and/or rehabilitation of the watersheds in the city.

### **Section 25. Prohibited and Punishable Acts**

- a) Extraction of resources including quarrying without the necessary permits, occupation, and any act of destruction, inside the watersheds in the city is hereby strictly prohibited.
- b) The unauthorized use of watersheds for residential, commercial, pasture and similar incompatible uses is likewise prohibited. The converted portion shall be rehabilitated at the expense of the violator.
- c) Strips of land within twenty meters along river banks, seashores, stream banks, and other waterways shall be cleared of any obstruction and any existing obstruction along these areas shall be dismantled and/or removed in accordance with law and due process.
- d) The occupation of watersheds declared to be such by proper government authority, especially in highly critical areas, is strictly prohibited.

### **Section 26. Fines and Penalties**

- a) Any person who violates any provision of this article shall be penalized with a fine of Php 1,500.00 or equivalent community environmental work for the first offense; Php 3,000.00 or equivalent community environmental work for the second offense; and Php 5,000.00 for the third and each succeeding offense or imprisonment of not more than one (1) year or both, at the discretion of the Court for each succeeding offense. If the violator is a firm, corporation or partnership, the manager or person-in-charge shall be held liable.



## **ARTICLE VI MINERAL RESOURCES**

### **Section 27. Purpose of the Article**

- a) To prevent landslide, subsidence, soil erosion, loss of unique beautiful landscapes and biodiversity and loss of lives with illegal quarrying and small scale mining on private or public land;
- b) To prevent degradation of air quality, surface water quality, land and coastal pollution with toxic chemical associated with processing of minerals and siltation of river or creek and coastal areas.

### **Section 28. Operative Principles**

Gypsum, red clay, sand, gravel, and boulder are identified metallic and non-metallic minerals within the City. These non-renewable resources should be harnessed without degradation of the environmental resources, destruction of the unique landscape, loss of biodiversity and loss of lives and accident. Small scale quarrying needs permits from Office of the Provincial Governor, environmental compliance certificates from DENR Region IV-A, City Environmental Certificate from the City ENRO.

### **Section 29. Regulatory Provisions**

- a) Maps on potential mineral and non-mineral deposits in river beds, coastal areas, hills and mountain from DENR Bureau of Mining and Geosciences shall be made available by the City ENRO to the barangay officials and the public for monitoring small scale quarrying in the city.
- b) Small scale quarrying operations must have permits from the Provincial Governor, as well as City Environmental Certificate from the City ENRO and business permits from the Office of the City Mayor.
- c) Moving equipment such as payloaders, buckhoes, forklifts and vehicles shall display on their sideboards the appropriate net weight capacity as required by the Land Transportation Office.
- d) Quarry operators shall ensure that adequate rehabilitation program is completed before abandonment. They shall be liable for any accidents resulting from landslide or subsidence from quarried or mined areas. Hazard management plan and mitigating measures for the duration of the activity should be submitted to the City ENRO before an on-set of the activity as a requirement in the application permit.
- e) Small enterprises involved in buying and selling collected rocks and boulders stone from the shorelines, creeks, rivers or from private lands shall secure business permits from the City Government.
- f) Small scale quarrying that operates without environmental compliance certificate must procure CEC from City ENRO.
- g) Large scale mining operation is strictly prohibited in the City.

### **Section 30. Prohibited and Punishable Acts**

- a) The activities of any person, group or entity engaged in small-scale mining and quarrying within the jurisdiction of Batangas City without the appropriate permit shall be halted.
- b) Any person, group or entity shall not be allowed to operate quarrying within the City proper without approved adequate rehabilitation program for abandonment, if applicable. A rehabilitation plan, as well as an inventory of species and landscape of the area, shall be submitted and must be approved by the City ENRO before the issuance of permit. This plan shall be enacted by the quarrying operators immediately after the quarrying activities are done and must be monitored by the City ENRO to ensure proper compliance.
- c) Any person, group or entity operating without the above business requirements shall be deemed illegal; it is the duty of the City ENRO to confiscate mining and quarrying machineries, tools and equipment found around the area of operation. Storage of such shall be charged with storage fees at P200/day per machinery, Php 100/day per equipment and Php 50/day per tool.

- d) Destruction of infrastructures due to overloaded hauling trucks transporting sand, gravel, boulders, and fill materials, which exceed the loading capacity of the infrastructure, is punishable.

### **Section 31. Fines and Penalties**

Operators and other persons violating Section 30 Article VI (Mineral Resources) shall be penalized and fined an amount of not less than Php 5,000.00 or/ and equivalent imprisonment of not less than 30 days, or equivalent days of community environmental work, as deemed by the courts without prejudice to payment of civil damages. If the violator is a firm, corporation or partnership, the manager or person-in-charge shall be held liable.

## **ARTICLE VII ENERGY RESOURCES**

### **Section 32. Purpose of this Article**

- a) To raise awareness, interest and commitment to energy conservation;
- b) To assist private sectors and other interested parties in the development and utilization of renewable and cleaner source of energy in the city;
- c) To promote use of appropriate technologies and practices on energy conservation.

### **Section 33. Operative Principles**

Development of renewable and cleaner sources of energy shall be intensified to reduce dependency on fossil-fuel use. Achieving energy independence shall be aimed at without compromising environmental health and safety.

### **Section 34. Regulatory Provisions**

- a) Government and private entities involved in the development, generation, utilization and storage of natural gas shall furnish copies of regular monitoring reports submitted to national agencies on safety, air and water quality to the City ENRO.
- b) Government and private entities involved in the generation and use of biogas shall install fire prevention and safety devices in addition to treatment facility for effluent and sludge.
- c) The City government shall see to it that all gasoline station in the City has complied with the Biofuel Act of 2006.
- d) Three months upon affectivity of this E-Code, implementation of the Enercon Program shall start. Initially, an IEC activity shall be conducted to ensure awareness on the program.

### **Section 35. Pursuing the Development of Renewable Energy**

Promote solar energy especially in off-grid barangays as alternative to fossil fuel-fed and cost of transporting generators and extending transmission and distribution lines to remote areas such as Verde Island

### **Section 36. Use of Natural Gas**

- a) The City of Batangas shall support the development and expansion of natural gas projects provided that no valuable natural resource will be lost. Provided further, that the environmental health and safety of the constituents shall be given with utmost importance by regular monitoring and reporting of all critical operational and environmental parameters such as ambient air quality and water quality.
- b) Encourage all commercial vehicles to run on CNG to reduce the consumption of imported petroleum products consequently reducing air pollution emissions.

### **Section 37. Alternative Fuel**

All businesses with potential biogas by-products such as swine, poultry and livestock, and biomass generators are required to develop and operate biogas projects to contribute in the reduction of water pollution and Greenhouse Gases (GHG) emissions.

### **Section 38. Clean Development Mechanism and Carbon Markets**

All barangays are required to actively participate in the emerging carbon market as sellers of Carbon Emission Certificates since it will boost the development of indigenous resources in line with the Energy Independence agenda.

### **Section 39. Adoption of Energy Efficient and Clean Technologies and Practices**

- a) In support to EO 774, the City Government shall favor and provide incentives to the use of collective non-motorized vehicles in the City. The City Government therefore may designate and open roads for access to non-motorized vehicles. Declaration of Eco-Zones shall also be implemented.
- b) The Public shall be encouraged to cooperate in City Government programs consistent with the National agenda such as use of bicycles and electric vehicles, anti-idling, car-pooling especially for official travels, and car-less day scheme.
- c) Starting with the City Government and all government agencies and offices in the City shall adopt an Enercon Program to reduce consumption of electricity and fuel by at least 10%. Similarly, non-government, commercial/business and industries shall adopt Enercon programs following the most beneficial schemes.
  - 1) The use of low cost Passive Infra Reds (PIRs) to switch-off lighting when areas are unoccupied such as toilets, corridors or even office areas out-of-hours.
  - 2) In addition, lux levels can be monitored using daylight sensors linked to building's lighting scheme to switch on/off or dim the lighting to pre-defined levels to take into account the natural light and thus reduce consumption. Energy audit shall therefore be implemented to government buildings, industrial and commercial establishments.
- d) Shift to energy efficient lighting in residential, government, commercial and industrial establishments shall be adopted. Fluorescent lights and/or skylights instead of incandescent light bulbs shall be used.

### **Section 40. Prohibited and Punishable Acts**

- a) Any person, group or company found to deceive using any device, scheme or artifice to illegally manipulate energy consumption shall be punished accordingly;
- b) No individual, group or company shall be allowed to sell diluted concentration of fuels.
- c) Any gasoline station found using or allowing the use of tampered dispensing machines so that the volume of the fuel purchased is not consistent with the amount paid by the client shall be penalized.

### **Section 41. Fines and Penalties**

Any person who commits any of the prohibited acts provided in the immediately preceding section shall be penalized and be fined an amount not less than P 5,000.00 or imprisonment of not more than one (1) year or both, at the discretion of the Honorable Court. If the offense is committed by a firm, corporation, partnership or other juridical entity, the chief executive officer, president, general manager or person-in-charge shall be held liable.

## ARTICLE VIII WATER RESOURCES

### Section 42. Purpose of this Article

- a) To develop, utilize and manage water resources in a sustainable manner;
- b) To protect, restore and rehabilitate water resources to maintain continuity of a balance ecosystem;
- c) To ensure strict implementation of adequate adaptation and mitigation measures in curbing the probable effects of Climate Change; and
- d) To strengthen capabilities of local government authorities and organizations in protecting, conserving and managing the water resource.

### Section 43. Operative Principles

- a) Water resources in the city shall be developed, utilized and managed for the primary purpose of (a) meeting indefinitely the basic requirement for potable water of all residents and (b) for sustained agricultural production and environmental flow under ordinary condition and under possible extreme conditions as in the case of changing climate.
- b) Water shall also be developed 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, institution of local water pollution control legislation including incentives if deemed appropriate. Further, it is hereby declared the policy of the city government that water resources in the city shall be equitably shared and that no barangay shall be deprived of safe and clean water.

**Section 44. Creation of City Water Resources Management Board (CWRMB).** Within 3 months upon effectivity of this E-Code, the City Mayor shall organize and maintain the continuous and effective operation of a 14-member multisectoral City Water Resources Management Board (CWRMB) to be composed of the City Mayor as Chair and representatives from the DENR, NIA, Batangas City Water District, City Engineers Office, CPDO, PAGASA, DOH, and BFAR as members, including one representative of non-government organizations (Farmer sector), one (1) representative from the Academe, one (1) representative from the Business Sector, one (1) representative from Industrial Sector and one (1) member from the Sangguniang Panlungsod chosen by majority vote. The City ENRO shall serve as the permanent Secretariat of the said board. The Board shall be vested with the following duties and responsibilities:

- a) Establish the number and location of city-wide water sampling stations based on proximity to human settlements and possible sources of pollution. The sampling stations shall include coastal areas, estuaries, rivers, community deep wells, artesian wells, aquifers, and similar bodies of water as determined by the Committee.
- b) Conduct regular sampling and analysis of samples collected using the parameters, standards, and procedures established by national laws. The priority parameters to be measured shall include biological oxygen demand (BOD), total suspended solids (TSS) and total coliform.
- c) Release of the monitoring results regularly to the public particularly to the barangays concerned.
- d) Assist national government agencies in the enforcement of anti-pollution laws including Presidential Decree No. 984, DENR Administrative Order 34 (Revised Water Usage and Classification Water Quality Criteria) and DENR Administrative Order No. 35 (Revised Effluent Regulations of 1990), Republic Act No. 6969 (Toxic Substances and Hazardous and Nuclear Waste Control Act of 1990) and Clean Water Act.
- e) Organize industrial firms and tourism establishments in the city so that they can share water pollution reduction techniques, work as a group with the government and non-governmental organizations on pollution reduction.
- f) Advise the City Government on policy requirements to safeguard water resources in the city.

- g) Recommend to the City Government the allocation of the Water Resources Trust Fund as provided under Section 48 of this Code.
- h) Prepare and recommend to the City Mayor annual work and financial programs and plans for the operation of the Committee.

**Section 45. Utilization of Waters.** The City of Batangas shall pursue the following policies and guidelines for proper utilization of water. Pursuant to the provisions of the Water Code of the Philippines, utilization of the water resources for domestic, agricultural, industrial and the environment shall be allowed PROVIDED it is in consonance with the global and national agenda in the development of water.

- a) Rationalized exploitation of all water resources through joint ventures schemes in all waterworks projects is encouraged provided that it undergoes the EIA process.
- b) Rainwater collection and harvesting system pursuant to EO 774 shall be put in place. In the construction of buildings and dwellings, provisions for rainwater collection system are required.
- c) Water peddlers, water refilling stations and commercial surface and/or groundwater permittees in the city should maintain the safety and quality of their drinking waters passed on to their customers. Water quality monitoring report should be submitted by the permittees on a regular basis determined upon the nature of their business to the City ENRO.
- d) The City Mayor shall declare and allocate water with the advice of the City ENRO and other agencies in coordination with the NWRB during critical periods and extreme conditions such as drought as determined by PAGASA the priority use for water pursuant to the Water Code of the Philippines following the most beneficial use.

**Section 46. Designation of Water Quality Management Area of Batangas City (WQMABC).** Pursuant to the provision of the Clean Water Act of 2004, the Water Quality Management Area of Batangas City shall be designated for the purpose of maintaining water production, conservation and protection. Strict protection of the WQMABC shall be implemented such that no activity whatsoever shall be observed within no less than 100 meter radius zone from WQMABC. The WQMA designated by the Batangas City Government shall be delineated together with DENR.

- a) All areas covered by primary and secondary forest that serves as watershed of the water supply of Batangas City including but not limited to the groundwater resource.
- b) The Batangas City Government shall initiate the formation of Water Quality Management Area for the Calumpang River in coordination with the Local Government Units of Lipa City, San Jose, Ibaan, Taysan, Padre Garcia and Rosario to control the cumulative negative impacts of land development, industries and agriculture particularly from livestock and poultry. Water Quality Management Area shall also be delineated for other important watersheds of all water resource of the City.
- c) When necessary, peripheral buffer zones shall be established on the strict water production area to protect the same from activities that will directly or indirectly harm it; provided, that the establishment of peripheral buffer zones shall be in the same manner as the Sangguniang Panlungsod established the strict water production area.

**Section 47. Water Quality Management Area Monitoring Plan.** The City Mayor, together with the concerned national government agencies, local water districts, City ENRO, CPDO and private sector groups shall formulate a strategic management plan for the Batangas City Watershed. The plan shall include but not limited to the following:

- a) Inventory and classification of water resources in accordance with Presidential Decree 1067 and DENR Administrative Order No. 34, Series of 1990 for the purpose of determining appropriate uses, protection measures needed and water quality standard to be applied;
- b) Characterization of the status of priority watersheds in terms of water producing capacity, water quantity, water quality and use;
- c) The measures to be implemented to improve water quality and production capacity of the watershed and restore water quality of water resources such as rivers/ streams and falls to a state for which they can serve their most beneficial use other than as sink for all types of pollutants;

- d) The appropriate institutional arrangements to be established for managing the watershed;
- e) The investment requirement, duration and revenue generating measures to be implemented; and
- f) Appropriate policy incentives and regulations to ensure that the watershed is managed in a sustainable manner.

**Section 48. Water Resources Trust Fund.** The City Mayor shall allocate funds which shall comprise amounts from the operation of water utilities by government agencies and instrumentalities also known “share of national wealth”.

**Section 49. Protection of Public Water Infrastructures.** The City Government shall identify the component watersheds of the WQMABC which are presently supporting inter-municipality and city waterworks and irrigation system as well as those which are potential sites of similar projects and assist barangays prepare management plans. These watersheds shall be forested when necessary and be ensured that no human activity that will create disturbance shall be allowed. Likewise, the City Engineering Office, in coordination with City ENRO shall ensure that engineering works and infrastructure projects within the city do not adversely impact on water quality.

**Section 50. Drainage and Sewerage Systems.** The City Government shall adopt necessary measures to ensure that adequate city and barangay drainage and sewerage systems are established and maintained to prevent the negative effects of all types of effluents on both surface and ground water quality. The City Government through units (City Engineer, City ENRO, CPDO) shall establish proper sewerage system as required in the Clean Water Act known as RA 9275.

**Section 51. Organic Farming and Soil and Water Conservation.** The City Government shall assist barangays in the implementation of community-based forestry projects for the purpose of instituting improved soil and water conservation techniques and generate resources to implement the measures. Likewise, the City Government shall promote the application of organic farming techniques among farmers and use all its powers to enforce the laws governing the use of prohibited agricultural chemicals. These organic practices includes among others

- :
- a) Practice green manuring by using compost fertilizer and crop rotation to nurture the soil and minimize pest and disease problems.
  - b) Practice crop biodiversity in the farm rather than mono-cropping to create a balance ecosystem.
  - c) Enhanced soil aeration, soil and moisture and nutrient balance through appropriate cultivation.
  - d) Adopt a pesticide/herbicide-free policy in farming and do not allow the use of agricultural products containing Persistent Organic Pollutants listed under the Stockholm Convention

List of 12 Persistent Organic Pollutants listed under the Stockholm Convention

POP	Cas no.	Description
Aldrin	309-00-2	Pesticide
Dieldrin	60-57-1	Pesticide
DDT (pp'- DDT)	50-29-3	Pesticide
Endrin	72-20-8	Pesticide
Chlordane	57-74-9	Pesticide
Hexachloro-benzene (HCB)	118-74-1	Pesticide, Industrial by-product
Mirex	2385-85	Pesticide
Toxaphene	8001-35-2	Pesticide
Heptachlor	76-44-8	Pesticide
Polychlorinated biphenyls (PCB)	-	Industrial by-product
Polychlorinated dibenzodioxins and dibenzofurans	-	By-product

**Section 52. Health and Sanitation Measures.** The City Government shall adopt appropriate measures to assist barangays improve environmental sanitation by expanding the use of sanitary toilets for waste disposal. Such assistance shall include direct investments in public health education and strict enforcement of the Building Code among others that maybe needed in the future. The City Government may also provide for sanitary toilets following the ECOSAN waterless design especially for areas with problems on water and sewerage system services.

