



Republic of the Philippines
PROVINCE OF AKLAN
KALIBO, AKLAN

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

**EXCERPTS FROM THE MINUTES OF THE THIRTY FOURTH (34TH) REGULAR SESSION FOR
CY 2009 OF THE SANGGUNIANG PANLALAWIGAN OF AKLAN (for the period 2007-2010)
HELD ON SEPTEMBER 17, 2009 AT THE SANGGUNIANG PANLALAWIGAN SESSION HALL,
PROVINCIAL CAPITOL, KALIBO, AKLAN.**

PRESENT:

HONORABLE GABRIELLE V. CALIZO-QUIMPO	. . .	Vice Governor, Presiding Officer
HONORABLE NEMESIO P. NERON	. . .	SP Member-Eastern District
HONORABLE DAISY S. BRIONES	. . .	SP Member-Eastern District
HONORABLE PLARIDEL M. MORANIA	. . .	SP Member-Eastern District
HONORABLE RODSON F. MAYOR	. . .	SP Member-Eastern District
HONORABLE JEAN O. RODRIGUEZ	. . .	SP Member-Eastern District
HONORABLE SELWYN C. IBARRETA	. . .	SP Member-Western District
HONORABLE PEDRO M. GARCIA	. . .	SP Member-Western District
HONORABLE JOSE S. YAP	. . .	SP Member-Western District
HONORABLE GERICK M. TEMPLONUEVO	. . .	SP Member-Western District
HONORABLE WILBERT ARIEL I. IGOY	. . .	SP Member, PCL President
HONORABLE TEODY M. MASANGYA, SR.	. . .	SP Member, ABC President
HONORABLE JUN REY I. TORDECILLAS	. . .	SP Member, SK President

ABSENT:

HONORABLE RAMON S. GELITO	. . .	SP Member-Western District
	. . .	(Vacation Leave)

ALSO PRESENT:

NONE

GENERAL ORDINANCE NO. 2009-005

**“AN ORDINANCE ENACTING THE ENVIRONMENT
CODE OF AKLAN”**

BE IT ENACTED by the Honorable Sangguniang Panlalawigan of Aklan that:

ARTICLE I

TITLE, AUTHORITY, POLICY, GOVERNING LAWS, DEFINITION OF TERMS

AND ACRONYMS

SECTION 1. TITLE

This ordinance shall be known as the Environment Code of Aklan.

SECTION 2. AUTHORITY

The enactment of this Code is pursuant to Section 9 of Article II of the 1987 Philippine Constitution and the provisions of Republic Act 7160 or the Local Government Code of 1991 particularly those that provide authority to the Local Chief Executives to protect the environment and impose penalties for acts that endanger thereof.

SECTION 3. DECLARATION OF POLICY

It is hereby declared by the Provincial Government of Aklan to push for the attainment of sustainable development goals through the institution of appropriate environmental measures and reforms that will enable every citizen to provide for their needs without jeopardizing the future generations' capacity to meet their own. The ultimate goal of the Provincial Government is the attainment of a better quality of life in the context of environmental, social and economic security for its constituency.

SECTION 4. BASIC PRINCIPLES

This Code is anchored on the following principles:

4.1 THE PRINCIPLE OF SUSTAINABLE DEVELOPMENT

Consistent with this principle, the Province envisions the equitable and wise utilization and ecosystem management of natural resources to meet the needs of the present generation without compromising that of the future generation.

4.2. THE PRINCIPLE OF STAKEHOLDERS' PARTICIPATION

The strategy towards sustainable development should be democratic, participatory and in partnership with the private sector, non-governmental organizations (NGOs), people's organizations (POs) and other stakeholders.

4.3. THE PRINCIPLE OF INTEGRATION

This Code integrates national, provincial, municipal and barangay policies, plans and programs into local development initiatives.

4.4. DEVELOPMENT LEGISLATIONS PRINCIPLE

This principle is the enactment and enforcement of laws that meet the needs of every *Aklanon* in a holistic manner. It takes into consideration the impact of rules and policies on the lives of the disadvantaged and marginalized sectors, the environment and health for its inhabitants and likewise safeguards resources for the needs of the present and future generations.

4.5 PRECAUTIONARY PRINCIPLE

This Code provides a framework of norms, standards and requirements to apply precautionary approach to the assessment of risk of environmental harm. Where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing cost-effective measures to prevent environmental degradation.

4.6 THE POLLUTERS PAY PRINCIPLE

The earth's resources, being finite, and development is inevitable, the polluters pay principle is adopted to compensate the external cost of pollution affecting the community and environment. This principle also calls for a compensation for damage done to the environment with the polluters bearing an appropriate share of the costs that arise from their activities, products, substances, and services.

4.7 USER'S FEE PRINCIPLE

To ensure sustainability of resource base and wise management for the maintenance of ecological balance, this principle calls for the levying of appropriate fees and charges to all users of natural wealth of the Province subject to existing applicable laws, rules and regulations provided that all fees collected shall be deposited in a trust fund shared by the LGUs affected in equitable proportion to be utilized for projects to protect the environment.

4.8 CO-MANAGEMENT, CO-PRODUCTION SHARING AND JOINT VENTURE AGREEMENT

The protection and management of our natural resources must be a shared responsibility of the government and the civil society with an end goal beneficial to both parties. The Provincial Government can enter into a co-management, co-production sharing and joint venture agreements with the National Government Agencies, NGOs, POs and private sector in the protection and management of our natural resources subject to the provisions of the existing laws and regulations.

4.9 PRINCIPLE OF ADAPTIVE MANAGEMENT

This principle shall recognize and implement a process of environmental up-keeping of the Province to ensure absorptive capacitation against natural changes and anthropogenic causes.

SECTION 5. GOVERNING LAWS/STATUTES AND POLICIES

The effective implementation of the provisions of this code is governed by Article II Section 16 and Article XII Section I of the 1987 Philippine Constitution and the following laws, presidential decrees, executive orders, department administrative orders, rules and regulations:

1. Republic Act 7160 – The Local Government Code of 1991
2. Implementing Rules and Regulations of RA 7160
3. Republic Act 6957 as amended by RA 7718. – An Act Providing for Build-Operate-Transfer.
4. Republic Act 6969 – Known as the Toxic Substances, Hazardous and Nuclear Waste Control Act of 1990
5. Republic Act 7076 – People Small Scale Mining Act of 1991

6. Republic Act 7161– An Act Incorporating Certain Sections of the National Internal Revenue Code of 1977, as amended.
7. Republic Act 7586 – National Integrated Protected Areas System Act of 1992
8. Republic Act 7942 – The Philippine Mining Act of 1995
9. Republic Act 8435 – Agriculture and Fishery Modernization Act
10. Republic Act 8048 – The Coconut Preservation Act of 1995
11. Republic Act 8485 – Animal Welfare Act of 1998
12. Republic Act 8550 – The Philippine Fisheries Code of 1998
13. Republic Act 8749 – The Philippine Clean Air Act of 1999
14. Republic Act 9003 – The Ecological Solid Waste Management Act of 2000
15. Republic Act 9072 – Cave and Cave Resources Management and Protection Act
16. Republic Act 9147 – Wildlife Resources Conservation and Protection Act of 2001
17. Republic Act 9175 – Chainsaw Act
18. Republic Act 6657 – Comprehensive Agrarian Reform Law
19. Republic Act 7607 - Magna Carta for Small Farmers
20. Republic Act 9275 – The Philippine Clean Water Act of 2004
21. Republic Act 9482 – Anti-Rabies Act of 2007
22. Commonwealth Act 141, as amended – Public Land Act/RA 9176
23. PD No. 198 – Provincial Water Utilities Act of 1973, as amended.
24. PD No. 979 amending P.D. 600 – Marine Pollution Control Law.
25. PD No. 705, as amended – Revised Forestry Code of the Philippines
26. PD No. 856 – The Code on Sanitation of the Philippines
27. PD No. 953 – Requiring the Planting of Trees in Certain Places and Penalizing the Unauthorized Cutting, Destruction, Damaging and Injuring of Certain Trees, Plants and Vegetation.
28. PD No. 984 – Pollution Control Law of 1977
29. PD No. 1067 – Water Code of the Philippines of 1977
30. PD No. 1096 – National Building Code of the Philippines.
31. PD No. 1151 – Philippine Environmental Policy of 1977
32. PD No. 1152 – Philippine Environment Code of 1978
33. PD No. 1198 – Requires All Individuals or Partnership Engaged in Exploration and Exploitation of Natural Resources or in Construction of Infrastructure Projects to Restore, Rehabilitate Areas Subject Thereof or Affected Thereby to their Original Condition.
34. PD No.1586 – Environmental Impact Statement System of the Philippines of 1978
35. PD No. 1899 – A Decree Establishing Small Scale Mining as a New Dimension in Mineral Development
36. Executive Order No. 72 (1993) Re-affirms Specific Provision of RA 7160 on the Need for LGUs to Prepare their CLUPs and Prescribes the Review and Approval Process Therefore.
37. Executive Order No. 111 (1999) – Establishing the Guidelines for Ecotourism Development in the Philippines.
38. Executive Order No. 113 – Establishing the *Gawad Pangulo sa Kapaligiran*
39. Executive Order No. 192 – Reorganization of DENR
40. Executive Order No 263 – Community-Based Forest Management Strategy
41. 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, Commercial and Other Purposes
42. LOI 1260 – Establishing the Integrated Social Forestry Program
43. DAO No. 78 Series of 1987, as amended – Provides Listing of Tree Premium Species
44. DAO No. 35, Series of 1990 – Revised Effluent Regulation of 1990, Revising and Amending the Effluent Regulations of 1982

45. DAO 2004 – 04 – Deregulating the Tree Harvesting, Transporting and Selling of Firewood, Pulpwood or Timber in Private Lands.
46. DAO No. 81, Series of 2000 – Implementing Rules and Regulations of RA 8749
47. DAO No. 34 Series of 1990 – Revised Water Usage and Classification/Water Quality Criteria Amending Section Nos. 68 & 69, Chapter III of the NPCC Rules and Regulations
48. DAO No. 34 Series of 2001 – Implementing Rules and Regulations of RA 9003
49. DAO No. 40 Series of 1996, as amended – Revised Implementing Rules and Regulations of RA 7942
50. DAO No. 40 Series of 1996, as amended – Revised Implementing Rules and Regulations of RA 7942
51. DAO No. 30 Series of 1991 – Guidelines for the Transfer and Implementation of DENR Functions Devolved to LGUs
52. DAO No. 30 Series of 1997 – Small Scale Mining Safety Rules and Regulations
53. DAO No. 52, Series of 2000 – Revised Guidelines in the Issuance of Private Land Timber Permit (PLTP)
54. DAO No. 24 Series of 2003 – Implementing Rules and Regulations of Chainsaw Act (RA 9175)
55. DAO No. 7, Series of 1994, as amended – Revised Guidelines in the Issuance of Certificate of Origin for Logs, Timber, Lumber and Non-Timber Forest Products
56. DAO No. 97 – 32 Series of 1997 – Rules for the Administrative Adjudication of Illegal Forest Products and Machinery, Equipment, Tools and Conveyances Used in Connection Therewith.
57. MAO No. 41 Mineral Resources Decree – Rules and Regulation Governing the Granting of Small Scale Mining Permits Under P.D. 1899
58. MAO No. MRD 41 – A & B – Amendment to MRD 41
59. DOH Administrative Order No. 18 Series of 1993 – Standards of Quality and Requirements for the Processing, Packaging and Labeling of Bottled Drinking Water
60. DAO No. 29 Series of 2003 – Implementing Rules and Regulations of RA 9072
61. DAO No. 4 Series 1999 – Rules and Regulations on the Conduct of Scientific Procedures Using Animals
62. DA – A.O. No. 21 S. 1999 – Code of Conduct in the A) Euthanasia for Pets/Companion Animals; B) Slaughter of Animals for Food.
63. DA – A.O. No. 8, S. 1999 – Rules and Regulations of Animal Control Facility, Aviary, Cattery, Circus/Carnival Animal Show, Corral, Crocodile, Farm, Dog Farm, Kernel, Laboratory Animal Facility, Monkey Farm, Pet Shop, Poultry Farm, Race Tracks and Equestrian Establishment, Slaughter House, Stock Farm Disease (FMD), Recovered Animals S.,1995
64. NMIC MC # 1 – 97 – amendment Re: NMIC # 7-94 dated 23 December 1994 NMIC Guidelines in Support to DA's Reportable Disease Eradication Program, 14 May 1997.
65. PPA MC 17-95 – Assistance to the Efforts of the BAIRC Outbreak of Foot and Mouth Disease, 11 April 1995
66. PPA MC # 09 – 95 – Assistance to the Efforts of the BAI, Re: Outbreak of Foot and Mouth Disease, 15 February 1995
67. BAI MC #8 S. 2002 – Guidelines for FMD Protected Area Declaration, 30 July 2002
68. DA-DILG AO No. 3 (1996) – Rules of the Preferential Treatment to Small Fisherfolks
69. DAO 15, 1990 – Guidelines on the Establishment and Management of Mangrove
70. DAO 30, 1994 – Guidelines for NGO-assisted Community-based Mangrove Forest Management