**Section 53.** All acts not directly specified shall be guided and referred to related governing National Laws.

#### **Section 54. Prohibited and Punishable Acts**

- a) 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 City Mayor, as the case may be.
- b) No industrial, agricultural or domestic sewage shall be discharged into Class AA and Class SA waters, pursuant to DENR Administrative Order No. 34, Series of 1990.
- c) In order to avoid deterioration of the quality of a receiving water body (RWB), no industrial plant or project with high waste load potential shall discharge into a body of water where the dilution or assimilative capacity of said water body during dry weather conditions is insufficient to maintain its prescribed water quality according to its usage and classification.
- d) No industrial or manufacturing plant shall be operated without control facilities of wastewater treatment system in good order or in proper operation.
- e) 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.
- f) 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.
- g) No person shall build, erect, install or use any equipment, contrivance or any means the use of which will conceal and/or dilute effluent discharger and which otherwise constitute a violation of the provisions of this E-Code.
- h) The construction of houses, resorts and other physical structures within the seashore or banks of rivers shall be governed by existing laws.
- i) No person shall use any part of a stream, lake, marshland or pond for recreational or commercial purposes without first securing a permit from the Office of the City Mayor.
- j) No person shall raise or lower or cause the raising or lowering of the water level of a stream, river, lake, marsh or pond, nor drain the same without the necessary government clearances and/or permits.
- k) Impounding of water in large amounts such as to prejudice downstream or upstream users shall be prohibited.
- l) No person shall drill a well without a permit from the Office of the City Mayor in the case of subterranean waters. No groundwater shall be extracted if this will result to the deterioration of critically important surface waters. The City Government shall reserve the right to revoke or cancel any permit for the extraction of groundwater if this is found to be detrimental to its sustainability or inimical to other higher priority water uses.
- m) The construction or setting up of any structure, temporary or otherwise, that would destroy the scenic value of natural waterways or result to the disruption of water flows shall be prohibited.
- n) Dumping of wastes and sediments from mining and quarrying operations, as well as farm water carrying pesticide residues and/or pollutants such as swine or livestock effluents directly to water body, is hereby banned and therefore prohibited.

#### **Section 55. Fines and Penalties**

Unless otherwise provided herein, any person who commits any of the prohibited acts provided in this Article shall be penalized and be fined an amount of Php 5,000.00 or imprisonment of not more than one (1) year or both, at the discretion of the Court.

If the offense is committed by a firm, corporation, partnership or other juridical entity, the chief executive officer, president, general manager or person-in-charge shall be liable for the commission of the offense penalized under this act.

## **ARTICLE IX CALUMPANG RIVER SYSTEM**

### **Section 56. Purpose of this Article**

This article shall be a special concern and will have specific provisions for the Calumpang River in addition to the provisions indicated in Article VIII of this E-Code. It is hereby assigned for the following purposes:

- a) To rehabilitate, restore, and manage the Calumpang River, the riverside, the adjoining bodies of water and ecosystems, and conserve its biodiversity for the benefit of present and future inhabitants of the City;
- b) To establish greenbelts and buffer areas and urban riverside reserves;
- c) To assure a long-term social, economic, and quality of live values of river restoration benefit to the local economies of Batangas City coastal and riverside communities;
- d) To support data collection, the use of innovative technology, and evaluation techniques to adjust management approaches for accomplishing objectives of Calumpang rehabilitation, restoration, and management;
- e) To improve inter-governmental and unit coordination and public/private partnership in integrated coastal and river management;
- f) To foster public and private sector marine ecosystem stewardship and accurate understanding of habitat restoration;
- g) To provide future direction for the development and maintenance of Batangas City rivers, particularly Dumuclay River, Tulo River and coastal bay areas.

### **Section 57. Operative Principles**

- a) The rehabilitation of the Calumpang River shall be one of the top development priorities of the City, considering that it is the single major tributary of Batangas City. Aside from that it shall also be noted as a historical landmark as it was near the river that civilization started in the City of Batangas.
- b) The Calumpang River shall be rehabilitated and restored to Class C making it suitable for leisure and recreation and possibly to a higher class until it is restored to its original state; and this shall be done with the cooperation of all sectors, from public to private, and citizens of the City. The government of the City shall initiate programs and extend participation to all constituents of the City, particularly the youth who shall take on the responsibility of maintaining the river and its ecosystem in the future and for the generations that will come after.

### **Section 58. Institutional Set-up**

- a) The Water Resources Management Board shall take the responsibility of implementing the provisions of this Article in the E-Code. It shall however, organize a Calumpang River Management Committee that shall take on the supervision and coordination of efforts, development and implementation of programs for the management, rehabilitation and maintenance of the Calumpang River and its ecosystem.
- b) The Calumpang River Management Committee shall be responsible in gathering, conducting and compiling pertinent information regarding the Calumpang River, adjoining bodies of water, and its ecosystem. The Committee in coordination with other sectors can request or employ the help of other LGUs and/or private sectors if necessary for the gathering of information. All necessary provisions shall be given to the office for the implementation of programs and conduct of researches.

### **Section 59. Rehabilitation and Protection of the Calumpang River and Other Rivers/Streams under the Jurisdiction of Batangas City**



- a) A Calumpang River Management Committee shall be organized to coordinate efforts and bring together diverse river interests to create a system approach for the clean-up, restoration of landscapes, and rehabilitation of ecosystem, preservation, and enhancement.
- b) The Calumpang River Management Committee shall consist of the City Mayor as chairman and the City ENRO as Secretariat, one (1) representative from each of the following, City Engineers Office, CPDO, OCVAS, DPWH, DOH, private sector, farmer sector (especially association of swine growers), youth sectors including one representative from each of the City or municipality and council of the barangay along the River; Batangas City Sanguniang Panlungsod Committee Chairman on Environment, PG-ENRO, DENR and PENRO.
- c) All sewage and effluent discharges including dumping of solid wastes known to contaminate and/or affect the quality of the river shall be put to stop.
- d) The Committee shall take in consideration sources and possible sources of river pollutants and employ all possible ways or solutions to mitigate, if not completely stop, the flow of the pollutants to Calumpang River and other minor tributaries in the City. Possible solutions include strategic, structural and technological means.
- e) The Committee shall be tasked to provide essential information on the water quality of the river and its tributaries, pollution sources and emission discharges and concentrations, degraded habitat and ecosystem through the City ENRO.
- f) It shall also determine and implement best management practices for Calumpang River including the Integrated Coastal Management in all its tributaries wherein the combined resources and capabilities of the public and private sectors are utilized
- g) Similar strategies undertaken for Calumpang River shall be implemented to rivers and other surface waters within the jurisdiction of Batangas City such as but not limited to Dumuclay river, Patay river and Tinga River at Tinga Labac, Cago river at Brgy. Maapaz, San Pedro river in coordination with the City ENRO and the DENR.
- h) All Municipal and Barangay LGUs along and within the watershed of Calumpang River shall be encouraged to allocate funds for the use of the Calumpang River rehabilitation and enhancement program.
- i) The rehabilitation plans and programs shall be dubbed as “Save Calumpang River” with the participation of various stakeholders. The following activities shall be implemented:
  - 1) Launching of a river clean-up and maintenance by dredging; and removal of oil and grease, solid wastes, and debris and other contaminants by physical, mechanical and biological methods
  - 2) Quarterly monitoring of water quality
  - 3) Riverside tree planting
  - 4) Awareness campaign on the importance of river ecosystem
  - 5) Mangrove re-planting

## **Section 60. Punishable and Prohibited Acts**

- a) Dumping of wastes in Calumpang River or in any of the bodies of water, whether solid or liquid, or any matter that causes pollution, is strictly prohibited.
- b) No individual, or establishment/institution, whether public or private, is allowed to directly dispose of their wastewater into the Calumpang River without undergoing appropriate water treatment process as advised by the City ENRO.
- c) Introduction of invasive alien species (IAS) in Calumpang River proper and other bodies of water within the City is prohibited.

## **Section 61. Fines and Penalties**

Any person who commits any of the prohibited acts provided in this Article shall be penalized and be fined an amount of Php 5,000.00 or imprisonment of not more than one (1) year or both, at the discretion of the Court.

If the offense is committed by a corporation, partnership or other juridical entity duly organized in accordance with law, the chief executive officer, president, general manager or person-in-charge shall be liable for the commission of the offense penalized under this act.

## **ARTICLE X**

### **MARINE AND FRESHWATER RESOURCES**

#### **Section 62. Purpose of the Article**

Protect and conserve marine and coastal resources through control of marine pollution, abatement of destructive fishing practices and over fishing;

- a) Strengthen capacity of stakeholders to manage marine and coastal resources;
- b) Support implementation of international and local agreements on protecting marine biodiversity.
- c) Review, assess, implement and regulate industrial use permits/rights and other interests over coastal areas.

#### **Section 63. Operative Principles**

The coastal areas of Batangas shall comprise the shorelines of Batangas Bay delineated by City land area and Isla Verde Island. The sea area includes the depths and breath of Batangas Bay including the delta of Calumpang River and the Isla Verde Passage portion.

The territory is covered by the scopes of national policies namely:

- a) It is the duty of the City ENRO to “prevent and control the pollution of its sea by the dumping of wastes and other matter which create hazards to human health, harm living resources and marine life, damage amenities or interference with the legitimate uses of the sea within the territorial jurisdiction of the Philippines (PD No. 979, Sec. 2).
- b) Executive Order 533 or the adoption of integrated coastal management (ICM) as national strategy for the sustainable development of coastal and marine environment resources;
- c) EO 510 or the rationalization of the management of the country's major river basins; and
- d) Part of EO 578 or the national policy on biodiversity, prescribing implementation particularly in the Sulu-Sulawesi Marine Ecosystem and Verde Island Passage Marine Corridor.

#### **Section 64. Regulatory Provisions**

##### **a) Conservation and Protection of the Verde Island Passage**

As a landmark of global environmental significance, specifically the Verde Island Passage of the Sulu-Sulawesi Seascape, the carrying capacity of Isla Verde Island shall be determined, implemented, managed, and regulated by command and control of the City ENRO in consonance with the Provincial Management Board Plan for Verde Island Passage. Heavy industrial development of as determined by the office of the CPDC Batangas City is prohibited in the island.

##### **b) Transcending Environmental Boundaries**

The City Government shall pursue the path of shared responsibilities of marine resources that transcends environmental boundaries. This is consistent with Local Autonomy Constitutional Provision (Article 10 SEC 13) which states that “Local government units may group themselves, consolidate or coordinate their efforts, services, and resources for purposes commonly beneficial to them in accordance with law.”

##### **c) Habitat Restoration and Biodiversity Conservation**

In coordination with NGAs and private and civil society stakeholders, community-based habitat restoration and biodiversity conservation areas shall be located, planned and executed such as: mangrove rehabilitation and protection; marine turtle sanctuary, wild bird sanctuary; thresher sharks sanctuary and other marine and coastal species identified by updated IUCN Red List as endemic, threatened and endangered.

##### **d) Quarrying and Extraction of Marine Mineral Resources**

The City ENRO shall regulate quarrying and extraction of marine and coastal mineral resources that serve as natural barriers to include gravel, sand, rocks, boulders and dead corals.

e) Food Security and Livelihood

The City Government shall ensure the preferential use of marine resources for subsistence fisherman as provided for by the 1987 Constitution Art XIII- Social Justice and Human Rights, Section 7, to wit: "The State shall protect the rights of subsistence fishermen, especially of local communities, to the preferential use of communal marine and fishing resources, both inland and offshore. It shall provide support to such fishermen through appropriate technology and research, adequate financial, production, and marketing assistance, and other services. The State shall also protect, develop, and conserve such marine resources. The protection shall extend to offshore fishing grounds of subsistence fishermen against foreign intrusion. Fish workers shall receive a just share from their labor in the utilization of marine and fishing resources."

f) Temporal and Spatial Zone for Transient Indigenous Peoples

Batangas City shall be known as an-IP friendly city. The City ENRO shall determine, locate, develop and implement temporal and spatial zone for transient indigenous peoples who frequent the area for fishing, trading, business or distress. The zone shall be equipped with shelter, water and sanitation facilities in specially developed mangrove camps.

g) Natural and Human-Made Hazard Management

A Disaster Risk Management Plan for Batangas City Sea shall be formulated through multi-stakeholder planning process coordinated by the Environmental Safety Division. The plan shall respond to oil spills, coral bleaching, storm and tidal surges, navigational accidents and climate change threats to include preventive, precautional and rescue and relief operations.

The plan shall be implemented with, but not limited to, the Philippine Coast Guard, PNP Maritime Group, Bureau of Fire Protection, MARINA, PENRO, CDMCC, OCVAS, BFAR, SEAFDEC and other interest groups and agencies.

h) Shipping and Heavy Industries

Shipping (including navigation, berthing, docking and ship building and repair) and heavy industries in the coastlines of Batangas City shall be governed by international agreements and standards through the national line agencies and the City Government.

## **Section 65. Prohibited and Punishable Acts**

- a) Spilling, leaking, pumping, pouring, emitting, emptying or dumping oil and gas, ballast water and other wastes from any marine vessel or fishing boat using, in transient or navigating its waters are prohibited.
- b) Fishing using dangerous and possibly harmful and poisonous substances and materials which can kill off animals and/or destroy marine habitat is strictly prohibited. Violators shall be prosecuted.
- c) No person/entity, group or company shall collect, extract and quarry marine resources for commercial gain without the necessary permit from the City Government.
- d) The altering, possession, transport, and/or extraction of marine products, and other coastal resources for commercial gain particularly those under the National List of Threatened Philippine Marine Flora and Fauna and their Categories and the list of other Wildlife Species, without the necessary permit is hereby prohibited.
- e) No cutting, destroying or injuring of planted or growing trees, flowering plants and shrubs or plants of scenic value along public coastal roads, plazas parks, school premises or in any other public coastal ground shall be permitted, except when the cutting, destroying, or injuring of same is necessary for public safety, or such pruning is necessary to enhance its beauty.
- f) There shall be no cutting of tree(s) on a strip of twenty (20) meters wide along coastal areas bordering or traversing land areas. If the said area or strip is already bereft of trees, then said area shall be reforested by trees of known economic value, as well as native to the location, and no one shall make any clearing of that area from thereon.

- g) The unauthorized use of coastal and shoreline lands for residential, commercial, recreational or eco-tourism purposes without the necessary permit is hereby prohibited.
- h) The unauthorized occupation of seashores and protected areas is strictly prohibited.
- i) No exotic wildlife flora and fauna shall be introduced nor cultured in the city seas unless a clearance had been issued by the City ENRO.
- j) Bio-prospecting may be allowed only if accompanied by the necessary permit/clearance from the City ENRO.
- k) Extraction of resources including quarrying, occupation without the necessary permit and any act of destruction, inside Verde Island Passage is hereby strictly prohibited.

#### **Section 66. Fines and Penalties**

Violation of Section 65, Article X shall be meted with the following sanctions:

- a) Any person, group or entity who violates any of the provision of Section 65, Article X shall be meted with fines of Php 5,000 and/or equivalent community environmental work/service or imprisonment of not more than one (1) year or both, at the discretion of the Court.
- b) If the offense is committed by a corporation, partnership or other juridical entity, the chief executive officer, president, general manager or person-in-charge shall be liable for the commission of the offense penalized under this act.
- c) In addition, if the offender is a foreigner, he/she shall be recommended for deportation. The fines and penalties shall be without prejudiced to civil liabilities for damages.

### **ARTICLE XI ECOTOURISM**

#### **Section 67. Purpose of this Article**

- a) To safeguard the integrity of existing and potential ecotourism areas of the city;
- b) To promote ecotourism as a viable strategy to improve the socioeconomic condition of the local communities and protect the integrity of the natural and cultural sites as ecotourism areas;
- c) To promote and regulate the ecotourism industry within the capacity of the environment for sustainable growth; and
- d) To protect these areas as heritage to the next generation of Batangueños.

#### **Section 68. Operative Principles**

- a) The City Government shall adopt ecotourism as a major strategy to accelerate the development of the city and at the same time protect the quality of the environment. It shall adopt measures to protect and enhance the services and facilities such as coastal roads, water system, communication and emergency health service providers, to accommodate domestic and international visitors to natural sites such as the Pinamucan beach, Tulo River, Dumuclay River, Mahabang Buhangin, Tingga Falls, Ilijan Falls, Nagtuon Falls, Tinalunan, Cueva Sitio, Sepok Point and Isla Verde. Isla Verde is an islet which shall be declared as a protected sanctuary and shall be a primary ecotourism site.
- b) The City Government shall adopt the community based ecotourism, or co-management approach that commits to establish and maintain the ecotourism sites with the participation of the local residents and other relevant stakeholders, marketing these appropriately, enforcing regulations and using the proceeds of the enterprise to fund the ecotourism areas management, as well as community development.
- c) The City Government shall maximize the full potential ecotourism of the city. It shall also implement appropriate ecotourism management program to ensure that unacceptable impacts attributed to ecotourism will be avoided. The inclusion of ecotourism programs in resource management can help realize the optimum value of recreation.

- d) The City Government adopt ecotourism as both a resource conservation strategy and a business industry. This allows maximizing economic benefit without impairing the quality of the natural resource base of the activity. The management personnel of the area shall be equipped with the appropriate technical capabilities for, and attitude towards the operations of an ecotourism destination site.
- e) The City Government shall invest in human resource capability building, marketing, linking and development of ecotourism products prior to promoting an area or activity.

### **Section 69. Regulatory Provisions**

The City Government, shall monitor the frequency of visitors to ecotourism sites, ensure operation of on-site pollution control measures of ecotourism facilities, and provide proper visitor services and amenities.

- a) The establishment and development of ecotourism facilities shall follow the regulation as stipulated in Presidential Decree (PD) 1586 otherwise known as the “Philippine Environmental Impact Assessment System”.
- b) The establishment and development of ecotourism enterprises shall be in areas designated as ecotourism zone by the Comprehensive Land Use Plan of the City.
- c) The development of ecotourism-related infrastructures shall respect the limitations imposed by other laws governing natural resources and biodiversity such as the “Ordinance No. 9, Series of 2008” known as an “Ordinance for the Protection of Threatened Marine Wildlife and their Critical Habitats within the Jurisdiction of Batangas City”. This covers the limits on construction along the riparian zone of freshwater and coastal waters.

### **Section 70. Ecotourism Plan Formulation and Review**

- a) Within the first 60 days of the effectivity of this code, the City Mayor shall create a Multisectoral Ecotourism Council composed of the representatives from concerned barangays and sitios (Isla Verde, Pinamucan, Tulo, Dumuclay, Mahabang Buhangin, Tingga, Ilijan , Tinalunan, Cueva Sitio, Sepok Point, Monte Maria), City ENRO, CPDO, CITO and Sangguniang Panlungsod representative, non-government organizations and private sector representatives, whose functions are:
  - i. Assess the status of existing and potential ecotourism sites in the City;
  - ii. Prioritize the identified ecotourism sites based on market potential, infrastructure investment requirements, economic viability, community participation and environmental protection;
  - iii. Recommend to the City Mayor for approval the appropriate types of development and management for each prioritized area
- b) The Multisectoral Ecotourism Council shall conduct consultations in order to formulate an ecotourism development framework for the City of Batangas; which shall be submitted to the City Mayor for inclusion to the Legislative Agenda of the City Government.
- c) The Multisectoral Ecotourism Council shall conduct periodic review and update of the ecotourism development framework and plans.

### **Section 71. Major Components of Ecotourism Destination Development Program/Strategy**

- a) Coordination shall entail identification and linking with appropriate government, private and NGO to generate enough support in implementing ecotourism programs.
- b) Research shall be considered as a mandatory component. This shall involve the establishment of scientific and social research program that would be responsible for providing better understanding of the environmental and social dynamics in each area.
- c) Planning of ecotourism development plan for each tourist destination site shall help determine the potential benefits of ecotourism as both conservation and an economic tool, and at the same time determine the requirements for the development of a site or a particular product.
- d) Product development shall involve the development of a particular ecotourism product. Product management set up is necessary to ensure the success and sustainability of the product.

- e) Marketing shall focus on maintaining the viable number of the visitors to assure sustainability of the area as tourist destination site. As such this will entail establishment of sufficient market linkages that would promote the particular destination sites.
- f) Partnership shall involve creating the proper environment for the participation of the relevant stakeholders in the ecotourism management. This is to ensure that supports will be maintained to sustain the site as a tourist destination. Conducting series of seminars and workshops designed to increase the appreciation of ecotourism as a conservation tool shall be an integral part of ecotourism program.
- g) To ensure support of the adjacent communities and human settlements, it is necessary to promote community based ecotourism programs to address the environmental conservation and the socio-economic improvement of the local communities.
- h) Tourism investment shall be promoted. Private individuals and organizations shall be encouraged to invest in order to ensure the sustainability of the industry.

## **Section 72. City Investment and Tourism Office**

This office, in coordination with the Multisectoral Ecotourism Council, shall take part in the promotion of the City Ecotourism Development Framework Plan. Other functions of the unit include:

- a) To provide assistance to local and foreign investments in ecotourism through provision of information about the City Ecotourism Development Framework Plan which includes the priority ecotourism thrusts; and relevant laws and procedures related to investments in ecotourism activities;
- b) To receive complaints and address conflicts related to ecotourism;
- c) To lead in the review of ecotourism plans, programs and policies; and amendments, through a consultative process;
- d) To study new markets for ecotourism; and design appropriate marketing strategies; and
- e) To ensure that the quality of the ecotourism services is sustained, in coordination with City ENRO and other relevant units, as designated by Local Executive.

## **Section 73. City Environment and Natural Resources Office (City ENRO)**

The City ENRO shall ensure that the environmental standards on water and air quality, noise, operation quality and efficiency and sanitation, set by law are met by the ecotourism enterprise/industry. The City ENRO shall monitor compliance to other environmental standards of practice such as proper waste management as stipulated in RA 9003, energy and water conservation as cited in Executive Order 774, and maintenance of air quality and noise minimization. The City ENRO shall also conduct information and education dissemination on strategies that minimize the use of energy, alternative energy sources, water conservation technologies and efficient use of other natural resources.

## **Section 74. Prohibited and Punishable Acts**

- a) No tourism development of stream, rivers, waterfalls and natural areas from either private or public organizations, shall be built or established without conducting and submitting 1) a waste management plan, 2) development designs and plans, and 3) carrying capacity assessment. These requirements must be assessed by the City ENRO, City Engineer's Office, OCVAS, and CPDO before any permit from the City Mayor is issued and approved. As for establishments already in existence, they will need to submit these requirements.
- b) Establishments not related to ecotourism such as livestock farms, heavy industries and major commercial establishments shall not be permitted within ecotourism spots. Residential areas within the ecotourism spots shall be controlled.
- c) No major developments or infrastructures shall be established within natural and protected areas/sanctuaries in the City, unless permitted by the City Government.
- d) Selling, distribution, transfer, buying and picking of natural items such as rocks, minerals, wild animals and endemic plants from ecotourism spots is strictly prohibited.

- e) Vandalism, use of illegal drugs, squatting, commercial sex and littering in ecotourism spots are strictly prohibited.
- f) Desecration of historical and cultural structures and artifacts by any person, group or entity shall be strictly prohibited.

#### **Section 75. Fines and Penalties**

- a) Violation of Article XI, Section 74 of this Code shall be penalized and fined an amount of not less than Php 1,000.00 but not more than Php 5,000.00 or thirty (30) days to 1 year imprisonment, or both, at the discretion of the Court. If the violator is a firm, corporation, partnership or other juridical entity, the chief executive officer, president, general manager or person-in-charge shall be held liable. This penalty is without prejudice to payment of civil damages.

### **ARTICLE XII ECOLOGICAL SOLID WASTE MANAGEMENT**

#### **Section 76. Purpose of this Article**

- a) To operationalize the powers and responsibilities of the units/offices within the Batangas City government in the implementation of Batangas City Solid Waste Management Plan;
- b) To provide guidance to the concerned units/offices in the exercise of their powers and in optimizing the opportunities;
- c) To protect the fragile ecosystems from the adverse impact of the economic activities/development;
- d) To institutionalize community-based mechanisms and public consultation in the implementation of the City's Solid Waste Management Strategies;
- e) To establish the necessary mechanism for implementing the provisions of this E-Code.

#### **Section 77. Operative Principles**

- a) The use of environment friendly and appropriate technologies is a basic foundation for a healthy and progressive generation.
- b) All development activities shall give importance and respect for the indigenous practices, which are protective of the environment and community.
- c) The sustainable economic development of the city of Batangas calls for a judicious use of and equitable access to natural resources in accordance with existing laws.
- d) Source reduction, re-use and recycling are the most preferred practices while safety disposal is the least preferred.
- e) Solid wastes management is a co-equal as the business management of an enterprise or livelihood system.
- f) Solid waste is a raw material that can be used for other purposes.
- g) Pollution prevention is preferred to pollution control practices.

#### **Section 78. Regulatory Provisions**

- a) Utilize environmentally-sound methods that maximize the utilization of valuable resources and encourage resource conservation and recovery;
- b) Set guidelines and targets for solid waste avoidance and volume reduction through source reduction and waste minimization measures, including composting, recycling, re-use, recovery, green charcoal process, and others, before collection, treatment and disposal in appropriate and environmentally sound solid waste management facilities following the Ecological Solid Waste Management Act of 2000 (RA 9003);
- c) Ensure the proper segregation, collection, transport, storage, treatment and disposal of solid waste through the formulation and adoption of the best environmental practice in ecological waste management;

- d) Ensure that incineration and open burning of solid wastes are openly discouraged;
- e) Encourage greater private sector participation in solid waste management;
- f) Retain primary enforcement and responsibility of solid waste management of the local government units while establishing a cooperative effort with and among the national government, other local government units, non- government organizations, and the private sector;
- g) Encourage cooperation and self-regulation among waste generators through the application of market-based instruments;
- h) Institutionalize public participation in the development and implementation of national and local integrated, comprehensive, and ecological waste management programs; and
- i) Strengthen the integration of ecological solid waste management and resource conservation and recovery topics into the academic curricula of formal and non-formal education in order to promote environmental awareness and action among the cities.

## **Section 79. City Solid Waste Management Board**

Batangas City Solid Waste Management Board (BCSWMB) herein referred to as the Board that shall prepare, submit and implement a plan for the safe and sanitary management of solid waste.

The Board shall be composed of the City Mayor as chairman, with the City Administrator as vice chairman and the General Services Officer as the co-vice chairman and City Environment Officer as board secretary. The following are members of the Board:

- a) City Public Information Office
- b) City Legal Officer
- c) City Veterinarian
- d) City Planning and Development Coordinator
- e) City Social Welfare and Development Officer
- f) City Public Service and Maintenance Unit Officer
- g) City Engineer
- h) City Treasurer
- i) City Budget Officer
- j) Department of Interior and Local Government Officer
- k) City Committee on Environment, Sangguniang Panlungsod Chairman,
- l) Representative from Packaging Industry
- m) Representative from Manufacturing Industry
- n) Liga ng mga Barangay President
- o) Sangguniang Kabataan Federation Chairman
- p) A representative from NGOs and PO's whose principal purpose is to promote recycling and the protection of air and water quality;
- q) A representative from the business and market vendors association;
- r) A representative from hospital and other medical clinic;
- s) A representative from private and public schools;

The Board shall likewise design appropriate mechanisms that will ensure optimum representation of the various stakeholders in the Board.

The Board shall have the following duties and responsibilities:

- a) 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;
- b) Adopt measures to promote and ensure the viability and effective implementation of solid waste management programs in its component barangays;
- c) Monitor the implementation of the City Solid Waste Management Plan through its various political subdivisions and in cooperation with the private sector, NGOs and concerned citizens;



- d) Adopt specific revenue-generating measures to promote the viability of its Solid Waste Management Plan;
- e) Convene regular meetings for purposes of planning and coordinating the implementation of the solid waste management plans of the respective component barangays;
- f) Oversee the implementation of the City Solid Waste Management Plan;
- g) 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;
- h) Develop the specific mechanics and guidelines for the implementation of the City Solid Waste Management Plan;
- i) Recommend to appropriate local government authorities specific measures or proposals for franchise or build-operate-transfer agreements with duly recognized institutions to provide either exclusive or non-exclusive authority for the collection, transfer, storage, processing, recycling or disposal of municipal solid waste. The proposals shall take into consideration appropriate government rules and regulations on contracts, franchise and build-operate-transfer agreements;
- j) Recommend measures and safeguards against pollution and for the preservation of the natural ecosystem;
- k) Coordinate the efforts of its component barangays in the implementation of the City Solid Waste Management Plan;
- l) Provide the necessary logistical and operational support to barangays; and
- m) Call on any concerned agency or sector, as it may deem necessary for support or other appropriate action.

#### **Section 80. Technical Working Committee**

The Technical Working Committee (TWC) will continue to formulate plans of the programs and activities to carry out the functions of the Board. The committee shall be composed of the City Administrator as chairman, with the General Services Officer as vice chairman with the City ENRO as secretariat. The following are members of the TWC:

- a) CPDO
- b) City Veterinarian
- c) City Public Information Officer
- d) City Social Welfare and Development Officer
- e) City Engineer
- f) City DILG Officer

There shall be a creation of support committees to assist the TWC in the implementation of SWMP and carry out functions relative to the protection and preservation of the environment particularly but not limited to the Cleaning and Greening of the City as follows: a) Enforcement Committee; b) Greening and Reforestation Committee; c) Health and Sanitation Committee; d) Monitoring, Evaluation and Education Committee; e) Special Operation Team and Engineering Committee; and f) Finance Committee.

#### **Section 81. Institutional Roles and Responsibilities**

- a) In the implementation of this ordinance, the Barangay shall perform duties and responsibilities as mandated under RA 7160.
- b) The City ENRO and the PSMU shall coordinate with each other in the implementation of the city solid waste management program
- c) The City ENRO shall be responsible for the operational management of the PSMU and shall advise the Board on matters requiring the Board's intervention. The unit shall have the following specific functions:
  - i. Develop plans and projects on solid waste consistent with the City's Development Plan for the Boards approval.

- ii. Enforcement of solid waste disposal and other environmental management systems and services related to general hygiene and sanitation, such as sewerage and household waste disposal.
- iii. Coordinate with other Departments/Offices, NGO's and other institutions regarding different programs and projects of the City Government on wastes and pollutants.
- iv. Conduct monitoring and inspection with regards to waste segregation and management.
- v. Continued information, education and communication on waste segregation and management to barangay or their portion with problems on waste disposal.
- vi. Provide recommendation against pollution and for the preservation of the natural ecosystems such the Calumpang River, etc.
- vii. Report to the Board all matters pertaining to the Implementation of the City's SWMP.
- viii. Exercise such other powers and perform such other activities and functions that may be prescribed by laws and ordinances.

## **Section 82. The Batangas City Solid Waste Management Plan**

The Batangas City Solid Waste Management Plan shall contain strategies that promote waste minimization at source, community-based or cluster-based solid waste segregation, ecologically sound sanitary temporary storage, safe and secure waste collection method, efficient and effective transport schemes, market-based disposal fees that would sustain operations of sanitary landfill, specific for the following major sources of solid wastes:

- a) Households include residential houses within subdivisions, apartments and condominiums. The Sangguniang Panlungsod shall enact resolutions/ordinances recognizing Eco-waste Clusters and deputizing cluster leaders as recommended by the City ENRO. The barangay cluster leaders shall be authorized to recommend to the Sangguniang Panlungsod guidelines for the solid waste management plan. These guidelines may also include collection of fees, fines and penalties including the proposed utilization schemes for income generated by each clusters.
- b) All industries located inside the City shall be mandated

For offshore industries, the solid waste management to establish their own waste disposal facilities or in the alternative, enter into contract with solid waste disposal facilities of private operators or of the City. plan shall include provisions for safe collection and transport of solid waste from plant to ports. They shall be required to establish their own solid waste disposal facilities in the mainland or may enter into contract with solid waste disposal facilities of private operators or of the City.

- c) Commercial establishments cover business establishments offering services such as food and short-term accommodation, selling and or trading processed goods, vehicle repairs and maintenance, students and office needs services shops and stalls, coastal resorts, garage and port operators and other as may be identified later.

Each establishment shall be required to post signages promoting solid waste management programs of the City (Zero waste, maliit na basura ibulsa mo, leave no trashes, don't throw wastes in public places, etc.).

Each establishment, including transport services, shall be required to place or install color coded waste bins to separate wastes according to pre-identified categories and to use non-plastic based packaging materials for each transaction.

City ENRO shall establish hotlines where the violation could be reported. It shall also institute citizen participants to encourage reporting of erring drivers and passengers violating these rules

All vendors are accountable for maintaining the cleanliness of the areas designated for them at certain period of the day.

For coastal resorts, the City ENRO in consultation with the concerned barangay officials shall identify clusters of establishments and define the scope of their responsibilities. Cluster leader shall be responsible for each cluster. The City Mayor shall deputize sanitary and environment officer to enforce solid waste management policies of the City and monitor compliance of the clusters to the solid waste management plan. They shall be authorized to issue citation tickets for violation of any of the environmental policies. The deputized local sanitary and environment officer shall be recommended by the barangay and endorsed by City ENRO.

- d) Management of solid and liquid market wastes shall be the responsibility of the City Government. The city government shall promulgate the guidelines on the imposition of the ban on plastic packaging in the markets.
- e) Hospital shall also include clinics and other establishments offering medical services. Hospitals shall formulate their respective solid waste disposal plan with special attention to toxic and hazardous wastes. The solid waste management plans shall include risk assessment as well as specific courses of action in case of accidental contamination or spillage. The plan shall be submitted to the City ENRO and the local health office. No hospital wastes shall be accepted in the City Sanitary Landfill facilities or in any other private disposal facilities inside the city unless such were designed to accommodate hospital wastes.

### **Section 83. Mandatory Segregation of Solid Wastes**

Wastes segregation in the City shall be guided by the provisions of Ordinance No. 1, Series of 99 entitled “ Ordinansang Nag-aatas sa Lahat ng Mamamayan at mga Bahay Kalakalan, na Magtakda ng mga Lalagyang Maghihiwalay sa Nabubulok (biodegradable) at Di Nabubulok (non-biodegradable) na mga Basura na Umaayon sa Layunin at Programang Zero Waste Management ng Lungsod ng Batangas at ang Pagpapapataw ng mga Parusa sa Lalabag Dito” and “Implementing Rules and Regulations (IRR) of the Ecological Solid Waste Management Act of 2000 (RA 9003).

### **Section 84. Regulation on the Use of Plastic and Styrofoam Materials for Packaging**

The City hereby adopts the following regulation on the use of plastic and styrofoam materials for packaging in all business transactions within the City.

The use of plastic bags as packaging materials for dry goods is prohibited. All business establishments shall pack dry good products in biodegradable materials such as recycled product carton boxes and paper bags. Dry goods maybe packed in plastic bags or non-biodegradable packing materials provided that such packing materials were supplied by the costumers. The use of plastic bags on wet goods (e.g. fresh fish., meat products) is regulated. Plastic bags maybe used for such products as a primary packaging material. No business establishment shall offer or sell plastic bags to be used as secondary packaging material or as primary packaging on dry goods.

The use of Styrofoam as packaging materials or as containers for food, fruits and vegetables containers is also prohibited.

Plastic bags and Styrofoam containers are hereby de-categorized under non-biodegradable wastes and hence shall not be collected during the collection schedule for non-biodegradable waste products under the regular Solid Waste Collection program. These waste materials shall be surrendered to their respective barangay MRF provided that these materials must be cleaned and dried prior to its turn over to the Barangay.

The City ENRO shall monitor the effective implementation of the banning of plastic after six months of massive information campaign and coordination with affected business establishments. Gradual implementation of banning of use of plastic materials shall be observed on following stages;

Stage 1 (6 months from approval of this E-code) – Implementation shall cover Market 1, 2, 3 and all local government institution and all enterprises within its premises.

Stage 2 (8 months from approval of this E-code) – Implementation shall cover all educational institutions.

Stage 3 (2 years from approval of this E-code) – Implementation shall cover all business enterprises within Urban Areas of the City.

Stage 4 (3 years from approval of this E-code) – Full implementation of the banning of use of styrofoam and non-environmentally accepted and thin plastic materials.