71. DA-DENR Joint General Memorandum Order No. 3 (1991) – Guidelines on the Conversion of Underutilized, Underdeveloped, Abandoned Fishponds to Mangroves
72. DAO 15, 1990 – Regulations Governing Management of Mangrove
73. DAO 98 – 24 (1998) – Schedule of Approving Authority for Foreshore Lease
74. DA-DILG-DENR-DOJ Joint Memorandum Order No. 2 (1996) – Guidelines in the Implementation of EO 240
75. EO 240 – Creation of FARMCs
76. EO 117 (1993) – Establishes the Inter-Agency Task Force for Coastal Environment
77. All other relative laws, decrees, executive orders, department orders, memorandum circulars pertaining to environment

SECTION 6. DEFINITION OF TERMS

As used in and for purposes of this Code, the following terms, unless the context indicates otherwise, shall mean:

Adaptive Capacity – refers to the dimension and limits of the natural environmental and resource assets of the Province to absorb utilization and development guided by Land-Use and Environmental Management and Implementation Plans.

Agricultural Lands - (in forest lands) are those areas which are extensively used for the production of cash crops, sustenance crops and fodder.

Agricultural Land – refers to a land devoted principally to the planting of fruit trees, raising crops, livestock and poultry, inland fishing and similar agricultural activities.

Agroforestry – is a land use management system which combines the production of agricultural crops, forest trees and/or livestock simultaneously or sequentially on the same unit of land for the purpose of creating employment opportunities for upland farm labor, producing raw materials for agriculture or forest-based industries, providing food and other products for some consumption and improving ecological conditions in the watersheds.

Air Pollution – is any alteration on 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 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 purpose.

Alienable and Disposable (A & D) Lands – are those lands of the public domain which have been limited, classified, and declared as such and available for disposition under Commonwealth Act No.141, as amended, otherwise known as the Public Land Act.

Ambient Air Quality – is the atmosphere's average purity in broad area as distinguished from discharge measurement taken from the source of pollution or the present characteristics or nature of the surrounding atmosphere.

Ancestral Domain – refers to the land occupied, possessed and utilized by members of indigenous cultural communities since time utilized by themselves or through their ancestors or predecessors-in-interest since time immemorial in accordance with their customary laws, traditions and practices.

Animal Welfare – refers to the viewpoint that it is morally acceptable for humans to use non-human **animals** for food, in animal research, as clothing, and in entertainment, so long as unnecessary suffering is avoided.

Aquaculture – fishery operation involving the breeding and farming of fish and other fishery species in fresh, marine and brackish water areas.

Aquaculture Project – Shall refer to fish cages, fish pens, fishponds, fish hatcheries, seaweeds farms, mollusks (pearls, mussels, oysters) farms and other related projects.

Aquifer – means a layer or lithological unit below surface that stores and transmits water.

Authorized Site – refers to those areas that have been identified and designated for tourism purposes, thus, are classified as authorized site/s of visitation, development or promotion by the locality concerned.

Beaches – unvegetated part of the shoreline formed by loose non-consolidated materials, essentially sand and gravel that extends from the lower berm edge to high water mark.

Beneficial Use – means the use of the environment or any element or segment thereof conducive to the public or private welfare, safety and health; and shall include but not limited to, the use of water for domestic municipal, irrigation, power generation, fisheries, livestock raising, industrial, recreational and other purposes.

Berm – refers to a narrow shelf, edge or path, typically at the bottom or top of a slope or along a bank.

Biodiversity – is the variability among living organisms from all sources including terrestrial, marine and other aquatic ecosystem and ecological complexes of which they are part. This includes diversity within species and between species and ecosystem.

Biofilter – organism which ingest impurities from the water making the ponds meet the required optimum physical and microbiological parameters for the cultured species such as mussels, seaweeds and oysters.

Bitten – refers to an act by which a dog seizes, cuts and grips with its teeth so that the skin of a person has been wounded, pierced or scratched.

Brackish Water Aquaculture – refers to a fishery operation involving the culture of fish in a mixture of seawater and freshwater with salinity less than 30 parts per thousand.

Brackishwater Fishponds (earthponds) – refers to man-made enclosures of varying size, dependent on tidal fluctuations of water management, located in estuaries (deltas, mudflats, and mangrove swamps) and intended for the culture of fishes/aquatic species.

Brackishwater Swamps – refers to land areas where most of the time the brackishwater level is at/above the land surface.

Canine – refers to the dog family or any related species.

Carbon Monoxide - is a colorless, odorless gas, about three percent (3%) lighter than air, poisonous to human and animals and other forms of life. When inhaled, it combines with hemoglobin in the blood preventing absorption of oxygen and resulting in asphyxiation.

Carrying Capacity – the size of population of a given species that can be supported in a given area or volume of a body of water which will not lead to the deterioration thereof. It will also mean the capacity of the environment to sustain its natural products and services in order to maintain a reasonably high quality of its inhabitants, humans including plants or animals. In tourism, it should not be seen as a way to identify the maximum number of people for a given destination but to assist with governance decisions and encourage actions that reduce impact per visitor rather than simply the number of visitors.

Carrying Capacity (ecotourism) – refers to the maximum number of people who can use a site without an unacceptable adverse impact on the society, economy and culture of the tourism area.

Cat – means and applies to a specific domestic animal (*Felis domestica*), male or female.

Certificate of Stewardship Contract (CSC) – refers to the tenurial instrument issued by the government to qualified individual forest occupants who shall have the right to enjoy the fruits subject to existing forestry laws, rules and regulations. The agreement shall have a period of twenty five (25) years, renewable for another 25 years.

Charges - refer to pecuniary liability, as rents or fees against persons or properties.

Chemical Pollutants – are substances that enter the environment through industrial, agricultural, and other human-generated processes and pose a hazard to human, plant and animal health and life.

Civil Reservations – refers to forest lands which have been proclaimed by the President for a specific purpose such as a town site or a resettlement area.

Cleaner Production – means the application of an integrated, preventive environmental strategy to processes, products, services to increase efficiency and reduce risks to humans and the environment.

Clean-up Operations – means activities involving the removal of pollutants discharged or spilled into a water body and its surrounding areas, and the restoration of the affected areas to their former physical, chemical and biological state or conditions.

Closed Recirculating System – a system where the pond water, instead of being discharged to the outside environment, is reused after undergoing filtration in a setting pond or water treatment process.

Closed Season – is the period during which the taking of specified fisheries species by a specified fishing gear is prohibited in a specified area or areas in Philippine waters (RA 8550).

Coast – is the margin of the land next to the sea.

Coastal Area/Zone – is a band of dry 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 landward limit of one (1) kilometer from the shoreline at high tide to include mangrove swamps, brackishwater ponds, nipa swamps, estuarine rivers, sandy beaches and other areas within a seaward limit of 200 meters isobath to include coral reefs, algal flats, seagrass beds and other soft-bottom areas (R.A.8550).

Coastline – refers to lines that form the boundary between the land and water, especially of sea or ocean.

Coastal Zone Management – is a dynamic process in which a coordinated strategy is developed and implemented for the allocation of environmental, socio-cultural, and institutional resources to achieve the conservation and sustainable multiple use of the coastal zone.

Coastal Zone – is the part of the land affected by its proximity to the sea and that part of the sea affected by its proximity to the land. Its geographical extent may include areas within a landward limit of one (1) kilometer from the shoreline to include mangrove swamps, brackish water, fishpond, nipa swamps, estuarine, rivers, sandy beaches and other areas reached by tides as well as those areas within a seaward limit of 200 m isobaths to include coral reefs, algal flats, sea grass beds and soft bottom trawable areas.

Code of Practice – a Code prescribing principles and standards for responsible practices with the end in view of ensuring the effective conservation, management and development of aquaculture.

Collection, Transfer, and Transport – includes not only the gathering of solid waste but also hauling of waste after collection on the location where the transport vehicle is emptied.

Commercial Wastewater – means all the wastewater generated by trading or business establishment and/or any other related firms or companies, which include but not limited to restaurants, shopping malls, commercial laboratories, hospitals, markets, commercial condominiums, hotels, gasoline stations and other establishments.

Community-based Ecotourism – is an activity or undertaking within a particular area or locality identifying or creating a particular product or project intended for local or community-based ecotourism, and which may be recommended for development, promotion or marketing, the intended project beneficiary of which shall be the local people themselves.

Composting – the product of the decomposition of animal and plant matter. It is made by building a pile consisting of alternate layers of soil, manure and vegetable materials such as weeds, grass, leaves and garbage. It is a soil conditioner and fertilizer.

Conflict Areas – are specific geographic areas where the current land use is in conflict with the designated or desired land use.

Conflict Resolution – generally refers to the process of resolving issues. In the FLUP guidelines, they pertain in particular to resolving conflicting land uses or selecting the best uses of specific areas through a process of consultations and negotiations among the different stakeholders.

Contamination – means the introduction of substances not found in the natural composition of water that make the water less desirable or unfit for intended use.

Coral Reefs – are aragonite structures produced by living organisms, found in marine waters containing few nutrients. In most reefs, the predominant organisms are stony corals, colonial cnidarians that secrete an exoskeleton of calcium carbonate. The accumulation of skeletal material, broken and piled up by wave action and bioeroders, produces a calcereous formation that supports the living corals and great variety of other animal and plant life.

Culture – refers to the pattern of behavior and thinking that people living in social groups learn, create and share. It includes beliefs, rule of behavior, language, rituals, arts, technology, style of dress, ways of producing and cooking, food, religion and tradition and economic systems.

Decision Zones – are either conflict or opportunity areas on which decisions have to be made as to their best uses.

Disaster – occurs or happens when a hazard impacts on or strikes a vulnerable community with low capacity resulting in damages, loss and serious disruption of village/community functioning.