Information Education and Communication Campaign - The City shall promote this regulation through the conduct of massive information education and communication campaign using media (print, radio, television and internet) for six months upon approval and effectivity of this code.

## **Section 85. Prohibited and Punishable Acts**

- a) All business establishments and/or individuals are prohibited from selling and providing plastic bags to customers as secondary packaging materials on wet goods; selling and providing plastic bags to customers as packaging material on dry goods; selling and providing styrofoam as containers; and disposing plastic wastes.
- b) Littering, throwing, dumping of waste materials in public places, such as roads, sidewalks, canals, esteros or parks, and other establishments within the city;
- c) Collecting, operating or transporting of equipment or any undertakings in violation of sanitation operation in the City;
- d) The burning of solid waste in any open areas within the City;
- e) Disposal of biodegradable and non-biodegradable materials (plastics and other litter in rivers such as Calumpang river and other river system within the city of Batangas;
- f) Uncontrolled dumping of wastes along the bay's shoreline and coastal waters ;
- g) Dumping of plastic materials fishing nets and lines, packing bands, straps, synthetic ropes, plastic bags bottle sheets and other containers and even medical equipment in all coastal barangays;
- h) Dumping of waste materials that would pollute Verde Island.
- i) Illegal disposal of domestic waste into vacant residential or commercial lot.
- j) Collection of non-segregated or unsorted wastes for both hospital, commercial, industrial and domestic waste in the City;
- k) Open dumping, burying of biodegradable or non-biodegradable materials in frequently flooded prone areas particularly in Kumintang Ibaba, Sta. Rita, BSU site and public market;
- l) Unauthorized removal of recyclable material intended for collection by authorized persons;
- m) 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;
- n) The manufacture, distribution or use of non-environmentally acceptable packaging materials.
- o) Importation of consumer products packaged in non-environmentally acceptable materials;
- p) Importation of all toxic wastes, with or without the "recyclable" or "with recyclable content";
- q) Transport and dump log in bulk of collected domestic, industrial, commercial, and institutional wastes in areas other than centers or facilities prescribe under this Act;
- r) Site preparation, construction, expansion or operation of waste management facilities without an Environmental Compliance Certificate required pursuant to Presidential Decree No. 1586 and this Act and not conforming with the land use plan of Batangas City;
- s) Squatting within the San Jose Sico controlled dump site and decommissioned dump site in Brgy Tingga Labac is prohibited.
- t) The construction or operation of landfills or any waste disposal facility or any aquifer, groundwater reservoir or watershed area and/or any portion thereof.

## **Section 86. Fines and Penalties**

Violation of Article XII Section 85 on prohibited and punishable acts under this code shall be penalized as follows:

- |   |     |  |
|---|-----|--|
| First offense:                            | Php | 500.00 fine  |
| Second offense:                           | Php | 1,000.00 fine  |
| Third offense and each succeeding offense | Php | 1,500.00 fine and/or imprisonment of not more than six (6) months upon the discretion of the court. In addition to the imposition of fines and penalties on individual violators, in the case of business establishments, Php 1,500.00 for the first offense, Php5,000.00 for the second offense and cancellation of their license to operate and/or closure for a period of one year. |

## **ARTICLE XIII INDUSTRIAL AND TOXIC HAZARDOUS WASTE MANAGEMENT**

### **Section 87. Purpose of this Article**

- a) To ensure compliance to environmental standards by industrial, manufacturing and other entities known to use, emit or produce toxic and hazardous substances;
- b) To safeguard health and safety of the environment and its populace;

### **Section 88. Operative Principles**

- a) The City ENRO shall ensure that the environmental standards on TOXIC SUBSTANCES AND HAZARDOUS AND NUCLEAR WASTE CONTROL ACT OF 1990 (RA 6969) set by the DENR, DOH and DOT are met by the different small and large scale industries, including privately owned home industries.
- b) The City ENRO shall monitor compliance to the environmental standards of practice such as proper waste management as stipulated in RA 9003 and RA. 6969, and maintenance of air and water quality as provided in the Philippine Clean Air Act and Water Act.
- c) The City ENRO shall keep an inventory of chemicals that are presently being manufactured, or used, indicating, among others their existing and possible uses, test data, names of firms manufacturing or using them, and such other information as may be considered relevant to the protection of health and the environment.
- d) The City ENRO shall monitor and regulate the manufacture, processing, handling, storage, transportation, and disposal of chemical substances and mixtures that present unreasonable risk or injury to health or to the environment in accordance with the national policies and international commitments.
- e) The City ENRO shall lead to inform and educate the populace regarding the hazards and risks attendant to the manufacture, handling, storage, transportation and disposal of toxic chemicals and other substances and mixture.
- f) The City ENRO shall prevent the unauthorized entry, even in transit, as well as the keeping or storage and disposal of hazardous and nuclear wastes into Batangas City for whatever purposes.
- g) The City ENRO, in coordination with the Bureau of Fire Protection shall carry out the following tasks:
  - i. To keep an updated inventory of chemicals that are presently being manufactured or used, indicating among others, their existing and possible uses, quality, test data, lists of firms manufacturing or using them, and such other information relevant to the protection of health and the environment;
  - ii. To coordinate with DENR and be furnished copies of the test reports on chemical substances and mixtures that present unreasonable risk or injury to health or to the environment pursuant to Section 6 of Toxic Substances and Hazardous and Nuclear Management Act.
  - iii. To identify and compare the characteristics of chemicals that have been tested to determine their toxicity and the extent of their effects on health and the environment;

- iv. To conduct inspection of any establishment in which chemicals are manufactured, processed, stored or held before or after their commercial distribution and to make recommendations to the proper authorities concerned;
- v. To recommend the impounding of toxic and hazardous chemicals whose possession are against the law.
- vi. To call on any department, bureau, office, agency, state university or college, and other instrumentalities of the Government for assistance.
- vii. To disseminate information and conduct educational awareness campaigns on the effects of chemical substances, mixtures and wastes on health and environment; and
- viii. To exercise such powers and perform such other functions as may be necessary to carry out its duties and responsibilities under this Code upon approval of the City Mayor.

## **Section 89. Regulatory Provisions**

The City ENRO shall monitor and ensure that the provisions embodied in RA 6969 are strictly followed. Hence, the City ENRO shall have the following functions:

- a) To organize a technical working group to assist the City ENRO and the Bureau of Fire Protection on management of these materials within the boundary of the city;
- b) To prepare and update the inventory of chemical substances and mixtures that fall within the coverage of this Code;
- c) To conduct preliminary evaluation of the characteristics of chemical substances and mixtures to determine their toxicity and effects on health and the environment and make necessary recommendations to DENR;
- d) To perform such other functions, as the city government in compliance with the requirements of DENR may, from time to time, require.

**Section 90. Chemicals Subject to Testing.** Upon recommendation of the City ENRO, all such chemicals shall be subjected to testing by the DENR Accredited laboratory where: 1) there is reason to believe that the chemical substances or mixture may present an unreasonable risk to health or the environment or there may be substantial human or environmental exposure thereto; 2) there are insufficient data and experience for determining or predicting the health and environmental effects of the chemical substance or mixture; and 3) the testing of the chemical substance or mixture is necessary to develop such data.

The manufacturers and processors shall shoulder the cost of testing the chemical substance or mixture that will be manufactured or processed.

## **Section 91. Creation of Toxic and Hazardous Substances (THS) Multisectoral Management Board**

Within 3 months upon effectivity of this E-Code, the City Mayor shall organize and maintain the continuous and effective operation of the THS Multisectoral Management Board to be composed of the City Mayor as the Chairperson, City ENRO, a licensed chemist, City Health Office, DENR, BFP, OCVAS, and DA as members, including representatives from private industries. The City ENRO shall serve as the permanent Secretariat of the board. The Board shall be vested with the following duties and responsibilities:

- a) To prepare a document for a complete list of all industries, business establishments, small and large scale, other users which can be considered generators of toxic and hazardous chemicals, substances, mixtures and even raw materials.
- b) To assess, review quarterly reports and documents which are submitted to the council and propose solutions to address problems, issues and concerns;
- c) To implement the approved action/plans/ programs; making sure that this endeavor is a continuing program of the City government to avoid risks exposure, accidental spillage or dangers of explosions, and others that will affect the health of the people as well as environmental deterioration.
- d) To discuss the pooling of resources for the acquisition of equipment necessary in handling substances and controlling accidents cause by these, as well as the maintenance of the equipment.

The Multisectoral THS board, upon coordination and within 30 days from the date of filing of the notice of manufacture and processing of a chemical substance or mixture, shall decide whether or not to regulate or prohibit its manufacture and process, sale, distribution, use or disposal. However, the 30-day pre-manufacture period may be extended for justifiable reason(s).

**Section 92. Handling Toxic and Hazardous Chemicals.** Handling, storage, use and disposal of used equipment containing Persistence Organic Pollutants (POPs) like banned pesticides and industrial chemicals (aldrin, chlordane, dieldrin, DDT, endrin, heptachlor, hexachlorobenzene, polychlorinated biphenyls (PCBs)) must be restricted to authorized individuals or service providers duly accredited by DENR.

**Section 93. Handling Metals and Electronic Waste Disposal.** To prevent the dispersion of heavy metals in the city, and electronic wastes such as used dry cell batteries, used TV and computer monitors; City ENRO will recommend a day in each month for the collection of these wastes. Secured and safe storage facility must be constructed before the start of collection program.

**Section 94. Information and Education Program.** The City ENRO in cooperation with universities, industries and DOST, shall develop training programs on cleaner production, /pollution prevention, waste minimization, environmental performance evaluation and environmental management system for small and medium enterprises, universities, colleges, hospitals, malls, public market administrators and hotels among others.

**Section 95. The Batangas City Industrial Waste Management and Toxic Hazardous Waste Programs and Plans**

After 30 days of the effectivity of this Code, the City ENRO shall initiate a meeting among establishment which are processors, users and generators of toxic waste to formulate an action plan to make an inventory of substances and come up with a mechanism to pool resources necessary to handle substances and control accidents. All processors and generators of waste shall submit to City ENRO, BFP, and the THS Multisectoral board their industrial wastes and toxic and hazardous waste management programs including mitigating measures.

All businesses involved in transport, handling, storage, utilization of toxic and hazardous wastes shall be required to disclosed to the Bureau of Fire Protection the kinds, volumes and facilities used for the toxic and hazardous materials, products produced with these materials and provide environmental risk management plans as a requirement for the renewal of their CEPO. The Bureau of Fire Protection needs these information for planning and procurement of needed equipment and for training of employees particularly for establishments handling chemicals to address potential accidents. The Bureau of Fire Protection and City ENRO in cooperation with DENR-EMB, industries and academic institutions shall develop training programs for various sectors on management of toxic and hazardous materials. After the necessary institutional capability building are put in place, prohibited and punishable acts shall be implemented.

**Section 96. Prohibited and Punishable Acts**

- a) No individual, group or company shall dispose toxic and hazardous chemical substances, metals or electronic waste in easily contaminated places such as rivers, seas or any bodies of water, as well as on any land surface within the City.
- b) No chemicals or possible hazardous materials or substances shall be delivered, conveyed, hauled, transported, passing the jurisdiction of the City without the knowledge and permission of the City ENRO.
- c) No person or group shall open or start a business that can be a potential source of air, water and land pollution without installing any pollution devices, equipment, fixtures and/or machineries in compliance with existing laws and regulations and as recommended or deemed necessary by the City ENRO. In case the establishments could not and/or need not install such devices, they are required to submit a waste management plan to the City ENRO.
- d) Enterprises or companies that are involved in various business or industrial activities involving toxic and hazardous materials but failed to comply with the provisions stipulated in this Code will be reported to City ENRO and to DENR-EMB. Failure to comply with the provision of the issued CEC within

reasonable period, the Bureau of Fire Protection and City ENRO will recommend the suspension of business permit until such time the violator complied. Violators shall do the cleanup of the polluted environment and shall be legally liable on the damage to private or government properties and communities affected by the dispersion of pollutants. Cost incurred by the Bureau of Fire Protection and City ENRO in addressing such environmental offense shall be paid by the erring party.

#### **Section 97. Fines and Penalties**

Violators of Article XIII Section 96 (a), (b) and (c) shall do the cleanup of illegally disposed materials, and be fined the amount of Php 5,000.00 per offense or imprisonment of not more than one (1) year or both, at the discretion of the Court.

If the offense is committed by a corporation, partnership or other juridical entity, the chief executive officer, president, general manager or person-in-charge shall be held liable.

### **ARTICLE XIV AGRICULTURE AND AGRICULTURAL WASTE MANAGEMENT**

#### **Section 98. Purpose of this Article**

- a) To reduce risk of very toxic pesticides and veterinary drugs to human health and safety and the environment;
- b) To improve crop and livestock production and processing and grading of farm products without deteriorating the soil, surface water, and air in the farmlands and reducing animal waste pollution of Calumpang River;
- c) To promote soil and water conservation and agroforestry in sloping agricultural land as well as in Verde Island to enhance groundwater recharge;
- d) To reduce greenhouse gas emission from livestock agriculture and other agricultural activities.

#### **Section 99. Operative Principles**

- a) The City of Batangas shall ensure that proper procedures are followed and facilities provided for the disposal and management of agro-industrial waste from the small to commercial scale farms, post-harvest processing and commercial establishments within the jurisdiction of the City, in accordance to the City's advocacy in environmental protection and conservation, and in compliance with R.A. 9003 or the Ecological Solid Waste Management Act of 2000 and Philippine Clean Water of 2004 and Philippine Clean Air Act of 1999.
- b) Agricultural waste shall be given equal consideration like any other pollutants hazardous to the community and the environment; and the City shall employ all possible actions to dispose or utilize these wastes properly and keep them from contaminating land, air and bodies of water and potential threats to human health.
- c) Biodegradable waste shall be treated and utilized in other agricultural production processes or as another end-product. All agricultural wastes are considered as potential raw materials that can still be utilized in various ways.
- d) Agricultural chemicals shall be handled, treated and disposed off accordingly to prevent from harming the environment and the people using them.
- e) Crop, livestock and poultry production should be protective of the soil, groundwater, river and air while enhancing productivity and safety of agricultural products for human health.
- f) Soil and water conservation and improving crop management factor reduce surface runoff and increases infiltration and recharge of groundwater.
- g) Use of biogas as fuel and for power generation reduces global warming potential and organic fertilizer added into soil contributes to soil carbon sequestration and improves land quality for crop productivity.



## **Section 100. Regulatory Provisions**

- a) The City ENRO, together with the Office of the City Veterinarian and Agricultural Services (OCVAS) shall monitor closely the practices in the agricultural sector and ensure that procedures being done are within the sanitation and environmental standards/laws discussed and written in this Code.
- b) Land, businesses, structures and establishments relating to agriculture must follow through the regulations and requirements established in the City Comprehensive Land Use Plan.

## **Section 101. Institutional Set-up**

- a) The City ENRO shall be the main office that will overlook the agricultural waste management system in the city. Issuance of environmental permits and monitoring of agricultural businesses, such as farms and factories, shall fall unto the City ENRO's function. As such, they will have to cooperate with different offices such as the Office of the City Veterinary and Agricultural Services (OCVAS), Barangay Councils and other government offices and NGOs, in order to implement, monitor and control the agricultural waste management system.
- b) The City ENRO, together with the City Veterinary and Agricultural Services (OCVAS), shall help in disseminating information about proper agricultural waste management to the agriculture sector. They will go hand in hand as well in the monitoring of activities within the industry to check whether they comply to proper procedures and standards set upon them, and to take note and act on any issues and problems in managing agricultural waste.
- c) The Punong Barangay in coordination with City ENRO shall be responsible for monitoring and issuing Brgy. Clearance for agriculture- related business permits to farms within their vicinity. They shall see to it that the livestock farms and processors of agricultural products maintain safe and secured waste management disposal of their effluent and that none of these shall be drained nearby bodies of water without treatment application. Complaints and problems regarding environmental issues directing to agricultural farms or companies under their jurisdiction shall be reported to the City ENRO for action, monitoring and recording.
- d) The City Government, in cooperation with Batangas Bay Region Environmental Protection Council, shall identify sites in the coastal zone where fishing and swimming should not be allowed due to high levels of pollutants to avoid future health and safety problems of the coastal communities and users.
- e) The City Government, in cooperation with Batangas Bay Region Environmental Protection Council, Coast Guard, Philippine National Police and Barangay Police in the coastal barangays, shall institutionalize capability building to address illegal fishing in the municipal water.

## **Section 102. Basic Policies**

- a) The OCVAS shall have demonstration projects on how to properly compost agricultural waste such as animal manure, biodegradable wastes and crop residues. Demonstration projects shall include construction of biogas digesters and effluent and sludge processing as organic fertilizer and utilization for crop production.
- b) Dead animals shall be buried in well-drained sites.
- c) Proper zoning guidelines and building instructions shall be set for the agricultural farms and companies or enterprises. Livestock farms shall be at least 500 to 1,000 meters away from built-up areas such as residential, commercial, institutional and industrial sites. In the case of existing livestock farms near built-up areas, pollution management plan emphasizing on mitigating/control measures must be formulated and submitted by the owner to City ENRO. For city and private abattoirs or slaughterhouses, they should be away from residential or institutional areas for at least 1 kilometer to minimize odor nuisance.
- d) An agricultural enterprise or farm that will generate pollution that may or may not result to complaint from nearby households or establishment shall be required to have and submit an environmental management plan in handling their agricultural waste. This environmental management plan shall be one of the requirements necessary to obtain business permit, CEC from the City Government.
- e) The CSWMB shall have a facility wherein agricultural wastes coming from slaughterhouses, markets, farms, agricultural enterprises, and other business and related establishments will be processed into

organic fertilizers. These organic fertilizers shall then be handed to OCVAS for distribution to farmers and individuals who would want them.

- f) Backyard and medium scale livestock and poultry farms exempted from obtaining Environmental Compliance Certificate from DENR must get City Environmental Certificate from City ENRO.
- g) No person, group or company shall dispose effluent and sludge from livestock and poultry into the drainage canals, creeks, rivers and riparian zone to avoid surface water pollution.
- h) Office of the City Veterinarian and Agricultural Services (OCVAS) shall develop demonstration projects on the processing and utilization of livestock and poultry manure and wastewater to produce organic fertilizer including projects on treating effluent as liquid fertilizer, harnessing energy value of manure and reducing greenhouse gas emission. They shall conduct training program on livestock and poultry waste management including nutrient management planning and environmental concerns. After the series of training on poultry and livestock waste management, violators will be penalized.
- i) Owners of livestock and poultry farms should establish manure and wastewater treatment and utilization program to avoid pollution of surface water and groundwater, produce organic fertilizer and biogas for fuel and power generation, reduce foul odor nuisance.
- j) Planting of bamboo and trees in the riparian zone shall be promoted to trap animal waste and nutrients in the runoff.
- k) Sale of antibiotics or any veterinary drugs with high residues in animal products from agricultural supplies or veterinary drug stores should require prescription of a veterinarian.
- l) Livestock and poultry raising communities must have a buffer zone in the zoning ordinance to protect this industry from urban sprawl that would result to future environmental issue on odor and house flies nuisance generated from these communities.
- m) Burning of farm residues in agricultural and in the kaingin farms shall strictly be prohibited by the barangay officials and public order and peace officers to reduce greenhouse gas emission, which contributes to global warming and to prevent soil erosion in the kaingin.
- n) Good agricultural practices (GAP) and Good Animal Husbandry Practices of the Department of Agriculture should be promoted by OCVAS.
- o) The use of red label pesticides for food crops is strictly prohibited.
- p) The OCVAS shall provide regular training on integrated pest management and use of safety gears for applying pesticides, safe and secured disposal of empty containers of pesticides for farming communities.
- q) The OCVAS shall establish soil and water conservation and agroforestry projects and training for farmers to reduce soil degradation in upland barangays with sloping agriculture to enhance groundwater recharge.
- r) The City Health Office shall develop occupational health and safety practices for workers in agricultural enterprises to improve work environment and well being of farms workers and avoid loss of lives.
- s) The OCVAS shall promote greening of supply chain including the agricultural production and processing technology, packaging, marketing of agricultural products for local and global competitiveness.
- t) Establishment of functional environmental management system for the City's slaughter house including efficient biodigester and effluent treatment facility to ensure security and safety of meat products and sound work environment for workers.

### **Section 103. Prohibited and Punishable Acts**

- a) Disposal of effluents from livestock and poultry into the drainage canals, creeks, rivers and riparian zone is not allowed to avoid surface water pollution.
- b) Burning of large amount of farm residues and in the kaingin farms is prohibited.
- c) The use of red label pesticides for food crops is strictly prohibited.
- d) No establishments or stores without permit from the City Government shall sell, store, handle and buy harmful or toxic agricultural chemicals within the City jurisdiction.

### **Section 104. Fines and Penalties**

- a) Violators of Article XIV Section 103 (a) (c) and (d) shall be fined with the amount of Php 1,500 .00 or equivalent community environmental work for the first offense, Php 5,000.00 or equivalent

community environmental work for the second offense and cancellation of business permit or closure of business and/or imprisonment of not more than one (1) year or both for the third and each succeeding offense, at the discretion of the Court.

- b) Violators of Article XIV Section 103 (b) will be fined with the amount Php 1,500.00 or equivalent community environmental work for first offense, Php 3000.00 or equivalent community environmental work for the second offense and P5000.00 or equivalent community environmental work for the third and each succeeding offense. The Barangay Chairman will be responsible for monitoring the undertaking of environmental community work by the violator to better understand the detrimental effect of such illegal practice.

## **ARTICLE XV AIR QUALITY**

### **Section 105. Purpose of this Article**

To achieve and maintain such levels of air quality as to protect public health;

- a) To prevent to the greatest extent practicable, injury and /or damage to plant and animal life and property; and
- b) To promote the social and economic development of the country.

### **Section 106. Operative Principles**

The maintenance of clean air in the City and its environs for a healthy and productive living among its constituents is a collective effort. Both large and small corporations including the ordinary citizens shall be imbued with the right attitude and be partners in regulating and reducing their contribution to air pollution.

### **Section 107. Regulatory Provisions**

- a) Under the Philippine Clean Air Act , “ Section 36.Role of Local Government Units. – Local government units ( LGUs ) shall share the responsibility in the management and maintenance of air quality within their territorial jurisdiction”. Consistent with Section 7, 8 and 9 of Philippine Clean Air Act, LGUs shall implement air quality standards set by the Board in areas within their jurisdiction; Provided, however, that in case where the Board has not been duly constituted and has not promulgated its standards, the standards set forth in this Act shall apply.
- b) The City ENRO in coordination with the DENR shall be responsible for the enforcement of ambient air quality emission and noise standards, including monitoring and surveillance of air pollutants, licensing and permitting of air pollution control facilities.
- c) Existing air quality emission and noise standards may be revised and/or modified consistent with new development and technology.
- d) The City ENRO in coordination with the TDRO shall establish an Anti-Smoke Belching Unit (ASBU) and shall implement emission standards for motor vehicles and the City Mayor may deputize other appropriate law enforcement agencies for the purpose.
- e) The release and emission of radioactivity into environment incident to the establishment or possession of nuclear energy facilities and radioactive materials, handling, transport, production, storage, use and disposal of radioactive materials shall be regulated by the Philippine Atomic Energy Commission in coordination with appropriate government agencies.
- f) The City ENRO, in coordination with appropriate government agencies, shall establish to greatest extent practicable an air quality monitoring network, which shall put to maximum use the capabilities of these agencies.
- g) The Philippine Atmospheric, Geophysical and Astronomical Services Administration (PAGASA) shall be requested to monitor regularly meteorological factors affecting environmental conditions in order to effectively guide air pollution monitoring activities. Activities relating to weather modification such as rainfall stimulation and storm seeding experiments shall be undertaken in consultation and/or in coordination with the Philippine Atmospheric, Geophysical and Astronomical Services Administration.

### **Section 108. Batangas City Air Pollution Program and Plans**

- a) Develop a comprehensive air pollution management program to address the identified issues and concerns in light to medium and heavy industries such as refineries, chemicals, steel, and other industries in Batangas City.
- b) Generate necessary information on the criteria pollutants which have been established under the National Ambient Air Quality (NAAQ) guideline values.
- c) Monitor all types or sources of emissions from vehicular, industrial sectors, agricultural sectors, households, and others which contribute to the total levels or concentration of air pollutants in Batangas City;

### **Section 109. Traffic Control**

The City Chief Executive shall regularly review and implement a traffic development plan with the concurrence of the Sangguniang Panlungsod to reduce congestion of vehicles in city streets at all times.

### **Section 110. Prohibited and Punishable Acts**

The following acts or activities are prohibited:

- a. 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, reclamation or industry related activities such as loading, storing or handling without giving reasonable precautions to prevent the occurrence of such condition. Neither shall such person cause or permit the discharge of visible fugitive dust emissions beyond the boundary line of the property from which the emission originates
- b. Storing, dumping, handling, processing, transport or using in any process or installation, volatile compounds or organic solvents without applying known vapor emission control devices or systems deemed necessary.
- c. Operating plant or source at capacities that exceed the limits of operation or capability of a control device to maintain the air emission within the standard limitations as provided by the existing national laws, rules and regulations.
- d. Building, erecting or 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.
- e. Building, erecting or installing a chimney serving industrial establishments, which causes air impurities without a prior approval by the City Mayor. The building of such for residential uses shall be regulated.
- f. Operating a vehicle which discharges air pollutants at levels exceeding the standard set by law.
- g. Causing, allowing or permitting the discharge of air pollutants that cause or contribute to an objectionable odor.
- h. Building, erecting, constructing, installing or implanting any new source, operate, modify, or rebuild an 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 City Mayor.
- i. Causing or permitting the creation of unnecessary noise through the use of any device on any street adjacent to any hospitals, schools, or court of justice.

### **Section 111. Fines and Penalties**

Violators of Article XV Section 110 shall be fined with the amount of Php 1,500.00 or equivalent community environmental work for the first offense; Php 5,000.00 or equivalent community environmental work for the second offense; and for the third and each succeeding offense,

cancellation of permit or closure of business or imprisonment of not less than 30 days nor more than one (1) year or both, at the discretion of the Court.

If the offense is committed by a corporation, partnership or other juridical entity the chief executive officer, president, general manager or person-in-charge shall be held liable.

## **ARTICLE XVI**

### **BIODIVERSITY PROTECTION AND BIOSAFETY**

#### **Section 112. Purpose of this Article**

- a) To conserve and protect wildlife species and their habitats to promote ecological balance and enhance biological diversity; and
- b) To regulate the collection and trade of wildlife in the City of Batangas.

#### **Section 113. Operative Principles**

- a) It is important to protect and maintain the natural biological and physical diversities of the environment to sustain human life and development.
- b) It is the policy of the city government to secure for its constituents of present and future generations the perpetual existence of all native plants and animals.

#### **Section 114. Regulatory Provisions**

- a) The collection, possession, transport, exportation or importation, and trade of wildlife flora and fauna shall be prohibited, except when duly authorized by the City Mayor and appropriate DENR Office.
- b) No exotic wildlife flora and fauna shall be introduced in the city unless a clearance had been issued by the City ENRO and appropriate DENR Office.
- c) Breeding or propagation of wildlife for commercial purposes shall not be allowed unless duly authorized by the City ENRO and appropriate DENR Office.
- d) Bio-prospecting may be allowed only if accompanied by the necessary permit/clearance from the City ENRO and appropriate DENR Office.

#### **Section 115. Institutional Set-Up**

- a) The City Environment and Natural Resources Officer (City ENRO) shall be responsible in the conservation of biodiversity, protection of wildlife and their habitats, and the regulation of collection and trade of wildlife.
- b) The City ENRO shall coordinate with concerned local or national government agencies, private sector, and the civil society organizations, in the implementation of plans, programs, projects and activities related to biodiversity conservation, wildlife collection and trade, and bio-prospecting activities within the city.
- c) The City ENRO shall propose necessary ordinances not herein included as result of the necessity to address issues concerning the conservation of biodiversity, protection of wildlife and their habitats, the regulation of collection and trade of wildlife, and bio-prospecting activities within the city.- that may arise
- d) All concerned offices of the city government, including the Philippine National Police and other law enforcement agencies based in the city, shall provide the necessary assistance to the City ENRO in the enforcement of laws, rules and regulations affecting wildlife resources inside the city.

### **Section 116. Conservation of Biodiversity**

- a) The extent, condition, status, and over-all situation of biodiversity and wildlife resources in the city shall be determined and updated annually by the City ENRO upon consultation with the various barangays and in coordination with the DENR.
- b) The introduction, re-introduction or restocking of endemic and indigenous species of wildlife may be allowed only for population enhancement or recovery purposes.
- c) No exotic species shall be introduced into the city unless covered with a DENR clearance and the corresponding permit from the City ENRO.
- d) Breeding or propagation of wildlife for commercial purposes may be allowed provided that it is covered with a wildlife culture permit.
- e) The City ENRO shall develop and establish a program for the conservation of endangered, threatened, extinct, or rare species of wildlife flora and fauna.

### **Section 117. Bio-safety**

- a) The importation and/or introduction of certain species of animals which are liable to become agricultural crop pests and are capable of causing injury to agricultural crops is strictly prohibited.
- b) The importation and/or introduction into the city of plants, plant products, soil, packing materials of plant origin capable of harboring and are a source or medium of infection/infestation of plant pests, is strictly prohibited.
- c) In order to prevent and arrest the spread of injurious plants and animals, these shall be inspected, treated if necessary, and certified as safe in case of their movement within the city.

All activities dealing on genetic engineering and pathogenic organisms in the city, including the importation, introduction, field release and breeding of organisms that are potentially harmful to human and the environment, shall be regulated based on National Biosafety Guidelines (EO 247).

### **Section 118. Prohibited and Punishable Acts**

- a) No bio-prospecting activity shall be undertaken within the city without permit.
- b) The importation and/or introduction of certain species of animals which are liable to become agricultural crop pests and are capable of causing injury to agricultural crops is strictly prohibited.
- c) The importation and/or introduction into the city of plants, plant products, soil, packing materials of plant origin capable of harboring and are a source or medium of infection/infestation of plant pests, is strictly prohibited.
- d) The collection, possession, transport, exportation and trade of endangered, threatened, extinct, or rare species of wildlife flora and fauna are prohibited except when duly authorized by the DENR.
- e) The dumping of waste products detrimental to wildlife, squatting or otherwise occupying any portion of a critical habitat of wildlife, mineral exploration and/or extraction inside critical habitats of wildlife, shall be strictly prohibited. In addition to the imposable penalties, the offender shall be evicted from the critical area.

### **Section 119. Fines and Penalties**

Any person who violates any provision of this article shall be penalized with a fine of Php 1,500.00 or equivalent community environmental work for the first offense; Php 3,000.00 or equivalent community environmental work for the second offense; and for the third and each succeeding offense, Php 5,000.00 or imprisonment of not less than 30 days nor more than one (1) year or both, at the discretion of the Court

If the offense is committed by a firm, corporation, partnership or other juridical entity the chief executive officer, president, general manager or person-in-charge shall be held liable.

## ARTICLE XVII ENVIRONMENTAL IMPACT ASSESSMENT

### Section 120. Purpose of this Article

- a) To define the roles and responsibilities of the Batangas City Government in the implementation of the EIS system of DENR;
- b) To ensure that the concerns and aspirations of the communities that will be directly affected by the proposed projects are adequately addressed;
- c) To harmonize any proposed project with the local development plan;
- d) To protect the fragile ecosystems from the adverse impact of the economic activities/development; and
- e) To institutionalize community-based environmental audit and mechanisms for public consultation.

### Section 121. Operative Principles

- a) The City of Batangas shall actively participate in the implementation of the EIA System;
- b) The City of Batangas shall ensure that the EIA and feasibility studies preparation shall be simultaneously be undertaken for all proposed projects covered by the EIS System that will be implemented in the city;

### Section 122. Regulatory Provisions

- a) The City of Batangas respects and recognizes the intent of Philippine Environmental Code (PD 1552), the Philippine Environmental Impact Statement System (PD 1586) including its Implementing Rules and Regulation (DAO 2003-30).
- b) The City of Batangas in recognition of the need to streamline the EIA process shall abide by the terms and conditions of the 1992 Inter agency MOA signed by 29 government agencies and reiterated by DENR Memo Circular 2007-08 establishing the Environmental Compliance Certificate (ECC) as a requisite and hence a guide in decision in the issuance of permit and clearance.
- c) The City of Batangas in compliance to the provision of the DENR Memo Circular 2007-08 shall require a copy of Environmental Compliance Certificate (ECC) or Certificate of Non-Coverage (CNC), as may be applicable, as a precondition to the issuance of its clearances and permits.

### Section 123. Institutional Set-up

The City ENRO shall be the primary unit of the City Government responsible for the implementation of the provisions of this Code on EIA. Among others, the City ENRO shall:

- a. Ensure representation of the City government and representatives of the legitimate NGOs/and POs during the screening stage. As such, the City ENRO and in coordination with other units of the city government, national government agencies operating within the city shall maintain and update masterlists of the NGOs/POs operating within the city.
- b. Actively participate and represent the city government and ensure participation of the LGUs and other stakeholders where the proposed project subject of the EIA will be located during the scoping stage of the EIA.
- c. Issue City Environmental Certificate to investors applying for new business whose activities are potential sources of air, water, and land pollution and for other purposes, subject to the review by the City Mayor.
- d. Issue City Environmental Permit to Operate to investors applying for building and business permits and who have submitted a copy of the ECC and final EIS, risk management plan and all environmental resource maps in addition to the conditions set-forth under the ECC or CEC, subject to the review by the City Mayor.
- e. Establish, maintain, update and provide open access to the city's environment and natural resources database.

- f. Require and collect copies of regular monitoring reports submitted to national agencies and other reports prepared in compliance to EIA for industries and projects operating within the city prior to the renewal of city mayor's business permits.
- g. Actively participate and identify and ensure participation of appropriate stakeholders during the public consultation and public hearing in all EIA study that are being undertaken within the city.
- h. Be informed in advance by the proponent of the project of any public hearing and consultation as part of the EIA study.
- i. Conduct inspection and/or be included as part of the monitoring, assessment and evaluation/audit team as member of the MMT, or jointly with the EMB monitoring and in the rehabilitation, restoration and or management of risk associated with those projects involving establishments with ECC.
- j. Maintain and manage records of all relevant reports of all projects and industries operating within the city pertaining to compliance in terms and condition of the ECC, environmental management plan and environmental standards.
- k. Inspect any environmental complaint against establishments with ECC to validate the extent of environmental damage. A written report shall be forwarded to DENR-EMB for action. Upon confirmation by the DENR-EMB of the existence of the violation, said establishment shall be included in environmental watch list. Such establishments will be reminded of its responsibilities as provided in the ECC. If no corrective action is taken from receipt of the Notice of Violation from the DENR-EMB, the City Mayor may suspend the business permit, until such time all the measures to mitigate environmental damage are put in place. The said establishment had to shoulder environmental inspection fee as provided in the prohibitive act of this article.
- l. Issue Notice of Violation to establishment with non-conformance to the CEC.
- m. Issue City Environmental Certificate (CEC) for projects which have the Certificate of Non-Coverage (CNC) and those without CNC from the DENR-EMB to ensure proper guidance in environmental management and issue City Environmental Permit to Operate for issuance of business permit by the City Mayor.

#### **Section 124. Penalty**

Any establishment operating in violation of the provisions of this article shall not be issued a business permit or may after due notice and hearing be suspended/closed based on the findings and recommendations of City ENRO.

### **ARTICLE XVIII ENVIRONMENTAL MANAGEMENT SYSTEM**

#### **Section 125. Purpose of this Article**

- a) To develop the sound stewardship of the environment of and commitment to sustainable development of the city among the local government officials and employees, private sectors, non-government organizations, industries, business sectors, academe, youth sectors, farmers, and fisher folks among others;
- b) To improve local and global competitiveness of businesses, services, agricultural, commercial and industrial sectors in Batangas City;

#### **Section 126. Operative Principles**

- a) Environmental management system (EMS) based on ISO 14001 improves environmental performance and regulatory compliance and global competitiveness of business and industrial sectors.
- b) EMS integrates environmental considerations in day-to-day and long term planning of the enterprises.
- c) Improved environmental performance and image of industries, business and tourism sectors will attract investors to locate in the City.