Disaster – refers to extreme and widespread event causing great loss, damages and suffering leading to declaration of state of calamity.

Discharge – includes but is not limited to, the act of spilling, leaking, pumping, pouring, emitting, emptying, releasing, or dumping of any material into a water body or onto land from which it might flow or drain into said water.

Dog – refers to a common quadrupled domestic animal belonging to the order carnivore (male or female), scientifically known as *Canis familiaris*.

Dumping – means any unauthorized or illegal disposal into any body of water or land of wastes or toxic or hazardous material: Provided, that it does not mean a release of effluent coming from commercial, industrial and domestic sources which are within the effluent standards.

Ecological Destination – refers to an environmentally sound activity in a given ecosystem enhancing the natural and cultural diversity, conservation and addressing the socio-economic needs of the communities.

Ecological Sanitation – or ECOSAN is an approach with the objective of closing the nutrient loop between sanitation, environment and agriculture. It includes all of the following ecological principles: (a) conscious conservation of resources; (b) recycling and re-use; (c) minimization of energy and water use; (d) pollution prevention; and (e) rendering the recyclables (human and animal excreta and grey water) safe for re-use.

Ecosystem – refers to the organism living in a particular place and the physical parts of the environment that affects them.

Ecotourism/ Ecological Tourism – is a form of sustainable tourism within a natural and cultural heritage area where community participation, protection and management of natural resources, culture and indigenous knowledge and practices, environmental education and ethics as well as economic benefits are fostered and pursued for the enrichment of host communities and satisfaction of visitors. (National Ecotourism Strategy of the Philippines, 2002).

Ecotourism – is a purposeful travel to natural areas to understand the culture and natural history of the environment, taking care not to alter the integrity of the ecosystem, producing economic opportunities that make the conservation of natural resources beneficial to local people. (The Ecotourism Society, 1991).

Ecotourism Enterprise – is one which pursues nature appreciation and livelihood development for the natural entity's host community by engaging in pertinent economic activities that enhances appreciation of a natural destination, habitat or specie and at the same time promotes environmental conservation and biodiversity, among others.

Ecotourism Products – are a combination of ecotourism resources, facilities, activities and services resulting in enhanced commitment to protect the natural and cultural heritage areas.

Ecotourists – refers to those who visit an ecotourism site to satisfy a natural desire to understand something that stimulates interest in the mind, in addition to simply experiencing something in its natural form.

Effluent – is the general term denoting any wastewater, partially or unpartially treated or in its natural state flowing out of the manufacturing plant, industrial plant, treatment plant, households, business establishments, ponds and hatcheries.

Effluent – means discharges from known source which is passed into a body of water or land, or wastewater flowing out of a manufacturing plant, industrial plant including domestic, commercial and recreational facilities.

Effluent Standards - means any legal restriction or limitation on quantities, rates, and/or concentrations or any combination thereof, of physical, chemical or biological parameters of effluent which a person or point source is allowed to discharge into a body of water or land.

Effluent Quota – refers to maximum allowable pollution load that an establishment can discharge without affecting the present state or condition of the water body.

Emergency – is a period of increased morbidity and mortality from both physical and psychological causes.

Emerging Infections – are newly identified, previously unknown infections, which cause public health problems locally or internationally.

Enclosed Premises – includes the owner's house, fenced yard or premises, whereto other people have no reason to enter except to conduct business or visit with the members of the household.

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

Endemic Species – species restricted or native to a particular region.

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

Environment – as defined under the aspect of ecotourism, is the unique physical feature or attribute of a locality that serves as its primary attraction. It also refers to distinct socio-cultural patterns exhibited by indigenous communities, resulting from centuries of intimate intercourse with the natural environment.

Environmental Compliance Certificate (ECC) – is a document issued by the DENR Secretary or the Director/Regional Director of the EMB certifying that based on the representation of the proponent as reviewed and validated by EIA Review Committee, the proposed project or undertaking will not cause significant negative environmental impacts and that the proponent has complied with the requirements of the EIS System or PD 1586.

Environmental Education – refers to the education of visitors about the value of the ecotourism site and the interrelatedness of the ecosystems of which the site forms part.

Environmental Impact Assessment (EIA) – is the process consisting of identifying and predicting the impacts of proposed projects and programs on the biogeophysical environment and on man's health and well-being and interpreting and communicating information about its impact in a manner which can be utilized by planners and decision makers.

Environmental Impact Assessment (or EIA) – the process of predicting the likely environmental consequences of implementing projects or undertakings and designing appropriate preventive, mitigating and enhancement measures.

Environmental Management – refers to the entire system which includes, but is not limited to conservation, regulation and minimization of pollution, clean production, waste management, environmental law and policy, environmental education and information, study and mitigation of the environmental impacts of human activity and environmental research.

Environmental Management System – refers to the part of the overall management system that includes organizational structure, planning activities responsibilities, practices, procedures, processes, and resources for developing, implementing, achieving, reviewing, and maintaining the environmental policy.

Epidemic – means diseases that affect many people at once; affecting or tending to affect disproportionately large number of individuals within a population, community or region at the same time.

Euthanasia – refers to the process of painless death to dogs and other animals

Exclusive Economic Zone – refers to the water, sea bottom and sub-surface measured from the baseline of the Philippine archipelago up to two hundred nautical miles (200 n.m) offshore (section 3(o) R.A.7942).

Exotic Species – species that are introduced or non-native, foreign.

Fauna – refers to all species of animals

Fees – means a charge fixed by law or an ordinance for the regulation or inspection of a business or activity. It shall also include charges fixed by law or agency for the services of a public officer in the discharge of his/her official duties.

Feline – refers to the cat family or any related species.

Fish Cage/Pen – refers to an enclosure constructed within a body of water for culturing fish, and fishery/aquatic resources made up of poles closely arranged in an enclosure with wooden materials, screen or nylon netting to prevent escape of fish.

Fishpond – a land facility enclosed with earthen or stone materials to impound water for growing fish.

Fishpond Lease Agreement or FLA – a contract entered into by and between the Secretary of Agriculture and a qualified fishpond applicant for the use of public land for fishpond development purpose for a period of twenty-five (25) years.

Flora – refers to all species of plants.

Forest – is a large area of land covered with trees and other plants growing close together. It provides many social, economic, and environmental benefits aside from timber as it provides wildlife habitat and recreational opportunities, prevent soil erosion and flooding, help provides clean air and water and certain biodiversity. It is also an important defense against global warming by decreasing the amount of carbon dioxide in the atmosphere.

Foreshore Area – is a strip of land alternately covered and uncovered by the tidal movements. Its interior limit is that portion of land reached by the water during the highest equinoctial tide. The outer limit is that portion of land reached by the water during the lowest ordinary tide.

Fossil Fuels – are fuels accumulated from remains of plants and animals that have lived many millions of years ago. Coal, oil and natural gas are the like. They are finite and non-renewable energy resources.

Freshwater – means water containing less than 500ppm dissolved common salt, sodium chloride, such as that in groundwater, rivers, ponds, and lakes.

Freshwater Aquaculture – fishery operation involving the raising and culturing of fish in a water body originating from lakes, reservoirs, streams, and rivers having a salinity from 0 to 0.5 per thousand.

Freshwater Bodies – are water bodies in basins, rivers, lakes, lagoons, channels, and aquifers not influenced by sea water.

Freshwater Swamps – are land areas where the freshwater table is at or above the land surface during most of the year to promote the formation of hydric soil and to support growth of hydrophytes such as grasses and sedges which are also influenced by sea water.

Gemstones – are minerals or stones suitable to be used in jewelries after cutting and polishing.

Genetically Modified Organism (GMO) – refers to organism whose genes are manipulated to produce certain desired characteristics and be propagated for experimental purposes.

Geohazard – refers to risk or chance of danger from natural and geological events and processes (e.g. volcanoes, fault lines, landslides, mass movements, unstable areas) that have the potential harm to people and properties and require mitigation and countermeasures.

Global Warming – refers to the increase in the average temperature of Earth's atmosphere, oceans and land masses brought on by rising levels of heat-trapping gases, known as greenhouse gases such as carbon dioxide, methane, nitrous oxide, ozone synthetic chemicals, etc., in the atmosphere.

Groundwater – means subsurface water that occurs below ground and beneath the water table and stored in soils and aquifers.

Guano – refers to the accumulation of the droppings or excrements of bats in caves and does not include phosphatic rocks.

Habitat – is a place where an organism or community of organism naturally lives and grows. This could be protected areas or outside-protected areas and can be classified as terrestrial, aquatic or wetlands.

Hatchery – refers to a land-based structure for culturing, breeding and fish seed production.

Hazard – refers to risk or chance of danger to have potential harm to one's health or life and properties that require mitigation and strategic countermeasures.

Hazardous Substances – are the elements or compounds which when discharged in any quantity present eminent or substantial changes to public health and safety.

Hazardous Wastes – are solid, liquid or gaseous wastes that can cause death, illness, or injury to people or destruction of the environment if improperly treated, stored, transported, or discarded. Substances are considered hazardous waste if they are ignitable (capable of burning), corrosive (able to corrode steel or harm organism because of extreme acidity or basic properties), reactive (able to explode or produce toxic cyanide or sulfide gas) or toxic (containing substances that are poisonous). Mixtures, residues or materials containing hazardous wastes are also considered hazardous wastes.

Heritage – refers to an area's history and historical buildings and sites which are considered to be of interest and value to the present generation.

Impound – refers to seize and hold in the custody of the law.

Indigenous Cultural Community/Indigenous Peoples (ICCs/IPs) – refers to a group of people or homogenous societies identified by self-ascription and ascription by others, who have continuously lived as organized community on communally bounded and defined territory, and who have under claims of ownership since time immemorial, occupied, possessed, and utilized such territories, sharing common bonds of language, customs, traditions and other distinctive cultural traits, or who have, through resistance to political, social and cultural colonization, non-indigenous religions and cultures, became historically differentiated from the majority of the Filipinos (RA 8371 or the Indigenous Peoples' Rights Act of 1997).

Industrial Waste – means any solid, semi-solid or liquid waste material with no commercial value released by a manufacturing or processing plant other than excluded material.

Integrated Coastal Zone Management (ICZM) – advocates a pragmatic approach to defining coastal areas in which the area under consideration might change over time as problems are addressed and which require resolutions over a wider geographic area. It includes primarily coastal land and adjacent coastal waters. In one case, the coastal area might extend from a watershed from across a large coastal plan and incorporate a large area of continental shelf. In another situation, the coastal area might be all, including a narrow strip of land adjacent similarly narrow area of sea.

Integrated Water Quality Management Framework – means the policy guideline integrating all the existing frameworks prepared by all government agencies on water quality involving pollution from all sources. Specifically, the framework shall contain the following: (a) water quality goals and targets; (b) period of compliance; (c) water pollution control strategies and techniques; (d) water quality information and education program; (e) human resources development program (Phil. Clean Water Act of 2004 -R.A.No.9275).

Intrinsic Value Tourism – is tourism promoting the indigenous culture, products, and/or practices of a particular locality.

Lake – is a body of water surrounded by a mass of land.

Land Management – is the primary and alternative use of a specific land resource which shall be determined and evaluated prior to any decision for the assignment of its use. Areas feasible for sustainable land resource use may be considered wherein settlements, tourism, agriculture, agro-forestry, infrastructures, extraction activities and other income-generating or livelihood activities may be allowed.