- d) Greening of the supply chain of major business, industry and tourism sectors will make their products and services globally competitive.

### **Section 127. Regulatory Provisions**

- a) The City of Batangas ensures environmental concerns are part of the City policy decisions, plans and programs, promotes pollution prevention or cleaner production and resource conservation, and implements continuous improvement of its environmental performance to attain city's sustainable economic development policy.
- b) Industries and small and medium enterprises with ECC but without ISO 14001 certification and planning to produce export products is required to develop functional Environmental Management System based on ISO 14001 for continual improvement of their environmental performance. A copy of the functional environmental management system should be submitted to the Office of City ENRO.
- c) Small and medium industries and businesses which are exempted from ECC should submit to City ENRO Environmental Management System addressing the major significant aspects of the activities in the enterprises.
- d) Industries, small and medium enterprises, commercial establishments, businesses, people organizations, city government offices, national offices located in Batangas City, academe and individuals must be recognized by the City Council and the communities to serve as the living spirit in continuous campaign for environmental protection and sustainable development.

## **ARTICLE XIX ENVIRONMENTAL INFORMATION AND EDUCATION**

### **Section 128. Purpose of this Article**

To guide City ENRO Environmental Education and Information, Research and Development Section in the performance of the following functions:

- a) Develop and undertake formal and non-formal programs to raise awareness, knowledge and practice, as well as promote positive behavioral changes, commitments, and active community participation in matters concerning the environment;
- b) Document, evaluate, and disseminate environmental information through wide use of multiple media as required, accessible and available to include print, radio, television, multimedia and other forms of information technologies;
- c) Link, share, coordinate and maintain environmental information among communities, industries, religious sectors, private and public sectors and the civil society groups from either local, national, regional or international;
- d) Promote and implement the City's 4Rs that means "reduce, reuse, recycle, and redesign"; in which "redesign" pertains to an overall change in outlook, management, structure, and governance that lean toward a more environmentally concerned attitude.

**Section 129. Formal and Non-formal Education.** In coordination with the Department of Education (DepEd) elementary, secondary and tertiary, environmental education curriculum shall be integrated in the curriculum both by inclusion and infusion in both formal and non-formal education.

**Section 130. Innovative Environmental Education Programs.** Innovative environmental education programs for specific sectors, gender and ages shall be promoted and pursued by the EEIS, to include but not limited to, ecological camps, field trips, exchange programs, lectures, environmental summit, online hotlines, tree-planting, adopt-a-watershed, clean-up drives, and others.

**Section 131. Broadcast, Print and Multimedia including CCTVs.** The City ENRO's EEIS shall develop and maintain environmental broadcast program, newsletter and press releases, a website and warning and emergency system. The City ENRO shall also coordinate with the City Public Information Office in utilizing the

City media services like radio programs, cable TV channels, and the City's official website ([www.batangascity.gov.ph](http://www.batangascity.gov.ph)) to disseminate current and important information about the City and its offices. Different divisions and offices of Batangas City Government shall provide updates on their activities, programs and issues, which will be put up in the official website for public viewing. All pertinent information such as names of officials, employees and contact lines/address shall be put up for easy access and identification. The City's official website shall be fully utilized; and a forum site can also be established and maintained to hear comments, reports, and opinions from Batangas City citizens. This will encourage citizens from Batangas City to interact and voice out their opinions. The City shall encourage the use of the website by advertising it to the people. In light of this, a larger server shall be bought to accommodate more data and features into the website.

**Section 132. Billboards, Signages, Bumper Stickers and Outboard Plates.** Billboards and signages shall be erected in safe and strategic locations around the city while CCTVs will run environmental messages at least once a day. Public utility land vehicles shall be required by the City ENRO bumper stickers that carry environmental messages. Outboard plates of both fishing and marine vessels plying the Batangas Bay shall also carry water or marine environmental messages.

**Section 133. State of the Batangas City Environment Address.** The City Mayor in coordination with the City ENRO shall deliver yearly and publicly the Batangas City State of Environment Address using broadcast, television, print and the web.

**Section 134. Sectoral Environmental Education and Information Training Program.** The City ENRO's EEIS shall integrate, draft, formulate and extend environmental concerns and education and information by specific sector for increased appreciation of the need to appreciate environmental concerns related to work, business and lifestyle.

## ARTICLE XX BATANGAS CITY ENVIRONMENTAL COUNCIL

### Section 135. Purpose of this Article

- a) To embody the roles and function of the Batangas City Environmental Council;
- b) To guide the Council on the performance of its functions.

### Section 136. Composition of the BCEC

The BCEC shall be composed of the following:

- a) The City Mayor as Chair of the Council
- b) City Environment and Natural Resources Officer as the Secretary
- c) City Legal Officer
- d) Chairman of the Committee on Environment and Urban Development, Sangguniang Panlungsod
- e) City Planning and Development Coordinator
- f) City Engineer
- g) Representative from Industry
- h) President, Association of the Barangay Councils
- i) A representative from NGOs and POs whose principal purpose is to promote recycling and the protection of air and water quality
- j) A representative of each government agency as may be determined by the Council
- k) Representative of the Academe
- l) Other members that may be appointed by the City Mayor

The term of the members of the council shall be co-terminus with the Mayor. Any vacancy in membership shall be filled up by the City Mayor. The participation of the members is voluntary and without compensation. The council shall create the necessary committees to implement the function of the Council.

### **Section 137. Functions of the BCEC**

- a) To serve as the highest advisory body of the City Mayor in environmental programs/issues/concerns to ensure multi-sectoral participation of the people of City.
- b) To formulate recommendation on amendments to the existing or proposed environmental policies needed to effectively carry out the implementation of environmental plan, programs, or projects for sustainable development.
- c) To assist in monitoring feedbacks on the implementation of this code, environmental impacts of point and non-point sources of pollution and implementation of environmental projects.
- d) To identify and recommend appropriate environmental projects for better community compliance with this environmental code.
- e) To serve as the advisory body to the city government on matters pertaining to the environment to ensure the City Environment Code and pertinent laws, rules and regulations are properly carried out.
- f) To mediate environment-related conflicts among and/or between barangays and/or affected institutions which cannot be resolved at their level.

### **Section 138. Operating Procedure of BCEC**

- a) Within the first fifteen days of each year, the BCEC shall meet for purposes of their organization and planning of activities.
- b) The BCEC shall have access to records pertaining to the implementation of the City Environment Code and related laws, rules and regulations, ordinances, plans and programs.
- c) In case of mediation, the BCEC is empowered to require the attendance of concerned officials, employees and other concerned persons.

**Section 139. Schedule of Meeting.** The Council shall meet every quarter of the year on day and time decided by the City Mayor. Special meeting can be held whenever there are urgent issues and decided by the Council, while committees shall meet before the conduct of board meeting. Issuance of notice of meeting is the responsibility of the City ENRO.

## **ARTICLE XXI**

### **CITY ENVIRONMENTAL CERTIFICATE, ENVIRONMENTAL PERMIT TO OPERATE AND OTHER ENVIRONMENTAL PERMITS**

### **Section 140. Purpose of this Article**

- a. All business, commercial, institutional and industrial establishments as well as buildings and infrastructures should be environmentally safe and clean for the welfare, safety and health of the owners, workers and their valuable clients.
- b. The environmental soundness of all business, commercial, institutional and industrial establishments as well as buildings and infrastructures shall be the leading edge of Batangas City as investment center in the region.

### **Section 141. Operative Principles**

- a. The City Government should ensure that any proposed project or existing business, commercial, institutional, and industrial establishments as well as buildings and infrastructures would not cause significant negative environmental impact on the physical, biological, and socio economic environment as provided in RA 7160 known as Local Government Code. These would require the issuance of city environmental certificate (CEC), city environmental permit to operate (CEPO) and necessary permits.
- b. Waste reduction at source or pollution prevention is cheaper than the environmental liability.
- c. Continuous improvement in environmental performance avoids expensive environmental accident.

**Section 142. Regulatory Provisions**

- a. All business, commercial, institutional, and industrial establishments as well as green buildings and infrastructures are required to have City Environmental Permit to Operate. New establishments must secure CEC prior to its construction while existing establishments with CEC will be issued an City Environmental Permit to Operate before the 30<sup>th</sup> day of January every year provided that said establishment had complied with the provision set-forth under the issued CEC.
- b. Any enterprise without ECC shall accomplish Environmental Management Plan of the Enterprise and submit to the City ENRO in applying for City Environmental Certificate. Those that have City Environmental Certificate must also submit Environmental Management Plan of the Enterprise before City Environmental Permit to Operate be issued. Any significant changes in the enterprise that have impact on the environment should be included in the updating of the Environmental Management Plan,
- c. City ENRO shall accredit Environmental Compliance Officer (ECO) for each establishment for monitoring purposes and discuss with the owner the improvements needed in environmental management plan. For establishment with DENR accredited PCOs, the same shall automatically serve as the ECO upon presentation of their accreditation to the City ENRO. Said ECO shall be a regular employee of the establishment and have been designated by the owner/president of the establishment to perform such duty.
- d. City ENRO shall conduct unannounced monitoring on the compliance of establishment with the terms and conditions in the CEC.
- e. Upon verified complaint regarding an establishment non-compliance with its CEC and CEPO, the City ENRO shall conduct unscheduled inspection and thorough investigation. Upon due notice and hearing, a penalty will be imposed on erring establishments for non-conformance of the CEC and CEPO.
- f. Any non-conformance discovered during inspection shall be corrected within a week or within a reasonable time. Otherwise, the cancellation of business permit will be recommended to the City Mayor’s Office.
- g. Establishments with excellent conformance with the City Environmental Certificate will be recognized as models for the City of Batangas and an incentive will be given in terms of discount or exemption on payment of inspection and monitoring fees for the specific year of conformance.
- h. Clearance Fees shall be based on scale of operation such as small (Php 50.00), medium and large (Php 150.00) .
- i. The fees imposed under this Section are distinct from the fees imposed for sanitary inspection fee and Environmental Protection fee in the Batangas City Revenue Code of 2009.

**Section 143. Environmental Inspection and Monitoring Fees.** Every owner/operator of business, industrial, commercial, or agricultural establishment, and building shall be charged an Environmental Fee for inspection and compliance monitoring. Said fee will be incurred to supplement other sources of revenues for the operations and maintenance of the City Environment and Natural Resources Office and other City environmental projects.

A City Environmental Certificate will only be issued after inspection and monitoring have been conducted. Likewise, a City Environmental Permit to Operate will only be issued after compliance with the conditions set-forth under the issued CEC and as a requirement for the issuance of Mayor’s Permit- to- Operate and upon payment to the City Treasurer of an annual fee in accordance with the following schedule:

The cost of annual inspection fees and compliance monitoring:

1) All High-Risk Industries/Establishments		
a) a) Fuel depot and fuel storage facilities		Php 1500.00
b) b) All big scale manufacturing industries		1500.00
c) Gasoline service and LPG filling stations		600.00
d) Garbage contractors/terminal of garbage trucks/garbage transfer station		800.00
e) Private hospitals		500.00

f) Shopping center/malls/market	800.00
g) Substation, cell sites	500.00
h) Junk shops	200.00
i) Retailer of LPG	200.00

2) All Industries/Establishments with Potential Sources of Pollution

a) Small scale industries	Php 300.00
b) Housing development projects such as residential subdivisions, parks (memorial parks included), condominiums	800.00
c) High rise buildings	1000.00
d) Fastfood chains/restaurants	300.00
e) Terminal/garbage of transport/trucking services	500.00
f) Medical clinics with lying-in clinics	300.00
g) Hotel, motels, apartel, inns	500.00
h) Welding shop/auto repair with repainting shops	500.00
i) Car wash, laundry services, funeral services	500.00
j) Animal farm/piggery exceeding 25 heads but not more than 100 heads	100.00
k) Animal farm/piggery exceeding 100 heads	300.00
l) Manufacturer's procedures, laboratories and warehouses	500.00
m) Amusement places such as KTV/videoke, golf course operators, other similar establishments	300.00
n) Such other activities, projects as may be determined by City ENRO or has been the subject of complaint/inspection	200.00
o) Small sari-sari store and other similar business	50.00
ECO Accreditation (High Risk)	Php 500.00
(Other Establishments)	Php 200.00

In the case where a single person, partnership or corporation conducts or operates two or more businesses on one place or establishment, the environmental inspection permit fee shall be imposed on the business with the highest rate.

**Section 144. Tree Cutting Permits** – Permit issued by the Greening and Reforestation Committee of the BCSWMB for the cutting of trees inside the city.

- a) Only the owner of the land on which the tree/s to be cut is located or his duly authorized representative is qualified to apply for a Tree Cutting Permit.
- b) The applicant shall submit the following:
  - i) Request form for cutting tree. (((Duly accomplished Application Form)))
  - ii) Inventory of the trees to be cut indicating the species, number, and volume.
  - iii) Proofs of ownership over the tree/s to be cut such as land title, tax declaration, and other documents of title.
  - iv) Payment of filing and clearance fees imposed under Chapter 6 Section 83 of the Batangas City Revenue Code of 2009.
- c) The application shall be processed not later than fifteen (15) days from receipt as follows:
  - i) The application must be filed at the City ENRO upon payment of the filing/clearance fee.
  - ii) The City ENRO evaluates the applications and conducts actual site inspection if necessary.
  - iii) If the evaluation is favorable, the City ENRO endorses the application together with the supporting documents including the Tree Cutting Permit to the Greening and Reforestation Committee for

approval and signature. The value of the tree/trees shall be subsequently assessed and shall be the basis of payment for the permit prior to cut as approved by the City ENRO.

- iv) If the evaluation is unfavorable, the applicant must be informed of the denial of his application explaining the grounds of denial.
- v) Upon approval and signature of the Tree Cutting Permit, the original copy thereof shall be forwarded to the applicant.

**Section 145 – Wildlife Permit** – This is a permit issued by the City Mayor for the collection, possession, transport, exportation, and trade of wildlife flora and fauna. Only the legitimate owner of the wildlife is qualified to apply for a Wildlife Permit. He/she must be of legal age and a Filipino citizen.

- a) The applicant shall submit the following:
  - i. Copy of the appropriate wildlife permit issued by the DENR.
  - ii. Inventory of the wildlife indicating the species, number, and other basic information.
  - iii. Proofs of ownership over the wildlife.
  - iv. Payment of filing fees of Php 150.00.
- b) The application shall be processed not later than fifteen (15) days from receipt as follows:
  - i. The application must be filed at the City ENRO upon payment of the filing fee.
  - ii. The City ENRO evaluates the applications and conducts actual site inspection if necessary.
  - iii. If the evaluation is favorable, the City ENRO endorses the application together with the supporting documents including the Wildlife Permit to the Office of the City Mayor for approval. If the evaluation is unfavorable, the applicant must be informed of the denial of his application explaining the grounds of denial.
  - iv. Upon approval and signature of the Wildlife Permit, the original copy thereof shall be forwarded to the applicant.

**Section 146. Sea Transport and Fishing Boat Permits-** permit issued by the City Mayor through the City ENRO in coordination with OCVAS for the security, safeguard, regulation and control on the use of ports, navigational lanes and fishing areas.

- a) operators of commercial sea transportation units and tourist transport/cruises using Batangas City ports and navigational lanes should seek annual permits before operation/setting out to sea;
- b) operators of fishing boats whether commercial or municipal should seek annual permits before operation; and
- c) Fishing gear/fishing outfit permits.
- d) The applicant/operator shall submit the following:
  - i. Copy of the Sea Transport or Fishing Boat permit issued either by the Phil Coast Guard, PNP Maritime Group, MARINA, or BFAR.
  - ii. Proofs of ownership over the boats/vessels/gears/outfits such as receipts, registration, licenses and other documents of title.
  - iii. Payment of filing fees.
- e) The application shall be processed not later than fifteen (15) days from receipt as follows:
  - i. The application must be filed at the City ENRO upon payment of the filing fee.
  - ii. The City ENRO evaluates the applications and conducts actual site inspection if necessary.
  - iii. If the evaluation is favorable, the City ENRO endorses the application together with the supporting documents and the Permit to the Office of the City Mayor for approval. If the evaluation is unfavorable, the applicant must be informed of the denial of his application explaining the grounds of denial.
- f) Upon approval and signature of the Permit, the original copy thereof shall be forwarded to the applicant.

**Section 147. Permit to Enter Fishery Refuge and Sanctuary-** permit to enter Isla Verde Island's Pulong Bato (or Verde Wall) or/and Nalayag Point (or Washing Machine) Reefs for scientific, exploratory studies or for any non-exploitative purposes should be secured from the City Mayor through the City ENRO.

- a. The application of permit to enter requires an approved permit concurring with Section 9 of Ordinance No. 13 s. 2002, which is subject to the Implementing Rules and Regulations established by the Verde Island Management Board.
- b. If the evaluation of the City ENRO of the Permit issued by the Management Board is favorable, then a permit is issued upon approval.
- c. If the evaluation is unfavorable, the applicant and the Management Board must be informed of the denial explaining the grounds of denial.

**Section 148. Exploration Permit-** permit issued by the City Mayor through the City ENRO for the security, safeguard, regulating and control on the use of ports, navigational lanes and fishing areas.

**Section 149. Exploratory Test Permit-** permit issued by the City Mayor through the City ENRO in areas 500 meters away from the Isla Verde Fish Refuge and Sanctuary or 500 meters inland from the shore, for gypsum, red clay and other minerals.

- i. applicant is required to submit approved exploratory permit from the Bureau of GeoSciences of the DENR
- ii. the City ENRO may approve or deny exploratory test permit to the applicant. If denied, the reason for denial shall be stated.

**Section 150. Small-scale barangay level gravel, stone and boulder quarrying permit-** a permit issued by the City Mayor through the City ENRO to quarry stones and boulders purposively for local engineering structures such as sea walls, roads and others to protect local environmental investments.

- i. an approved letter of request from the Verde Island Fish Refuge and Sanctuary Management Board specifying the dates of quarrying, the volume and extent of use of stones and boulders.
- ii. the City ENRO, upon evaluation of the documents either approves or denies quarrying permit to the applicant.