Land Pollution – the degradation of the earth's land surface through misuse of the soil by poor agricultural practices, mineral exploitation, industrial waste dumping, and indiscriminate disposal of urban waste.

Land Use – refers to the manner of utilizing land, both man-made and natural, including its allocation, development, and management. It shall be a policy to provide a rational, holistic, and just allocation, utilization, management, and development of the land resources to ensure their optimum use, consistent with the principles of sustainable development.

Loading Limit – refers to the allowable pollutant loading limit per unit of time which the discharger is permitted to discharge into any receiving body of water or land resource.

Loading Limit Compliance – refers to the establishment or industry performances and practices in complying the stipulated allowable pollutant loading and other permit conditions for waste water discharge.

Local Health Authority – is an official or employee responsible for the application of a prescribed health measure in a local political subdivision.

Local Inhabitants – refers to bonafide residents of the municipality for at least one (1) year and a qualified voter of the same municipality.

Mangrove – is a term applied to the type of forest occurring in the tidal flat along the seacoast, extending along the stream where the water is brackish. It abates destructive effects of strong winds and waves on coastal communities. It also prevents scouring and serves as slit catchments.

Mangrove Area – is the area found along the seacoast and estuaries, whether sparsely or thickly vegetated, with true and/or associated mangrove species, or open swampy areas and stream where the water is brackish.

Mangroves or Mangrove Forests – the communities of trees and associated shrubs that are restricted to tidal flats in coastal waters, extending inland along rivers where water is tidal, saline or brackish.

Margin – means a landward and outer limiting edge adjacent to the border of any water bodies or a limit beyond where saturation zone ceases to exist.

Mariculture – refers to sea farming of aquatic plants and fishes.

Minerals – refers to all naturally occurring inorganic substances in solid, gas, liquid or any intermediate state, soil which support organic life, sand and gravel, and guano excluding energy materials such as coal, petroleum, natural gas, radioactive materials and geothermal energy.

Mineralized Areas – areas containing deposits of metallic and non-metallic minerals.

Natural Hazards – refers to all atmospheric, hydrologic, geologic and other natural occurring physical phenomena that have potential to harm man, its resources and investments.

Nature Interpretation – is an educational activity which aims to reveal meanings and relationships through the use of original objects, by first-hand experience, and by illustrative media, rather than simply to communicate factual information.

NIPAS – refers to the area established under RA 7586. This is the classification and administration of designated protected areas to maintain essential ecological processes, preserve genetic diversity, ensure sustainable use of resources and maintain their natural conditions to the greatest extent possible.

Non-point Source – means any source of pollution not identifiable as point source to include, but not limited to, run-off from irrigation or rainwater which picks up pollutants from farms and urban areas.

Ordinary Earth – means ordinary soil.

Outbreak – is a small, localized group of people or organisms infected with a disease such groups are often confined to a village or a small area.

Outfall – refers to the outlet of a river, stream or lake.

Owner – refers to any person keeping, harboring or having charge, care or control of a dog including his/her representative.

Permit – means a privilege or authority granted by the state to a person to utilize any limited resource for a prescribed period.

Pesticide Pollution – are organic and inorganic chemicals used by controlling undesirable like forms such as bacteria, pests and foraging insects, however their effectiveness caused considerable pollution. They are relatively inert and non-degradable by chemical or biologic activity and are also bioaccumulative, that is they are concentrated with each ensuing level of biologic food chain.

Pets – refers to tamed animals kept for companionship.

Point source – means any identifiable source of pollution with specific point of discharge into a particular water body.

Potable Water/Safe Drinking Water – refers to water that is free of microorganisms or disease-producing bacteria (pathogens) and do not possess undesirable taste, odor, color, levels of radioactivity, turbidity or chemicals. It should meet the standards of the Philippine National Standards for Drinking Water.

Protected Area – is an area identified portion of land and water set aside by reason of its unique physical and biological significance managed to enhance biological diversity and protected against destructive human exploitation.

Public or Private Water Supply System – is a government or privately-owned system providing potable water for domestic and commercial consumption. The water system could either be of Level I (point source), Level II (communal) or Level III (waterworks) type. The system includes a) any collection, treatment, storage and distribution facilities under the control of the operator of such system and used primarily in connection thereto: and b) any collection, pre-treatment or storage facilities not under the control of the operator of the system which are used primarily in connection with such system.

Public Place – refers to any place open to the public such as parks, malls, markets, streets, etc.

Pound – refers to public enclosure for stray animals.

Quarantine – refers to compulsory/enforced isolation or detention to prevent spread of contagion or infection that maybe harmful to environment. Likewise, it is a voluntary or compulsory isolation, typically to contain the spread of something considered dangerous, often but not always disease. It is also an enforced isolation of organisms which are hazardous to the environment.

Quarry Resources – refers to the common rocks and mineral substances as the Director of Mines and Geo-Sciences Bureau may declare as such but not limited to andesine, basalt, conglomerate, coral sand, diatomaceous earth, diorite, decorative stones, gabbros, granite, limestone, marble, mari red burning clays for potteries and bricks, hyalite, rock phosphate, sand stone, sepetine, shale, and tuff; Provided, that such quarry resources which do not contain metals or metallic constituents and/or valuable minerals such as kaolin, feldspar, bull quartz or silica, sand and pebbles, bentonite, talc, asbestos, barite, gypsum, bauxite, magnesite, dolomite, mica precious and semi-precious stones and other non-metallic minerals that may later be discovered and which the Director declares to be of economically workable quantities, shall not be classified in the category of quarry resources.

Rabies – refers to a highly fatal disease caused by lyssa virus, transmitted mainly through the bite of infected animal, or through contamination with virus-laden saliva on breaks of skin and mucous membrane such as the eyes, the lips, the mouth, or the genital organs.

Rabies Vaccination – refers to inoculation of a rabies vaccine to animals by a licensed government or private veterinarian or trained individual under the direct supervision of a licensed veterinarian.

Recycling – is an effective means of conserving resources, reducing waste disposal, and often, of cutting costs in disposing waste and used materials for some useful purposes.

Re-emerging Infections – are known diseases which reappear after a decline in incidence.

Refilled Water or Water Product – is source water that has undergone additional processing and the product of multi-stage purification technology (filtration, ion-exchange treatment, post-carbon polishing, distillation, ultraviolet sterilization, reverse osmosis, air filtration, ozonation or other DOH – approved technology).

Reforestation – refers to the process of renewing, restoring and re-establishing the forest cover on denuded lands by either direct seeding or planting with the use of tree seedlings or cutting.

Reservoir – an artificial impoundment where water is kept for future use. The use of pond reservoir is to allow the setting of organic matter from the water source before it is used in the ponds.

River – refers to the natural surface stream of water of considerable volume and a permanent seasonal flow where navigational lanes are defined.

Sand – refers to particles of rocks which could pass a 9.5 millimeter (3/8 inch) and retained by a 6.150 millimeter (no. 100) size.

Sensitive Areas – are those areas or permanent structures found and existing in a particular locality having archaeological, cultural origin or significance for preservation, development and promotion for tourism purposes.

Septage – means the sludge produced on individual onsite wastewater-disposal systems, principally septic tanks and cesspools.

Settling Pond – refers to a pond specially designed for the setting of heavily loaded particles and other organic matter in the water before disposal to the surrounding environment.

Settling Pond – refers to a place or pond especially designed as transient sump or impoundment system for the entrapment and settling of sediment, wastewater and other heavily-loaded water that require treatment before disposal into the surrounding environment.

Sewage – means water-borne human or animal wastes, excluding oil or oil wastes, removed from residences, buildings, institutions, industrial and commercial establishments together with such groundwater, surface water and storm water as may be present including such waste from vessels, offshore structures, other receptacles intended to receive or retain wastes, or other places or the combination thereof.

Sewerage – includes, but not limited to, any system or network of pipelines, ditches, channels, or conduits including pumping stations, lift stations and force mains, service connections including other constructions, devices, and appliances appurtenant thereto, which involves the collection, transport, pumping and treatment of sewage to a point of disposal.

Slaughter – refers to humane killing of animal for food.

Small Scale Mining – refers to mining activities, which rely heavily on manual labor using simple implement and methods.

Solid Waste – refers to waste from human and animal activities that are normally solid and which are discarded as useless or unwanted.

Stalactites – refers to calcereous matter used in a conical or cylindrical shape, pendant from the roof of the cavern and produced by pecculation through fissures and pores of rocks of water containing carbonates of lime.

Stalagmites – refers to a deposit of calcereous matter on the floor of a cavern after rising into columns, which meet and unite with the stalactites.

Stray Animal – refers to animal leaving its owner's place or premises and no longer under the effective control of its owner.

Source Water – is water from approved source that is conveyed or distributed to the refilling station through the public or private water mains or water tankers, containers or reservoir.

Sulfur Dioxide – refers to the colorless, pungent toxic gas and air pollutants formed by burning sulfur or fuel containing sulfur.

Sustainable Development – is a process of development in which the use of resources, direction of investments, orientation of technological development, and institutional change are all directed harmoniously altogether to meet the present and future human needs and aspirations. (Philippine National Biodiversity Study, 1997). It also means meeting the needs of the present generation without compromising the ability of future generations to meet their own needs. (Brundtland Report, 1987 WECD).

Tenurial Instrument – is an agreement or contract between DENR and an individual, people's organization or corporate entity which guarantee peaceful possession and use of specific forest land area and the resources found therein within a given time period. Such an agreement or contract cannot be altered or abrogated without due process.

Thermal Pollution – the discharge of waste heat via energy discipitation into cooling water and subsequently into nearby waterways. The major sources are fossil fuel and nuclear electric power generating facilities and to lesser degree, cooling operations associated with industrial, chemical and petro-chemical producers. e.g. fish kills.

Tree Park – refers to the land outside the protected area, developed and maintained to enhance the beauty and improve the ecosystem and to provide the populace a healthy and wholesome environment and serve as a show window for nature conservation. The establishment of tree parks by LGUs is mandated by LOI 1312.

Tree Plantations – refers to man-made forests.

Unauthorized Site – refers to those areas that have been identified and designated for some specific purpose/s, thus, are classified as unauthorized or prohibited for visitation, or restricted from public use for tourism purposes.

Veterinarian – is a natural person who is authorized to practice veterinary medicine and has been registered and issued a valid Certificate of Registration and Professional Identification Card by the Professional Regulatory Board of Veterinary Medicine.

Wastelands – refers to lands not suitable for any crop or to any definite economic purposes.

Wastewater – means waste in liquid state containing pollutants

Water Pollution – refers to the contamination of streams, lakes, underground waters, bays, seas or oceans by substances harmful to living organism.

Water Pollution – is the introduction into fresh or ocean waters of chemical, physical, or biological material that degrades the quality of the water and affects the organisms living in it.

Water Pollution - means any alteration of the physical, chemical or biological or radiological properties of a water body resulting in the impairment of its purity or quality.

Water Quality – means the characteristics of water which define its use in terms of physical, chemical, bacteriological or radiological characteristics by which the acceptability of water is evaluated.

Water Quality Management Area Action Plan – includes, but not be limited to, the following: (a) goals and targets including sewerage or septage program; (b) schedule of compliance to meet the applicable requirements of the R.A.9275; (c) water pollution control strategies or techniques; (d) water quality information and education program; (e) resource requirement and possible sources; (f) enforcement procedures of the plan; and (g) rewards and incentives under Chapter 4 of R.A.9275.

Water Supplier – is any entity, government or private company, responsible for source development, water extraction, treatment and distribution.

Wetlands – are regularly wet or flooded and has water table that stands at or above the land surface for at least part of the year.

Wilderness Preserves – refers to forest lands designated for the protection of game animals, birds and fishes and closed to hunting and fishing in order that the excess may flow and restock surrounding areas.

Wildlife – are wild animals, birds and other living things that includes vegetation living in a natural, undomesticated state.

Zonation Plan – a plan defining the boundaries of specific areas for fisheries utilization and development purposes.

SECTION 7. ACRONYMS

AENRC	–	Aklan Environment and Natural Resources Council
AFMA	–	Agriculture and Fisheries Modernization Act
AKENRO	–	Aklan Environment and Natural Resources Office
ARDC	–	Aklan Rivers Development Council
BAI	–	Bureau of Animal Industry
BFAR	–	Bureau of Fisheries and Aquatic Resources
BSWA	–	Barangay Sewerage and Water Association
BSWM	–	Bureau of Soils and Water Management
CARP	–	Comprehensive Agrarian Reform Program
CBFM	–	Community Based Forest Management
CENRO	–	Community Environment and Natural Resources Office
CDA	–	Cooperative Development Authority
CDP	–	Comprehensive Development Plan
CITES	–	Conservation on International Trade of Endangered Species
CLUP	–	Comprehensive Land Use Plan
CSC	–	Certificate of Stewardship Contract
DA	–	Department of Agriculture

DAR	–	Department of Agrarian Reform
DENR	–	Department of Environment and Natural Resources
DENR-EMB	–	Environment Management Board
DENR-MGB	–	Mines and Geo-Sciences Bureau
DOH	–	Department of Health
DOH-BFAD	–	Department of Health - Bureau of Food and Drugs
DOT	–	Department of Tourism
DPWH	–	Department of Public Works and Highways
DSWD	–	Department of Social Welfare and Development
DTI	–	Department of Trade and Industry
DILG	–	Department of the Interior and Local Government
ECC	–	Environmental Compliance Certificate
EGF	–	Environment Guarantee Fund
EIA	–	Environmental Impact Assessment
EIS	–	Environmental Impact System
FARMC	–	Fisheries and Aquatic Resources Management Council
HACCP	–	Hazard Analysis and Critical Control Points
HLURB	–	Housing and Land Use Regulatory Board
ICC	–	Indigenous Cultural Community
IP	–	Indigenous People
ISFP	–	Integrated Social Forestry Project
ICZM	–	Integrated Coastal Zone Management
LDC	–	Local Development Council
LGU	–	Local Government Unit
LTO	–	Land Transportation Office
LWUA	–	Local Water Utilities Administration
MOA	–	Memorandum of Agreement

MWRDC	–	Municipal Water Resource Development Council
NAFC	–	National Agricultural and Fishery Council
NAMRIA	–	National Mapping and Resources Information Authority
NBCDO	–	National Building Code Development Office
NCIP	–	National Commission on Indigenous Peoples
NEDA	–	National Economic Development Authority
NES	–	National Ecotourism Strategy
NIA	–	National Irrigation Administration
NGA	–	National Government Agency
NIPAS	–	National Integrated and Protected Areas System
NMIS	–	National Meat Inspection Services
NPAAD	–	Network of Protected Areas for Agriculture and Agro-Industrial Development
NGO	–	Non-Government Organization
NWRB	–	National Water Resources Board
PA	–	Protected Area
PAMB	–	Protected Areas Management Board
PASU	–	Park Superintendent
PAWCZMS	–	Protected Area and Wildlife and Coastal Zone Management Sector
PCA	–	Philippine Coconut Authority
PDCC	–	Provincial Disaster Coordinating Council
PENRO	–	Provincial Environment and Natural Resources Office
PGO	–	Provincial Governor's Office
PHIVOLCS	–	Philippine Institute of Volcanology and Seismology
PLUC	–	Provincial Land Use Committee
PMRB	–	Provincial Mining Regulatory Board
PO	–	People's Organization
PPDO	–	Provincial Planning and Development Office
SAFDZ	–	Strategic Agricultural and Fisheries Development Zone

ARTICLE II

INSTITUTIONAL DEVELOPMENT AND MECHANISM

SECTION 1. STRENGTHENING OF AKLAN ENVIRONMENT AND NATURAL RESOURCES OFFICE (AKENRO)

1.1 THE STRUCTURE

For purposes of implementing the provisions of this Code, and pursuant to Section 463 par. B. and Section 484 of RA 7160, otherwise known as the Local Government Code of 1991, the coastal, mineral, forestry, water resources, solid and liquid waste management and eco-tourism functions of the various provincial offices and departments including its appropriations, records, equipments, property and such personnel are hereby merged into a single office to be known as the Aklan Environment and Natural Resources Office, referred to in this Code as AKENRO.

To carry out the necessary functions of the AKENRO, an organizational structure is hereby created as follows:

1. Department Head

The AKENRO shall be headed by a Department Head which shall be appointed by the Provincial Governor. No person shall be appointed Environment and Natural Resources Officer (ENRO) unless he is a citizen of the Philippines, a resident of Aklan Province, of good moral character, a holder of college degree preferably in environment, forestry, agriculture or any related courses from a recognized university or college, a career professional Civil Service eligible or its equivalent, at least have 5 years experience in the environment and natural resources management, conservation, and utilization.

2. Functional Sections

For effective implementation of the programs and projects of the AKENRO, the following sections and units are hereby created:

2.1. Management Services Section

- 2.1.1 Planning and Programming Unit
- 2.1.2 Information, Communication and Management Unit
- 2.1.3 Administrative Unit
- 2.1.4. Research and Development Unit

2.2. Technical Services Section

- 2.2.1 Ecosystem Management Unit
 - a. Forest Resources and Development
 - b. Land and Mineral Resources Conservation & Development
 - c. Habitat and Biodiversity Conservation
 - d. Water Resources Conservation and Utilization

2.2.2 Environmental Management Unit

- a. Environmental Quality and Development on
- ✓ Air Quality
 - ✓ Water Quality
 - ✓ Solid Waste
 - ✓ Noise Level
 - ✓ Odor Pollution

2.2.3 Coastal and Marine Conservation Unit

- a. Coastal Zone Management
- ✓ Water Based Resources
 - ✓ Land Based Resources

2.2.4 Eco-tourism and Management Unit

- a. Eco-Tourism Development
b. Cultural Heritage Resources Preservation

2.2.5 Law Enforcement Unit

- a. Forest Protection
b. Wildlife and Protected Areas Regulation
c. Land Use Regulation
d. Water Quality Regulation
e. Waste Disposal Regulation
f. Mining and Ore Transport Regulation

2.2.6. Disaster Risk Reduction and Rescue Operations

The Governor may, upon the recommendation of the AKENRO, recognize or create sections, or units as may be deemed necessary and to appoint the personnel thereto. The AKENRO staffing pattern shall henceforth, be established enumerating plantilla positions therein with the corresponding salary grades for approval by the Sangguniang Panlalawigan.

1.2 Jurisdiction

The AKENRO shall have jurisdiction and authority over environment and natural resources of Aklan, subject to the provisions of RA 7160 and all other applicable national laws, rules and regulations.

Pursuant to Section 17 of the Local Government Code of 1991 and for efficient and effective implementation of environment and natural resources programs and projects, the provincial government shall share responsibility with the municipal and barangay governments for the protection, development, management, rehabilitation and conservation of the ecosystem, in coordination with concerned national government agencies and other sectors.

1.3 Strengthening of the Aklan Environment and Natural Resources Council

The Aklan Environment and Natural Resources Council (AENRC) shall be strengthened to formulate policy guidelines and recommend policy reforms to the Sangguniang Panlalawigan for protection, development, conservation, and utilization of natural resources of the province.

1.4 Composition Of The Aklan Environment And Natural Resources Council

The AENRC shall be composed of the following:

1. Chairman - Provincial Governor
2. Vice Chairman - Vice Governor
3. Co-Vice Chairman - Provincial Environment and Natural Resources Officer, DENR
4. Members:
 - a. Chairman of the Committee on Environmental Protection of the Sangguniang Panlalawigan
 - b. Provincial Irrigation Officer, NIA
 - c. Provincial Director, PNP
 - d. Provincial Prosecutor
 - e. AKENR Officer
 - f. President - LMP Aklan Chapter
 - g. President - PCL Aklan Chapter
 - h. President - Liga ng mga Barangay Aklan Chapter
 - i. Provincial Legal Officer
 - j. Concerned NGOs to be identified by the Chairman

The Secretariat of the AENRC shall be composed of the Provincial Planning and Development Office (PPDO), Provincial Environment and Natural Resources Office-DENR (PENRO) and the Mines and Geo-Sciences Division (EEDD).

1.5 Meetings

The regular meetings of the Council shall be twice a year, one in June and one in December. Special meeting will be called in case of needs and on emergency cases. The Council may adopt the mechanism such as the formation of the Executive Committee or Technical Working Group, as it deems necessary, including the formation of the Secretariat.

SECTION 2. FUND APPROPRIATIONS AND REVENUE GENERATION

2.1 The Provincial Government, thru the AKENRO, shall establish networks for fund sourcing in the implementation of environmental programs and projects.

2.2 **Initial Appropriations.** The amount of ONE MILLION PESOS (P1,000,000.00) shall be initially appropriated upon approval of this Code for its initial implementation and enforcement and to specifically include the activation of the Aklan Environment and Natural Resources Council.

2.3 To ensure sustainability, the province and its municipalities shall have the power to generate income and revenues from taxes, fees and charges derived from the use of its natural resources as allowed by existing national laws and issuances.

SECTION 3. ORGANIZATIONAL DEVELOPMENT

For an effective and efficient implementation of the environment programs, the AKENRO shall assist the municipal and barangay governments through the provision of technical assistance for environmental management, participatory plan formulation and program implementation, mobilization of in-house and external pool of human resources.

SECTION 4 . CAPABILITY BUILDING

Capability building activities such as skills trainings and seminars for program implementers shall be conducted to ensure proper implementation of environmental projects.

SECTION 5. PROGRAM DEVELOPMENT

The Provincial Government shall formulate, develop and integrate short, medium and long term environmental management and development plans for the promotion of LGU-driven community based and livelihood oriented initiatives and management of watersheds, eco-tourism, coastal resources, mineral resources, renewable energy sources and solid wastes.

SECTION 6. SHOWCASING

The Provincial Government, thru the AKENRO, shall promote the best practices in environmental programs of certain LGUs to serve as showcase for replication.

SECTION 7. PROGRAM REVIEW

A program review shall be held every end of the year by the provincial government with the participation of all program implementers and stakeholders to assess the status and impacts of environmental programs implementation.

SECTION 8. CLUSTERING

Pursuant to Section 3 of RA 7160, the Provincial Government shall encourage its municipalities to group themselves into clusters to address common concerns, such as law enforcement on municipal waters, protection of rivers system, watershed management and pollution control and trafficking of flora and fauna. Likewise, it shall encourage municipalities to establish a quick response desk that will be manned by a team composed of national and local government personnel whose task will be to facilitate calls for fact-finding inquiries.

SECTION 9. ROLES OF LOCAL GOVERNMENT UNITS

The LGUs shall exercise and enforce the provisions of RA 7160 and other pertinent laws, rules and regulations as mandated for law enforcement and environmental program implementation where their respective roles and jurisdiction are expressly provided for.