**Section 151. Water Permit** - This is a permit issued by the City Mayor for the development, utilization, diversion and appropriation of water within the point of diversion under the cities jurisdiction.

- a) The following may file for water permit:
  - i. Only citizen of the Philippines of legal age;
  - ii. Association, duly registered cooperatives or corporations organized under the laws of the Philippines at least 60 percent of the capital of which is owned by the citizens of the Philippines;
  - iii. Government entities and instrumentalities, including government owned or controlled corporations;
- b) The application shall be processed not later than fifteen (15) days from receipt as follows:
  - i. The application must be filed at the City ENRO upon payment of the filing fee of Php150.00.
  - ii. The City ENRO evaluates the applications and conducts actual site inspection if necessary.
  - iii. If the evaluation is favorable, the City ENRO endorses the application together with the supporting documents to the Office of the City Mayor for approval and signature.  
If the evaluation is unfavorable, the applicant must be informed of the denial of his application explaining the grounds of denial.
- c) Upon approval, the permit thereof shall be forwarded to the applicant.

**Section 152. Farms and other agricultural businesses permit.** These are procedures and guidelines in issuing business permits to farms and small to medium scale agriculture related businesses.

- a) Barangay offices are to issue barangay clearance to small and medium farms in their jurisdiction.
- b) Only legitimate owners are qualified to apply for business permits. He/she must be of legal age and a Filipino citizen.
- c) The applicant shall submit the following to the OCVAS prior to the issuance of business permit:
  - i. Inventory of livestock's/crops or products produced in the area;
  - ii. Description/pictures of the area, the structures therein and the neighboring places;

- iii. Proof of ownership of the business;
- iv. Details of waste management procedures to be used or being used;
- d) The application must be processed not later than fifteen (15) days from receipt as follows:
  - i. The application must be filed at the OCVAS office upon payment of the filing fee.
  - ii. The OCVAS shall evaluate the application, and conduct actual site inspections if necessary.
  - iii. If the evaluation is favorable, the OCVAS shall issue a favorable recommendation for issuance of the business permit and shall furnish a copy to the City ENRO and OCVAS for record keeping.  
If the evaluation is unfavorable, the applicant must be informed of the denial of his application explaining the ground for denial and operations of the business must be ceased.
- iv. Upon approval and signature of the business permit, the original copy shall be forwarded to the applicant.
- e) The applicant is also required to attend at least one seminar conducted by the City ENRO and the OCVAS regarding proper waste management procedures and technologies.

**Section 153. Permits for handling agricultural chemicals.** These are procedures and guidelines in acquiring permits for handling toxic chemicals or substances used for agricultural production.

- a) Only legitimate owners of agricultural chemicals are qualified to apply for this permit. He/she must be of legal age and a Filipino citizen.
- b) The applicant must submit the following:
  - i) Details of the business such as name of the establishment, location and type;
  - ii) Inventory of agricultural chemicals or substances being handled or sold, detailing the chemical composition, use, source of product, and type;
  - iii) Payment of filing fees.
- c) The application must be filed not later than fifteen (15) days from the receipt as follows:
  - i) The application must be filed at the City ENRO upon payment of the filing fee.
  - ii) The City ENRO evaluates the application and the City Fire Marshall shall inspect the products to be handled.
  - iii) If the evaluation is favorable, the City ENRO endorses the application and forwards it together with the supporting documents to the Office of the City Mayor for approval.  
If the evaluation is unfavorable, the applicant must be informed of the denial of application explaining the grounds for denial.
  - iv) Upon approval of application, the original copy shall be forwarded to the applicant.
- d) The permit issued shall only be effective on the products listed on the submitted inventory. Other products sold that are not included in the list shall be considered illegal and subject to penalty. Another filing of permit must be done for the inclusion of the new product.

#### **Section 154. Punishable and Prohibited Acts**

- a) It shall be unlawful for any person to open or begin any businesses or to continue the operation of the same for the ensuing year without first applying and securing the necessary City Environmental Certificate.
- b) Where a business or private entities with potential and actual sources of water, air and land pollution does not maintain any branch, office or sales outlet in Batangas City and a sale, contract or transaction and actual operation is to be made herein, an environmental certificate should be secured prior to the actual operation.
- c) It shall be unlawful to any person to deliver, convey, haul, transport, treat or dispose hazardous materials and substances, toxic chemicals and all hazardous waste within the jurisdiction of Batangas City without the needed permits from the City Government of Batangas and without complying other applicable laws;
- d) It shall be unlawful to any person to open or begin any business with potential sources of air, water and land pollution without installing any pollution control devices, equipment, fixtures and and/or machineries.



**Section 155. Penalties.** Any violation of Section 142,143, 144 and/or Section 154 of Article XXI shall be penalized by imprisonment of not less than one (1) year or by Php 5,000.00 fine or both at the discretion of the court.

If the violation is committed by a firm, partnership, corporation or other juridical entity, the president, manager, managing partner, or person in-charge with the management of such firm, partnership, corporation or other juridical entity shall be held liable.

**Section 156. Administrative Penalty–** Except in case wherein a specific administrative fine is otherwise provided, any person who shall be held liable under any provision of this Article may settle his obligation by paying of Five thousand Pesos (Php 5,000.00) to the City Treasurer within seventy-two (72) hours from apprehension. Where upon, he shall no longer be subject to prosecution unless he commits a repetition of the same or similar punishable act. This is without prejudice to compliance with the provisions of this Code.

## **ARTICLE XXII INSTITUTIONALIZATION OF THE CITY ENRO**

### **Section 157. Purpose of this Article**

- a. To provide the institutional mechanisms for the operationalization of this Code;
- b. To define the roles and responsibilities of the City ENRO as regards to the implementation of the provision of this Code; and
- c. To promote good governance and stakeholders participation in the management of the city's environment and natural resources.

### **Section 158. Institutionalization of the Batangas City ENRO**

The Batangas City ENRO, or City ENRO, created by City Ordinance No. 6 Series of 1998, as a division under the Office of the City Mayor, shall be, upon availability of funds, formally organized and recognized as the lead unit for the enforcement of the various environmental and natural resources laws and regulations including those functions and programs that have been devolved by DENR to the LGU as provided for by RA 7160. Likewise, upon availability of funds and compliance with all rules, laws and regulations, the City ENRO may be created by the City Mayor as a Department.

### **Section 159. Functions of the City ENRO**

With this Code as the framework and consistent with the RA 7160 Section 17 and the City Ordinance No. 6, Series of 1998, the City ENRO shall:

- a) Implement the provisions of this E-Code;
- b) Formulate measures for the consideration of the Sangguniang Panlungsod {SP} and provide technical assistance and support to the City Mayor in carrying out measures to ensure the delivery of basic services and provisions of adequate facilities relative to the environment and natural resource services provided for under Section 17 of the Local Government Code {LGC};
- c) Develop plans and strategies and upon approval thereof by the City Mayor implement the same, particularly those which have to do with the environment and natural resources programs and projects which the City Mayor is empowered to implement and which the SP is empowered to provide for under the Local Government Code;
- d) Be in the front-line of the delivery of services concerning the environment and natural resources, particularly in the renewal and rehabilitation of environment during and in the aftermath of man-made and natural calamities and disasters;
- e) Recommend to the Sangguniang Panlungsod and the City Mayor for the passage of Ordinances or Executive Orders on all matters relative to protection, conservation, maximum utilization, application of appropriate technology and other matters related to the environment and natural resources;

- f) Relate waste management and environment concerns to Philippine Agenda 21;
- g) Implement standards, rules and regulation to govern the approval of plans and specification of abatement of odor, noise pollution and other nuisance and the issuance of certificates/clearances; inspect the construction and maintenance of anti-pollution devices systems for compliance to plans;
- h) Recommend to the City Legal Office the Issuance of Cease and Desist Orders to compel compliance with the provisions of this Ordinance.
- i) Issue, renew, or deny permit clearances, under such conditions as it may determine reasonable, for the prevention of and statement of pollution, for the discharge of odor, noise pollution and other nuisance complained of.
- j) Upon approval of the City Mayor, the City ENRO with due process may also revoke, suspend or modify City Environmental Certificate and City Environmental Permit to Operate issued whenever the same is necessary to prevent or abate pollution.
- k) Approves environmental management plans for the abatement of existing pollution and the prevention of new or imminent ones.
- l) Make, alters or modifies orders requiring the discontinuance of pollution specifying the conditions and the time within such discontinuance must be accomplished;
- m) Authorize its representative to enter at all reasonable times any property, public and private, devoted to industrial, manufacturing, processing or commercial use for the purpose of inspecting and investigating conditions relating to pollution or possible or imminent pollution.
- n) Responsible for the planning and implementation of the devolved functions under DENR Administrative Order No. 30.
- o) Act as the Pollution Control Officer of the Batangas City Government and shall have the following duties and responsibilities under :
  - i. Implement devolved functions to LGU and coordinate the pollution control and prevention activities within the city including environmental protection activities such as solid waste management, construction of sewer systems, and other pollution control activities. Consistent with the provisions of the Local Government Code, the officer can seek assistance for the field offices of DENR regarding violations or non-compliance with the pollution control requirements and rules and regulation.
  - ii. Upon verification that pollution control requirements are complied with, recommend the filing of all applications for building and/or business permit in coordination with city development staff or engineering office for pollution permit applications and application for location and zoning clearance, particularly on manufacturing, industrial and commercial establishments.
  - iii. Cooperate with national officials of DENR in the enforcement, implementation of environmental protection and pollution control laws, rules and regulations.
  - iv. Shall apply and comply with the requirements of DENR for Pollution Control Officer Accreditation as wells as accreditation of LGU's Environmental Unit or the City Environment and Natural Resource Office.
  - v. Responsible for implementation of the provisions of the Clean Air Act specifically pertaining to the roadside enforcement of the motor vehicle emission standards pursuant to Section 6 of RA 7924
  - vi. Performs other duties and responsibilities that may be assigned by the City Mayor.

## **Section 160. Authority and Goals**

Except where such would constitute a water pollution case and air pollution under Environmental Management Bureau-DENR/RIV, local government units shall have the power to abate a nuisance within their respective jurisdiction pursuant to Republic Act No. 386 (Civil Code of the Philippines), Republic Act No. 7160 (the Local Government Code), DENR Administrative Order No. 30, Series of 1992 and other pertinent laws, rules and regulations.

## **Section 161. Composition of the City ENRO**

Upon approval of the City Mayor, the City ENRO shall be composed of five (5) line divisions, namely:

- a) Forest and Natural Resources Management;
- b) Pollution Control and Management;
- c) Environment Education and Information, Research and Development
- d) Environmental Safety and Permits
- e) Solid Waste Management

as shown in Figure 1.

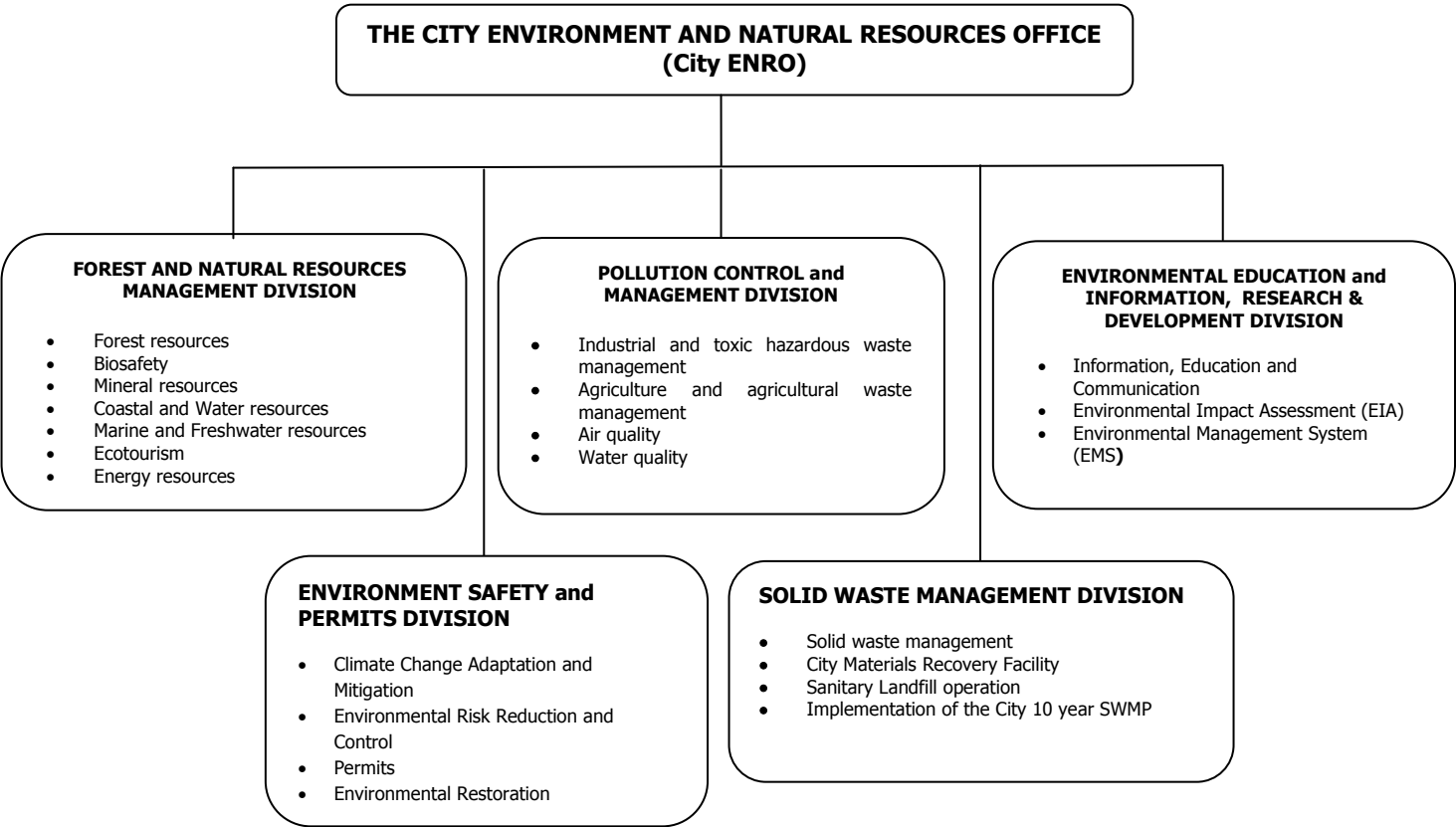


Figure 1. City ENRO Structure and Functions

**Section 162 . Forest and Natural Resources Management Division**

This division covers the implementation of provisions on succeeding articles on Land-use, Forest Resources, Biodiversity Protection and Biosafety, Mineral Resources, Coastal and Water Resources, Marine and Freshwater Resources, Ecotourism and Energy Resources.

- a) Develop plans, programs and projects on Forest Resources, Watershed Management, Freshwater, Marine and Coastal Resources, Mineral Resources, Ecotourism and Energy Resources.
- b) Implement protection, rehabilitation, and development plans and programs on all sectors covered above.
- c) Provide training and other skill development activities consistent with the City’s Forest and Natural Resources Management Programs.
- d) Identify, formulate, and implement research studies related to resource and watershed development and management.
- e) Verification and adjudication of conflicts related to extraction and utilization of all resources and pollution of the same.
- f) Exercise such other powers and perform other duties and functions as may be prescribed by law and ordinances.

**Section 163. Pollution Control and Management Division**

This division covers the implementation and monitoring of concerns on Industrial and Toxic Hazardous, Agriculture and Agricultural Waste Management, Air Quality and Water Quality.

- a) Develop plans, programs, and projects on Pollution Control and Management consistent with the City's Development Plan.
- b) Perform environmental audits on industries on a regular basis through coordination with private and other government units.
- c) Coordinate with other Departments/Offices, NGO's and other institutions regarding the planning and implementations of different programs and projects of the City Government on pollutant management.
- d) Coordinate with the Health and Sanitation Offices to ensure compliance of environmental standards among SMEs.
- f) Exercise such other powers and perform such other activities and functions that may be prescribed by laws and ordinances.

#### **Section 164. Environmental, Education and Information, Research & Development Division**

This division covers the implementation and monitoring, including evaluation of the Information, Education and Communication, Environmental Impact Assessment (EIA) and Environmental Management System (EMS) for the City.

- a) Develop IEC plans and programs related to clean and green, eco-tourism, cleaning of waterways, river rehabilitation, easement management and restoration and on other priority projects in consonance with the City's Development Plan.
- b) Conduct periodic census of occupants directly affected by the above programs and projects.
- c) Monitor the conduct of EIA on all projects undertaken within the jurisdiction of the city, monitor the compliance of the ECC of each of the projects and report to DENR any violations of the ECC.
- d) Inform and educate the populace regarding issues and concerns that has a greater impact on the environment as a whole.
- e) Organize groups (e.g. Young Environmentalist, ENRO Jr. etc.) to focus on environmental conservation and protection to widen participation of the youth and enhance environmental leadership.
- f) Inform and educate the populace on ordinances approved by the City Council related to clean and green, eco-tourism, river rehabilitation, cleaning of waterways, parks and playgrounds, and easement management and restoration.
- g) Exercise such other powers and perform other duties and functions that may be prescribed by laws and ordinances.

#### **Section 165. Environment Safety and Permits Division**

This division covers :

- a) The management of environmental risk reduction and environmental restoration after an environmental disaster or phenomenon occurs.
- b) Pro-actively implement programs, projects and activities related to Climate Change;
- c) Conduct programs, projects and activities on the development, protection and conservation of the City's environment and natural resources in relation to hazard operability and risk reduction.
- d) The processing for the issuance of City Environmental Certificate (CEC); City Environmental Permit to Operate on businesses with full compliance to CEC; and all other environmental permits covered in this code.
- e) Exercise such other powers and perform such other activities and functions that may be prescribed by laws and ordinances.

#### **Section 166. Solid Waste Management Division**

This division covers the implementation and monitoring of concerns on Solid Waste Management

- a) Develop plans, programs, and projects on Solid Waste Management consistent with the City's Development Plan.