ARTICLE III

FOREST RESOURCES

SECTION 1. FOREST RESOURCES DEVELOPMENT AND MANAGEMENT

1.1 FOREST LAND USE PLAN

The Forest Land Use Plan must be embodied with thrusts and governing principles.

1.1.1 Thrusts: The Forest Land Use Plan must project specific thrusts that promote the successful integration of local leadership and communities into the overall management of Aklan's forest resources. These thrusts are:

- (a) **Holistic Approach** –The integration of all forestry, agricultural, livestock, fishery, and other natural resource-based activities into a single system is needed to avoid the vicious cycle of deficient forest policies and inefficient forest administration and forest management.
- (b) **Sustainability** – The productivity required for the present must be secured without jeopardizing tomorrow's resources. Appropriate resource-saving techniques must be selected and disseminated as part of the approach.
- (c) **Land Security** – Land security implies a guarantee for those who invest/sacrifice today, that they will get the benefits of that investment tomorrow. This calls for a clear understanding of the communities' social structures and various forms of authority and power to ensure that all interests are considered and that those who make commitments or speak on behalf of the community are its legitimate representatives.
- (d) **Multiple and Complementary Functions of Forest Resources** – Forest resources have multiple uses and functions. The use of scarce land resources for various environmental protection and forest production purposes should be balanced and optimized.
- (e) **Common and Shared Responsibility** – The sustainable use of forest lands is a common concern of all segments of the population who are called upon to give their equal share in maintaining its quality while providing for their biological, social, religious and economic needs. The LGUs and DENR in collaboration with local communities and other stakeholders are mandated to share the responsibility of managing and conserving the forest lands.
- (f) **Empowered Communities** – The emerging policy of developing local communities as co-managers of forest resources requires that they must be truly empowered by improving their capacity to manage and use the resources wisely and sustainably so that succeeding generations can also benefit from the fully organizing communities into a cohesive force which will rationalize their collective decision-making in the use and allocation of forest resources.

1.1.2 Governing Principles:

The basic guiding principles crucial to making forest land use sustainable include the following:

- (a) **Forest Carrying Capacity** – The use of forest resources should be within their biological capacity and ecological limits. The rate of extraction of forest resources should not exceed the rate of resource generation. A minimum amount of forest cover should be retained all the time for ecological purposes, i.e. to maintain ecological balance. Use and development of forest land should not exceed its carrying capacity or its ability to absorb development or land use changes.

- (b) **Participatory Cross-sectional Approach** – Forest Land Use Plan formulation should be based on a participatory approach where the vision and joint decision of local communities and LGUs are guided by the DENR's technical framework for forest land resource allocation. The process of planning and allocation of forest land resources should be a continuing negotiation process between and among the various stakeholders – the DENR, the LGUs, the private sector, and the local communities. Such process further involves the resolution of conflicts – social, economic, political, and cultural – resulting in the use and for assignment of use of forest lands. This process should have the end goal of attaining the “best forest use” option where economic considerations are in balance, both in time and space, with long-term environmental concerns.
- (c) **Socio-cultural Relevance and Requirements** – The Forest Land Use Plan should be sensitive to the needs, aspirations, and culture of the upland and indigenous communities and should have defined impacts on the overall growth requirements of the entire communities within the watersheds. The plan should map and acknowledge even indicatively, the ancestral lands. Special uses, if any, for ancestral lands have to originate from indigenous occupants themselves.
- (d) **Integrated Approach** – The Forest Land Use Plan requires an integrated approach as it recognizes the forest as a complex ecosystem where man must co-habitate with all forms of plants and animal life. Furthermore, their formal/informal institutions and social systems must relate with nature.
- (e) **Primacy of Soil and Water Conservation** – Soil and water conservation must be accorded the highest consideration in allocating lands for various uses.
- (f) **Community-based Forest Management** – The community-based forest management or the direct involvement of communities in the management and utilization of forest resources is the national strategy for promoting the socio-economic upliftment of local communities and for ensuring the sustainability of forest resources. The community is given the responsibility to manage and protect forest resources while at the same time they are able to obtain benefits from goods and services that are derived therein.
- (g) **Biodiversity Conservation** – The Forest Land Use Plan should give prime consideration in conserving and protecting biodiversity. Zoning of forest lands should put a premium to areas rich in ecosystem, species and genetic diversity. Biodiversity is crucial in maintaining the stability of the forest ecosystem.
- (h) **Highest and Best Use of Forest Lands** – The Forest Land Use Plan should be guided by the principle of “highest and best use” of forest lands. This means that those uses which will maintain the productivity and ecological functions of forest resources should be given highest priority. Classification/sub-classification and zoning of forest land uses should be based on sound land evaluation, socio-economic considerations and ecological viability.

Each municipality is mandated by this Code to initiate the preparation of the Forest Land Use Plan with the technical assistance of DENR, AKENRO, and PPDO. The AKENRO and PPDO shall jointly prepare the Provincial Forest Land Use Plan using the Municipal Land Use Plans as inputs, in close coordination with the Provincial Land Use Committee and the DENR.

1.2 FORESTRY PERMITS, TENURIAL INSTRUMENTS, AND DEVOLVED FUNCTIONS

Pursuant to Joint Memorandum Circular No. 98-01 issued by the Secretary of the DENR and DILG entitled Manual of Procedures for DENR, DILG, LGU Partnership on Devolved and Other Forest Management Function, after the applicant has submitted his/her application for tenurial instrument, the DENR will notify the LGU of said pending application to solicit for its comments. The comments made by the LGU shall be advisory to the DENR for the latter's final action in the application.

The AKENRO may recommend the immediate suspension of forest agreements issued by the DENR pursuant to Section 20 of the Forestry Code (PD 705).

Furthermore, the AKENRO shall review all local government certifications and clearances in relation to the following:

- (a) The forest permit applicant is actually tilling portions of the area to be awarded;
- (b) The forest permit applicant is using the resource for all or substantial portion of their livelihood;
- (c) The forest applicant is residing in or adjacent to the areas to be awarded;
- (d) The presence or absence of settlers/squatters.

Pursuant to this authority, the AKENRO may recommend the revocation and withdrawal of any clearance or certification issued to permit applicants by any local government unit.

The AKENRO or its representative shall attend mandatory consultations organized by forest permit applicants and assist upland communities, indigenous peoples and women's groups to safeguard their rights. In the process, AKENRO shall certify that mandatory consultation and discussion have been complied with by the forest permit applicant.

1.3 REFORESTATION

The management and maintenance of devolved forest resources must be a shared responsibility of national, provincial and municipal governments, NGOs, POs and academe.

The Provincial Government, in coordination with DENR and municipality concerned, shall maintain and improve the present forest cover of the province/municipality by continuing tree planting or reforestation activity to replenish degraded forest vegetation brought by human intervention like slash and burn agriculture (kaingin), timber poaching, illegal cutting, incendiaries and other *force majeure* calamities as support to the greening program of the national government.

The Provincial Government shall provide incentives to educational institutions whose graduating high school and college students are able to plant at least 10 trees as a condition for graduation.

1.4 INTEGRATED SOCIAL FORESTRY PROJECT (ISFP)

The Province, thru AKENRO, shall closely monitor and assess the status of all devolved ISF Projects to determine whether the terms and conditions under the Stewardship Contract Agreement are strictly followed.

The Province shall appropriate funds and manpower complement for all devolved ISF sites, Community-Based Forest Management Projects and Declared Watershed Areas to be incorporated in the annual budget of the AKENRO for sustainable land use, productivity, ecological stability enhancement and the improvement of the socio-economic conditions of the communities and beneficiaries depending on forestland resources.

1.5 COMMUNITY-BASED FOREST MANAGEMENT (CBFM)

The Communities or Peoples Organizations (POs), in coordination with DENR and the Local Government Unit concerned, shall sustainably manage and protect the forestland resources predominantly the old growth, residual and plantation forest. Should the POs manifest their intention to expand their tree plantation within their CBFM areas, the open access area within the CBFM block shall be utilized.

The implementation of new CBFM projects shall be undertaken jointly by DENR and concerned communities/beneficiaries, in coordination with the AKENRO.

1.6 MANGROVE AREAS

An inventory and validation of all naturally grown and established plantation of mangrove areas throughout the province shall be made in coordination with DENR, BFAR and LGUs to ascertain its present status and to have an update of the provincial mangrove areas for future conservation and development pursuant to DA-DENR Joint Memorandum Circular Order No.3, Series of 1991 and DENR Administrative Order (DAO) 15 Series of 1990.

The Province shall conduct a comprehensive inventory and ecological profile of coastal wetlands with the end goal of establishing the "mangrove growth corridors". These corridors shall showcase an Integrated Mangrove Management and Ecogovernance, where ecotourism, recreation, reforestation and regulated cutting of mangroves interplay.

1.7 ERODED AREAS

Regardless of its category, whether public forest or alienable and disposable land, the eroded portion shall be subject for rehabilitation through tree planting of indigenous species for soil and water conservation purposes.

The Province, in close coordination with the DENR-MGB, shall conduct comprehensive "Geomorphological and Land Evaluation of Ecologically Sensitive Areas" with the end goal of delineating, classifying and rating various "Terrain Units of Eroded Areas" for rehabilitation and remediation. The evaluation shall be conducted in terms of terrain attributes and land qualities which include but not limited to: geomorphic processes, lithology, soil, hydrologic situation, land use and vegetation.

1.8 RIVERBANK PROTECTION

Riverbanks, easements, road right of ways, deltas, swamps, former riverbeds, beaches and waterways shall be reforested and/or afforested in order to maintain its purpose as bank protection and to protect erosion brought by floods, typhoons, tsunamis, and the like, in consonance with Sec. 33 of P.D 705 as amended and in support to some provisions of Presidential Decree No. 1067, otherwise known as Water Code of the Philippines of 1977.

The riverbank protection measures must give priority to the application and use of bio-engineering and indigenous technology.

1.9 ROADSIDE TREES AND ORNAMENTAL PLANT SPECIES

In order to have a buffer for noise pollution, sequester other air pollutants and emissions, and to contribute aesthetic value, coolness to the locality, roadside tree and ornamental planting and urban forestry in public plazas, subdivisions, schools premises/campuses and other public grounds or places shall be promoted. (PD. 953)

1.10 WATERSHED PLAN AND SUSTAINABLE MANAGEMENT

The watershed shall be used as the main biophysical resources to integrate the concerns of productivity, equity and ecological balance in the use of forest lands. As the key planning unit, it possesses well defined boundaries and interactive relationships for biophysical analysis purpose.

Watershed areas can be disaggregated into small or micro-watershed units. Management, protection, rehabilitation and maintenance of small *or micro-watershed* which are sources of water supply within the LGUs jurisdiction shall be its primary responsibility particularly those identified for local water supply either for domestic and irrigation use as mandated under R.A. 9160. Planting of suitable species shall be made to maintain and increase good quality water yield.

The Province, in coordination with DENR, shall ensure the identification of a potentially non-declared community watershed area by every municipality for protection and rehabilitation. The same shall be declared as Community Watershed Area by the DENR as endorsed by the community and supported by a resolution of the Sangguniang Bayan for approval and confirmation of the Sangguniang Panlalawigan. The recipient municipality, in coordination with DENR, shall prepare Community Watershed Management Plan (*CWMP*) in order to carry out its smooth implementation and operation.

The CWMP should be guided by the following general sustainability criteria:

- (a) **Ecological Sustainability** – Utilization and development of a watershed's natural resources should be undertaken in a manner that is compatible with the maintenance and/or enhancement of essential ecological processes, biological diversity and natural resources base (e.g. all technologies and production used should have a beneficial rather than adverse environmental impact).
- (b) **Social and Cultural Sustainability** – Utilization and development of the watershed's natural resources should be undertaken in a manner that will increase people's control over their lives, is compatible with the culture and values of the people affected by it, maintains and strengthens community, identifies and ensures that the costs and benefits are shared equitably between and within communities and individual households.

- (c) **Economic Sustainability** – Utilization and development of the watershed's natural resources should be undertaken in a manner that is economically efficient (i.e. the benefits are commensurate with the costs) and which ensures that resources are used and managed in a way that will retain their potential to support future generations. It also means optimizing both the tangible and intangible economic benefits for the greatest possible number of people while ensuring, as far as the needs of sustainability of the watershed's natural resources permits, that no one suffers economic hardships.
- (d) **Institutional Sustainability** – Those community-based organizations, NGOs, LGUs and national institutions responsible for the conduct and/or supporting the planning, implementation and monitoring of watershed resource management activities should have the capability (financial and skilled human resources) to sustain the delivery of the services required from them.
- (e) **Political Sustainability** – The utilization and development of watersheds should be made in a manner that is consistent with sound basic and strategic policies for economic development and environmental protection and that will promote political balance between and among the various watershed resource users and beneficiaries.

1.11 The AKENRO shall regulate the commercial planting, harvesting, transportation and trading of Non-Timber Products like Bamboo, Nipa, Anahaw, Charcoal, Firewood etc.

1.12 LIVELIHOOD DEVELOPMENT

The community or Peoples Organizations (POs) of CBFM or ISF Project shall have an Agro-forestry program to be implemented in their respective areas to augment their meager income while waiting for the major products, likewise, to divert destructive pressures over forest resources.

SECTION 2. CONSERVATION AND PROTECTION

2.1 Forest Utilization and Regulation

The utilization, exploitation, occupation, possession and disposition of forest products in any forest land, or any activity therein, involving one or more of its resources which will produce optimum benefits to the development and progress of the general public, without impairment, or with the least destruction to its resources, shall be allowed pursuant to Section 20 of PD 705 as amended and its Implementing Rules and Regulations which shall be the basis for its implementation.

2.1.1 Cutting, Gathering and/or Utilization of Timber and Other Forest Resources

A cutting permit for harvesting of planted trees within private lands is no longer necessary but must be covered with transport documents to be issued by the DENR when these shall be transported from the cutting area to another barangay or to its destination. For premium species, as listed in DENR A.O. No. 78, Series of 1987 as amended, a special cutting permit shall be secured from the DENR Secretary before harvesting/cutting. The DENR shall not issue any Certificate of Verification Clearance/Self Monitoring Form (planted trees) and Cutting Permit (for hardwood premium species) to the applicant unless a Certification from the Punong Barangay concerned certifying that the trees to be transported/cut are planted and came from a private lot and a certification from the concerned barangay government affirming the same. The applicant and/or permit holder shall replace every tree cut/harvested by planting of five (5) healthy seedlings at the cutting area applied. Municipalities may enact local ordinances for revenue generation purposes to this effect.

In case the permit holder has no available planting materials, the DENR or the Provincial or Municipal Government shall provide the needed seedlings.

All applications for private land timber permit/special private land (PLTP/SPLTP) shall be endorsed by the LGU concerned after consultation with the AKENRO.

2.1.2 Prohibition of Cutting Banned Species

Cutting of banned tree species under DENR A.O. No. 78, Series of 1987 as amended, shall be prohibited under this Code except as provided for in Section 3 of PD 953.

2.1.3 Forest Protection

- a.) The Province shall prepare a Forest Protection Framework Plan to be adopted by the Municipal Governments, in collaboration with the DENR. This is to complement the present Provincial Government Task Forces and DENR Law Enforcement Manpower in monitoring, detection, apprehension and prosecution of violator(s) of this Code, relevant national laws and DENR existing rules and regulations.
- b.) All illegal forest products and accessories used in the commission of the crime shall be seized and shall be turned over to the nearest DENR Office for its administrative proceedings.
- c.) All power saws/chainsaws and similar tree cutting equipment shall be registered with the DENR, renewable every two (2) years, pursuant to RA 9175, known as "Chainsaw Act". The owner will secure Permit to Operate, like business and mayor's permit with the concerned Municipality and upon registration with the DENR.
- d.) To protect the forest from fire incidents due to slash and burn farming (kaingin), burning of grasses, and other similar acts, the Province in coordination with the DENR, shall create the Fire Suppression Brigade and provide firefighting equipment to the barangays within or adjacent to the timberland areas.
- e.) The practice of slash and burn farming within the Province shall be prohibited.
- f.) The Provincial Government shall provide incentives to LGUs which aid the DENR in the apprehension of timber poachers and recovery of illegally cut/gathered forest products within their jurisdiction.

Concerned local government units shall enact ordinances which provides for stiffer penalties on slash and burn farming.

2.1.4 Timber Inventory within Alienable and Disposable Lands

To determine the number of existing Private Tree Plantations within the province, a continuing inventory of Tree Plantations within private, alienable and disposable and tax declared lands shall be jointly undertaken by the DENR, AKENRO and LGU concerned. The same shall be registered in the CENRO Office for easy monitoring and processing of Tree Cutting Permits. After the field verification and inventory of the same, the CENRO Office shall issue a Certificate of Registration to the Tree Plantation Owner.

2.2 Recreation Forest Management

2.2.1 Identification and Designation of Areas Potential for Recreational Purposes

LGUs shall identify, evaluate and assess potential area for recreation purposes in collaboration with the DENR, DOT and other concerned agencies in accordance to its feasibility, topography, physical and aesthetic and other similar characteristics to enhance tourism industry and other potential investments based on DENR laws, rules, and regulations.

2.2.2 Development through Co-management

Once an area has been recognized to have a potential for recreation, the co-management approach under the DENR-DILG-JMC 2003-1 may be applied. A Memorandum of Agreement or its similar instruments shall then be provided and the roles and responsibilities by each party shall be properly defined; provided, that the area conforms with the approved Provincial and Municipal CLUP.

2.3 Forest Protection of Tenured and Untenured Areas

The responsibility of protecting tenured area shall be undertaken by the caretaker with agreed tenurial obligation while the responsibility of protecting the untenured areas shall be jointly borne by the DENR, provincial and municipal governments.

2.3.1 Protection of Watershed Areas

Declared watershed areas through Presidential Proclamation Order or Executive Order (with tenurial instrument) shall be under the responsibility of the DENR Protected Area and Management Board (PAMB).

There shall be a Park Superintendent (PASU) under the DENR supervision who shall implement Watershed Development Plan of the Proclaimed and Declared Watershed Areas as an initial component of the National Integrated and Protected Areas System (NIPAS).

2.3.2 Formulation of Municipal Forest Protection Plan

The Municipal Government, in order to strengthen its protection of their natural resources, shall formulate its own Municipal Forest Protection Plan, in coordination with DENR, including the implementation of program/project activities.

2.3.3 Re-identification of Communal Forest for Rehabilitation

The Municipal Government who intends to restore the communal forest shall coordinate with the DENR to retrieve the records and the map of the communal forest to be validated and assessed on the actual ground, whether the same can still serve its purpose, otherwise re-identification of another site shall be conducted.

ARTICLE IV

MINERAL RESOURCES

SECTION 1. PERMIT TO EXTRACT, REMOVE AND DISPOSE MINERAL RESOURCES

No person, corporation, partnership or government entity/instrumentality shall be allowed to extract, remove or dispose of minerals from public waters, public and private lands, unless authorized under a permit issued in accordance with Provincial Ordinances and the Mining Act.

The Provincial Government shall conduct an inventory and assessment of all mineral resources and all forms of existing tenements within the province with the end goal of establishing a "Mining Corridors". Exploration, extraction, removal and disposal of mineral resources through the PMRB shall be contained/confined/restricted only within the areas of these mining corridors and based on the recommendation of the Mines and Geo-Sciences Bureau.

1.1 KINDS OF PERMIT

1.1.1 Small-Scale Mining Permit

The application for Small-Scale Mining Permit shall be filed with the Office of the Provincial Governor through the Provincial Mining Regulatory Board (PMRB) for areas outside the mineral reservation, or with the Director through the Bureau of Mines and Geo-Sciences for areas with Mineral Reservations. The term of the permit shall be for a period of two (2) years from the issuance thereof, renewable only once for a like period upon compliance with the terms and conditions of the permit and upon filing of the application before the expiry period thereof.

All small scale mining permittees shall secure clearing permit from the Provincial Mining Regulatory Board (PMRB) before any clearing is undertaken at its applied area.

An Ore Transport Permit (OTP) shall only be issued for small scale mining permittees if the following are complied with:

- a.) All small scale mining permittees shall disclose identities of financiers, contractors, mineral agents and buyers before issuance of an Ore Transport Permit (OTP);
- b.) All small scale mining permittees shall submit a copy of their Ore Purchase or Supply Agreement and the Assay Report.
- c.) All small scale mining permittees shall register with AKENRO their mining tools and equipment.
- d.) All small scale mining permittees shall submit a sworn affidavit by landowners that the agreed royalty have already been settled.
- e.) All small scale mining permittees shall certify that they had engaged trucking services with enclosed trucks which can prevent pollution and spillage during transportation of mineral ores from the contract area to its shipping area.
- f.) All small scale mining permittees shall undertake that they shall repair public thoroughfares and infrastructures that may be damaged by the hauling and transportation of their mineral products.

1.1.2 Quarry Permit

Any qualified person may apply for a Quarry Permit with the Provincial Governor through the PMRB for the extraction, removal and disposition of quarry resources covering an area of not more than five (5) hectares for a term of not exceeding five (5) years from the date of issuance thereof, renewable for like period, but not to exceed a total term of twenty five (25) years, subject to the succeeding provisions hereof.

1.1.3 Sand and Gravel and Ordinary Earth Permit

The Provincial Government shall identify, delineate and designate areas for commercial and industrial extraction, removal and disposition of sand and gravel and ordinary earth materials in close coordination with the Mines and Geo-Sciences Bureau.

1.1.3.a Commercial Sand and Gravel and Ordinary Earth Permit

Any qualified person may apply for a Commercial Sand and Gravel Permit with the Provincial Governor through the PMRB for the extraction, removal and disposition of sand and gravel and other loose or unconsolidated materials which are used in their natural state without undergoing processing, covering an area of not more than five (5) hectares for a term of one (1) year from the date of issuance thereof, renewable for like period and in such quantities as may be specified in the Permit, provided that the application shall only cover one (1) municipality at any one time for each applicant under such terms and conditions as provided herein.

1.1.3.b Industrial Sand and Gravel Permit

Any qualified person may apply for an Industrial Sand and Gravel Permit with the Provincial Governor through the PMRB for the extraction, removal and disposition of sand and gravel and other loose or unconsolidated materials that requires the use of mechanical processing covering an area of not more than of five (5) hectares at any one time for a term of five (5) years from date of issuance thereof, renewable for like period but not to exceed a term of twenty five (25) years.