- b) Enforcement of solid waste disposal and management systems and services related to general hygiene and sanitation, such as sewerage and household waste disposal.
- c) Coordinate with other Departments/Offices, NGO’s and other institutions regarding the planning and implementations of different programs and projects of the City Government on wastes management.
- d) Exercise such other powers and perform such other activities and functions that may be prescribed by laws and ordinances.

**Section 167. Organizational Set-up.** Upon availability of funds and compliance on all rules, laws and regulations, the City ENRO shall have the following organizational set up. (Figure 2).

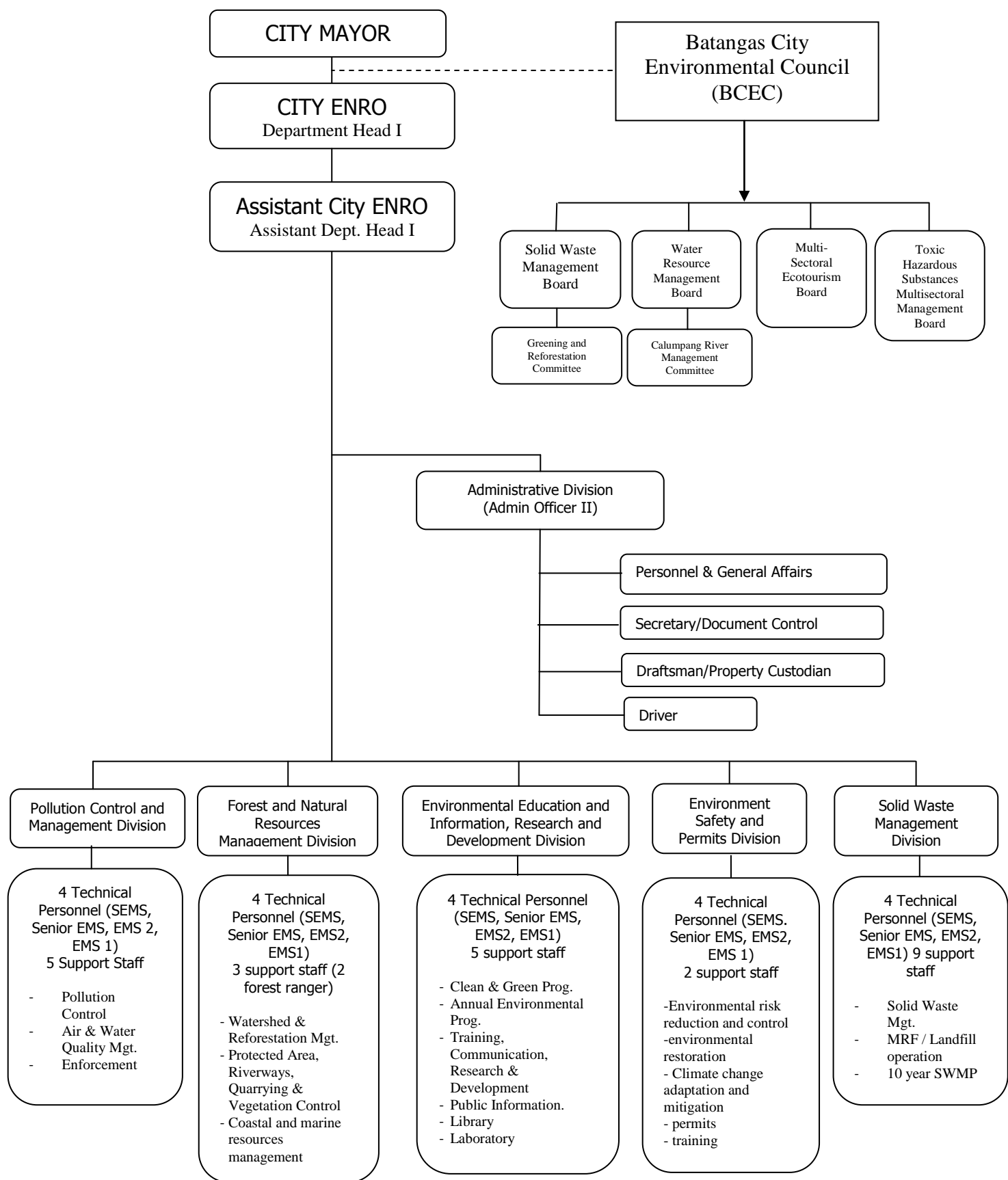


Figure 2. City ENRO Organizational Set-up

**ARTICLE XXIII**  
**RELATED LAWS, EXECUTIVE ORDERS AND ORDINANCES**

**Republic Act;**

- a) Republic Act No. 3983 (1932) An act to protect wild flowers and plants in the Philippine Islands and to prescribe conditions under which they may be collected, kept, sold, exported, and for other purposes.
- b) Republic Act No. 3571 (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, in Plazas, Parks, School Premises or in any other Public Ground.
- c) Republic Act No. 6716 (1989) Rainwater Collection and Spring Protection.
- d) Republic Act No. 6969 (1990) Toxic Substances and Hazardous and Nuclear Waste Control Act.
- e) Republic Act No. 6957 (1990) Built-Operate-Transfer Law.
- f) Republic Act No. 7160 (1991) Local Government Code.
- g) Republic Act No. 7076 (1991) People's Small-Scale Mining Act.
- h) Republic Act No. 6978 (1991) An Act to Promote Rural Development by Providing for an Accelerated Program within a Ten-Year Period for the Construction of Irrigation Projects.
- i) Republic Act No. 7586 (1992) National Integrated Protection Areas System Act.
- j) Republic Act No. 8041 (1995) The National Water Crisis Act.
- k) Republic Act No. 8435 (1997) Agriculture and Fisheries Modernization Act.
- l) Republic Act No. 8371(1997) The Indigenous People's Rights.
- m) Republic Act No. 8550 (1998) The Philippine Fisheries Code.
- n) Republic Act No. 8749 (1999) Philippine Clean Air Act.
- o) Republic Act No. 9003 (2000) Ecological Solid Waste Management Act.
- p) Republic Act No. 9147 (2001) An Act Providing for the Conservation and Protection of Wildlife Resources and their Habitats.
- q) Republic Act No. 9168 (2002) Philippine Plant Variety Protection Act.
- r) Republic Act No. 9165 (2002) Comprehensive Dangerous Act.
- s) Republic Act No. 9275 (2004) Philippine Clean Water Act.
- t) Republic Act No. 9512 (2006) National Environmental Awareness and Education Act.
- u) Republic Act No. 9175 (2007) Chainsaw Act.
- v) Republic Act No. 9513 (2008) Renewable Energy Act.

**Presidential Decrees;**

- a) Presidential Decree No. 601 (1974) Revised Coast Guard Law.
- b) Presidential Decree No. 856 (1975) Code on Sanitation of the Philippines.
- c) Presidential Decree No. 825 (1975) Providing Penalty for Improper Disposal of Garbage and other Forms of Uncleanliness and for other Purpose.
- d) Presidential Decree No. 984 (1976) Providing for The Revision of Republic Act No. 3931 or The Pollution Control Law and for Other Purposes.
- e) Presidential Decree No. 979 (1976) Marine Pollution Decree.
- f) Presidential Decree No. 1067 (1976) The Water Code of the Philippines of 1976 – Governs the ownership, appropriation, utilization, exploitation, development, conservation and protection of water resources.
- g) Presidential Decree No. 705 (1977) Revised Forestry Code of the Philippines.
- h) Presidential Decree No. 1152 (1977) Philippine Environment Code.
- i) Presidential Decree No. 1219 (1977) The Coral Resources Development and Conservation Decree.
- j) Presidential Decree No. 1198 (1977) Requiring All Individuals, Partnerships or Corporations Engaged in the Exploration, Development and Exploitation of Natural Resources or in the Construction of Infrastructure Projects to Restore or Rehabilitate Areas Subject Thereof or Affected Thereby to their Original Condition.
- k) Presidential Decree No. 1586 (1978) Philippines Environmental Impact Assessment System.
- l) Presidential Decree No. 1433 (1978) Plant Quarantine Law.

- m) Presidential Decree No. 1181 (2008) Providing for the Prevention, Control and Abatement of Air Pollution from Motor Vehicles and for Other .
- n) Presidential Decree 953, entitled “Requiring the Planting of trees in Certain Places and Penalizing Unauthorized Cutting, Destruction, Damaging and Injuring of Certain Trees, Plants and Vegetation

#### **Presidential Proclamations;**

- a) Presidential Proclamation No. 2146 (1981) Proclaiming Certain Areas and Types of Projects as Environmentally Critical and Within the Scope of the Environmental Impact Statement System Established Under Presidential Decree No. 1586.
- b) Presidential Proclamation No. 2146 (1981) Proclaiming Certain Areas and Types of Projects as Environmentally Critical and Within the Scope of the Environmental Impact Statement System Established Under Presidential Decree No. 1586

#### **Executive Orders;**

- a). Executive Order No. 430 (1990) National Committee on Biosafety of the Philippines (NCBP) and the formulated national policies and guidelines on biosafety of 1990.
- c) Executive Order No. 72 (1993), which reaffirms the specific provision of the RA 7160 on the need for the city to prepare its CLUP and prescribes the review and approval process.
- d) Executive Order No. 247 (1995). 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 Other Purposes.
- e) Executive Order No. 111 (1999). Establishing the Guidelines for Ecotourism Development in the Philippines; National Ecotourism Development Council (NEDC) Resolution No. 2001-01- Adopting the Operating Guidelines for Executive order No. 111.
- f) Executive Order No. 399 (2005). Directing the Operationalization of the Philippine Agenda 21 and monitoring its implementation’, embodied therein the “People’s Covenant towards a Transition to Sustainable Development.
- g) Executive Order No. 2 (2007)- Amending Executive Order No. 2 S. 2001 dated March 9, 2005 . Regarding Organization of the City Solid Waste Management Board Pursuant to R.A. 9003 Otherwise known as “ The Ecological Solid Waste Management Act of 2000”.
- h) Executive Order No. 774 (2008). Reorganizing the Presidential Task Force on Climate Change.
- i) Executive Order No. 111 (2008). Establishing the Guidelines for Ecotourism Development in the Philippines.

#### **Letter of Instruction;**

Joint DENR-DILG Memorandum Circular No. 98-01 Manual of Procedures For DENR-DILG-LGU Partnership on Devolved and Other Forest Management Functions.

#### **Department Orders;**

DENR Administrative Order No. 35-91 (1982) Revised Effluent Regulations of 1990 Revising and Amending the Effluent Regulations.

DENR Administrative Order No. 35-49 (1982) Revised Effluent Regulations of 1990s Revising and Amending the Effluent Regulations .

DENR Administrative Order 34-90 (1990). Revised Water Usage and Classification/Water Quality Criteria Amending Section Nos. 68 and 69, Chapter III of the 1978 NPCC Rules and Regulations.

DENR Administrative Order No. 30 (1992) Guidelines for the transfer and Implementation of DENR functions Devolved to LGU.

DENR Administrative Order No. 97-16 (1997). Addendum to the Guidelines on the Establishment and Management of the Integrated Protected Area Fund.

DENR Administrative Order No. 50 (1998) Adopting the Landfill site Identification and screening Criteria for Municipal Solid waste Disposal Facilities.

- DENR Administrative Order No. 99-39 (1999). Guidelines for the Development and Management of Ecological Destinations in The Philippines.
- DENR Administrative Order No. 99-34 (1999) Rules and Regulations Governing the Administration, Management and Development of Foreshore Areas, Marshy Lands and Other Lands Bordering Bodies of Water.
- DENR Administrative Order No. 2000-51 (2000). Guidelines and Principles In Determining Fees for Access to and Sustainable Use of Resources in Protected Areas.
- Department Administrative Order No. 30 (2003) Revised Procedural Manual for DAO 30-03.
- DENR Administrative Order No.2004-28 (2004) Rules and Regulations Governing Use of Forestlands for Tourism Purposes.
- DENR Administrative Order No. 04-32 (2004) Revised Guidelines on the Establishment and Management of Community-Based Program in Protected Areas.
- Department Order No. 42 (2004) Rationalizing the Implementation of the Philippine Environmental Impact Statement (EIS) System and Giving Authority, In Addition to the Secretary of the Department of Environment and Natural Resources, to the Director and Regional Directors of the Environmental Management Bureau to Grant or Deny the Issuance of Environmental Compliance Certificates.
- DENR Memorandum Order No. 13, Establishment of Forest / Tree Parks in Cities, Municipalities and Barangays Throughout the Country Per LOI 1312
- DENR Administrative Order No. 97-05, "Procedures in the retention or areas within certain distances along the banks or rivers, streams, and shore of seas, lakes and oceans for environmental protection."
- DENR Administrative Order No. 15, series of 1990 re Mangrove Stewardship Agreement

#### **Ordinances;**

- Resolution No. 64 (1991) Approving City Ordinance no. 6 instituting a comprehensive waste disposal and management system, complemented by proper engineering and other related activities and providing penalties for violation thereof".
- Ordinance No. 15 (1995) An Act Providing for the Comprehensive Waste Disposal and Management System and for Other Purposes"
- City Ordinance No. 19 (1996) Regulation of gasoline stations and filling stations for combustible material or products within 1000 radius from any existing station of similar nature.
- City Ordinance No. 2 (1996) Batangas City Greening and Environmental Protection Ordinance of Batangas City.
- Ordinance No 1 (1997) Amends Ordinance No. 15 particularly on the collection of garbage fees from households by exempting those residential houses that are not serviced by the city garbage truck.
- Ordinance No. 3 (1998) An Act Prohibiting Industrial and Manufacturing Companies from Draining, Throwing or Disposing Waste of Whatever Kind in the River, Stream, Bay or Waters within the Jurisdiction of Batangas City"
- City Ordinance No 9 (1999) Prohibition on the installation of billboards for advertisement and other business announcement on walkways and sidewalks in the Batangas City.
- City Ordinance No. 12 (1999) Regulation of the construction of road humps and speed deterrent along subdivision, barangay, city, provincial and national roads and other uses of the roads by the public and for other purposes.
- City Ordinance No. 13 (1999) Regulation of installation of streamers or signs across national, provincial or city streets.
- Ordinance No. 1 (1999) "Ordinansang Nag aatas sa Lahat ng Mamamayan at mga Bahay Kalakalan, na Magtakda ng mga Lalagyang Maghihiwalay sa Nabubulok (biodegradable) at Di Nabubulok (non-biodegradable) na mga Basura na Umaayon sa Layunin at Programang Zero Waste Management ng Lungsod ng Batangas at ang Pagpapapataw ng mga Parusa sa Lalabag Dito".
- Ordinance No. 5 (2000) Amends the Zoning Ordinance No. 3, Series of 1994; Construction of sanitary landfill in Barangay San Jose Sico.
- Ordinance No. 19 (2000) Prohibited the Dumping of Garbage to Areas Outside their Respective Barangays.
- City Ordinance No. 2 (2001) Vacant private properties in Batangas City should be cleared and planted to food crops.



City Ordinance No. 3 (2003) Prohibition of parking of vehicles anytime and placement billboards along the major roads from the city to the boundaries of neighboring towns and use of road as extension of the business establishments and other forms of traffic obstructions.

#### ARTICLE XXIV MISCELLANEOUS PROVISIONS

**Section 168. Power of the City Mayor to Issue Implementing Rules and Regulations.** The City Mayor may formulate and issue rules and regulations for the efficient and effective implementation of any article or provisions of this E-CODE. The non-issuance of the rules and regulations shall not in any manner forestall the effectivity and implementation of this E-CODE.

**Section 169. Accessory Penalties.** In addition to the imposable penalties for any violation of any provision of this Environmental Code, all the improvements introduced, and all the tools, equipment, devices and conveyances used in the commission of the offense, shall be confiscated in favor of the City government.

**Section 170. Violation where no specific penalty provided.** Violation of any provision of this Code to which no specific penalty is imposed which does not carry a specific penalty, without prejudice to any civil liability, shall be penalized by a fine of not less than P3, 000.00 nor more than P5,000.00 or imprisonment of not less than thirty (30) days nor more than one (1) year or both, at the discretion of the Honorable Court. If the violator is a corporation, partnership, association or owner of a business establishment, in addition to penal provision of this Code, the Mayor's Permit-to-Operate the business shall be suspended, cancelled or revoked by the City Mayor.

**Section 171. Administrative fine** – Any offender can settle his violation by paying the amount of P5,000.00 to the Office of the Treasurer within 72 hours from of Notice of Violation without prejudice to the compliance with the provisions of this Code.

**Section 172. Community Service** – If the violator cannot pay the fine or penalty provided in the preceding section, the Court may impose thirty (30) days community service


**Section 173. Appropriation** – For the effective implementation of this Code and upon availability of funds, a sum sufficient in amount shall be appropriated and included in the annual budget and/or supplemental budget of the City Government.

**Section 174. Separability Clause.** If, for any reason, 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 175. Repealing Clause.** All ordinances, resolutions, orders, memorandum, circulars, rules and regulations, or parts thereof, which are not consistent with any of the provisions of this Environmental Code of Batangas City are hereby repealed and/or amended accordingly.

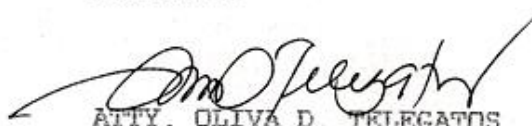
**Section 176. Effectivity.** This Environmental Code of Batangas City shall take effect fifteen (15) days after its complete publication in a newspaper of general circulation and compliance with the posting required by Republic Act 7160.

ENACTED, by Sangguniang Panlungsod of Batangas City this 10<sup>th</sup> day of December 2010.

  
JOSE VIRGILIO Y. TOLENTINO

Vice Mayor and Presiding Officer

ATTESTED:



ATTY. OLIVA D. TELEGATOS  
Secretary  
Sangguniang Panlungsod

APPROVED:



VILMA A. DIMACUHA  
City Mayor

Date Approved: December 13, 2010

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CERTIFICATION

This is to certify that the posting and publication of this Ordinance as required under Section 511 of the Local Government Code of 1991 have been complied with. Furthermore, public hearings were conducted prior to the passage of this E-Code Ordinance.



ATTY. OLIVA D. TELEGATOS  
Secretary  
Sangguniang Panlungsod