1.1.3.c Government Gratuitous Permit

Any government entity/instrumentality in need to quarry sand and gravel or loose/unconsolidated materials in the construction of building(s) and/or infrastructure for public use or other purposes may apply for a Government Gratuitous Permit with the Provincial Governor through the PMRB for a period co-terminus with the construction stage of the project but not to exceed one (1) year in public/private lands covering an area of not more than two (2) hectares. The applicant shall submit a project proposal stating where the materials to be taken shall be used and the estimated volume needed.

1.1.3.d Private Gratuitous Permit

Any landowner may apply for a Private Gratuitous Permit with the Provincial Governor through the PMRB for the extraction, removal and utilization of quarry, sand and gravel or loose/unconsolidated materials from his/her land for a non-renewable period of sixty (60) calendar days, provided that there is adequate proof of ownership and that the materials shall be for private use only.

1.1 4 Guano Permit

Any qualified person residing in the subject municipality may apply for the Guano Permit with the Provincial Governor through the PMRB and the AKENRO for the extraction, removal, disposition, and/or utilization of loose unconsolidated guano and other organic fertilizer deposits in specific caves or confined sites for a term of one (1) year upon the extraction of the quantity as specified in the permit, provided that only one (1) Guano Permit shall be issued for the same cave or area, provided further, that the maximum area for the Guano Permit that a qualified person may hold at any one (1) time shall not be more than five (5) hectares. However, if there is no resident of the municipality is interested in applying, or if he has applied but failed to comply with the requirements in support of his application within sixty (60) days from filling his application, applications of non-residents shall be accepted.

1.1.4.a Gratuitous Guano Permit

A Gratuitous Guano Permit may be granted to an individual for his personal use or to any government agency in need of the material within a specified period and in such volume not exceeding two thousand kilograms (2,000 kg).

1.1.4.b Commercial Guano Permit

A Commercial Permit may be granted to a qualified person for sale or commercial disposition thereof within a specified period and in such quantity as may be specified thereof, subject to the provisions above.

1.1.5 Pebble Picking Permit

Upon application with the Provincial Governor through PMRB, a Special Permit for Pebble Picking through manual gathering/removal of pebbles along the riverbeds may be granted to any person but preferably a cooperative duly registered with the Cooperative Development Authority (CDA) whose members are residing in the area where pebble resources are available. The permit shall be for a term not exceeding one (1) year from the date of issuance thereof, renewable for like period, provided that the permit holder has complied with all the terms and conditions of the original permit as provided herein and has not been found guilty of violation of any provision of this Code, the Mining Act and related local ordinances, existing national laws, rules and issuances.

1.1.6 Gemstone Gathering Permit

Any qualified person may apply for a Gemstone Gathering Permit with the Provincial Governor through the PMRB for the extraction, removal and utilization of loose stones useful as gemstones for a term not exceeding one (1) year from the date of issuance thereof, renewable for like period, provided that the application for renewal shall be filed before the expiry date of the permit. Provided further, that the permit holder has complied with all the terms and conditions of the provisions of the Mining Act and ordinances, and their implementing rules and regulations.

1.1.7 Governor's Special Permit

The Governor may issue a special permit to any qualified person/s who may wish to extract, remove and transport sand, gravel, soil and other loose and unconsolidated materials subject to the verification of AKENRO, under the circumstances and purposes as provided for in Section 36 of Provincial Ordinance No. 05-021.

1.1.8 Sample/Ore Dressing Test Permit

Any qualified person/s may apply for a Sample/Ore Dressing Test Permit with the Governor, through the Provincial Mining Regulatory Board, for the extraction, removal and testing of minerals subject to the provision of Section 37 of the Provincial Ordinance No. 05-021.

SECTION 2. ISSUANCES OF LOCAL CERTIFICATIONS AND CLEARANCES FOR MINING APPLICATIONS

The AKENRO shall review all certifications and clearances issued by local government units in relation to the mining applications for approval by the DENR. Pursuant to this authority, the AKENRO may recommend the revocation of such clearances or certifications if these are found contrary to pertinent provisions of this Code and other environmental laws, or disadvantageous to the interest of the province.

The AKENRO or its representative shall be present during mandatory consultations organized by mineral permit applicants and assist upland communities, indigenous peoples and women's groups to safeguard their rights. In the process, AKENRO shall certify that mandatory consultation and discussion have been complied with by the mineral permit applicant.

In the event a particular mining activity within the province lacks mandatory local clearances and certifications, the AKENRO shall recommend the immediate revocation of Mining permits issued by the DENR and undertake any judicial action to enjoin further operations by the mining permittee.

SECTION 3. PROHIBITED MINING AND QUARRYING PRACTICES.

Aside from those already defined in existing mining laws, rules and regulations, the following are likewise considered prohibited mining practices:

- (1) Any mining or quarrying activity which employs minors as mine workers;
- (2) Any mining activity near a community water source;
- (3) Any mining activity which employs hazardous chemicals and processes;
- (4) Any mining activity within topographic five-kilometer-distance from a historic shrine, wildlife sanctuary, tourism area, and similar places of interest;
- (5) Any mining activity which necessitates the use of explosives when the contract area is near a populated area.

SECTION 4. INVENTORY OF MINERAL PERMIT APPLICATIONS WITHIN THE PROVINCE.

The AKENRO shall maintain an updated inventory of mining permit applications within the province pending before DENR. It shall request periodic updates of mining permits processing and recommend the cancellation or revocation of inactive mining permits or abandoned mining applications.

All local government units shall inform the AKENRO and the Provincial Legal Office of applications for issuance of local clearances and certifications necessary for mining permit processing before the DENR.

SECTION 5. QUALIFIED APPLICANTS

A permit may be granted to any qualified person, as herein defined, who has complied with the requirements prescribed by the applicable provincial ordinances of Aklan. Provided further that in the case of government office, it must be duly recognized and existing and in need of materials for infrastructure projects as certified by the agency concerned.

SECTION 6. VERIFICATION OF AREAS

The AKENRO and LGUs concerned shall conduct field verification of the applied areas and submit to the PMRB the corresponding report and recommendation for appropriate action of the Governor.

The AKENRO shall be present in all consultations conducted by mining applicants. The AKENRO shall be the exclusive office to certify that mining permit applicants have complied with the consultation requirements.

SECTION 7. ACCREDITATION OF TRADERS, DEALERS AND RETAILERS

The AKENRO, Punong Barangay and duly authorized representatives of the Local Chief Executive shall see to it that no person shall engage in the trading of minerals/mineral product and by-products either locally or internationally, unless registered with Department of Trade and Industry (DTI), Provincial Office and accredited by the Regional Office of Mines and Geo-Sciences Bureau, provided that the contractors/permittees are considered to be registered and accredited for the purpose of trading minerals/mineral products and by-products during the effectivity of their permits or mining rights as provided for in the Mineral Processing Permit under Paragraph 1, 2, & 3 of Section 109 of DAO 96-40.

SECTION 8. DELIVERY RECEIPT

The truck driver engaged in hauling from the extraction area of sand and gravel and other materials governed by the permit shall present the original delivery receipt upon inspection by concerned authorities. The duplicate copy shall be attached to the monthly report required hereof and made available at all times for inspection by the proper authorities.

Failure of the truck driver to present the delivery receipt upon demand shall subject him to the penalty imposed by existing provincial ordinances and national laws and shall be a cause for the impounding of the materials and vehicles which shall be released only following the provisions of R.A. No. 7076, otherwise known as the Small Scale Mining Act.

SECTION 9. BASIS OF ARREST AND SEIZURES

The absence of any of the foregoing documents as provided for in Section 5 shall be considered prima facie evidence of illegal mining and shall cause the confiscation/seizure of the mineral/mineral products and the tools and equipment including conveyance used in the commission of the offense in favor of the government pursuant to the provisions of the governing laws/statutes and policies.

If it is found that the minerals/mineral products seized have been mined, extracted or removed without permit or authority under existing mining laws, rules and regulations, final confiscation can be effected to be followed by the filing of the complaint in the proper Court.

**SECTION 10. CUSTODY OF THE SEIZED/CONFISCATED MINERAL/
MINERAL PRODUCTS, TOOLS, EQUIPMENT AND CONVEYANCE**

In the case of apprehension by the deputies of the Governor, the mineral products, tools, equipment and conveyance used shall be turned over for proper disposition to the Mines and Geo-Sciences Bureau of the DENR.

**SECTION 11. GATHERING AND COLLECTION OF STALACTITES,
STALAGMITES AND OTHER SIMILAR CAVE FORMATION**

Gathering and collection of stalactites, stalagmites and other similar cave formation shall be strictly prohibited pursuant to R.A. 9072, "An Act to Manage and Protect Caves and Caves Resources and other Purposes". The Provincial Government of Aklan shall identify all caves within its locality and prohibit the gathering of such materials. Barangay officials are deputized to monitor and apprehend violators within the barangay relative to these resources.

SECTION 12. REVERSION OF MINERAL LANDS

The reversion of the mineral lands including the identification and delineation of mined-out areas shall be governed by RA No. 7942, otherwise known as the Philippine Mining Act of 1995, PD No. 705, known as the Forestry Code of the Philippines, and the terms and conditions of an Environmental Compliance Certificate (ECC) issued by the DENR to individual permittees.

SECTION 13. PROTECTION OF MINERAL LANDS

The Provincial Government, in coordination with the DENR-MGB, shall undertake a system of gainful and efficient utilization of mineral resources and shall encourage citizens' participation in this endeavor.

The permit holder shall adopt progressive and engineered mine rehabilitation work in consonance with the cycle of mining operation. And, it should be guided by the current best practices on environmental management in order to reduce negative impacts to the environment.

SECTION 14. MINE MONITORING AND EVALUATION

The Provincial Government shall conduct quarterly monitoring, evaluation and performance audit of all mining tenements and operations. Quarterly reports from the permit holders shall be subjected to site validation and inspection in close coordination with the Mines and Geosciences Bureau.

SECTION 15. MINE REHABILITATION AND CLOSURE PLAN

No permit, endorsement and recommendation shall be issued on any form of application without any clear, satisfactory and concrete document/plan on mine rehabilitation and closure. These mine rehabilitation and closure plan must be officially endorsed and approved by Provincial Mining and Regulatory Board (PMRB). Permit holder and/or the PMRB shall properly inform the Province of the mine closure at least one (1) year before the target date of closure.

ARTICLE V

HABITAT AND BIODIVERSITY CONSERVATION

SECTION 1. MANAGEMENT DIRECTION

To ensure symbiotic existence of all humans with endemic flora and fauna, this Code gives priority to the protection, conservation and preservation of the identified protected areas. The LGUs concerned, in close coordination with the DENR and other appropriate agencies, shall identify biologically suitable areas in public and private lands which are habitat of rare and endangered species of flora and fauna, bio-geographic zones and related ecosystems, either terrestrial, wetlands or marine, which shall be designated as protection lands.

SECTION 2. HABITAT PROTECTION AND BIODIVERSITY CONSERVATION

The AKENRO, in coordination with the DENR and concerned LGUs, shall provide on site services and facilities related to the protection and management of habitat and biological resources pursuant to RA 7586 (NIPAS Act), RA 9147 (Wildlife Resources and Conservation Act) and RA 9072 (Caves and Cave Resources Management and Protection Act), Ordinances and their Implementing Rules and Regulation (IRR).

SECTION 3. LGUs' ROLE IN CAVE AND CAVE RESOURCES MANAGEMENT

LGUs shall enter into collaborative efforts with the DENR, other appropriate agencies/ entities concerned in the preservation, protection, development and management of the caves and its resources located in their respective areas of jurisdiction for scientific, educational, recreational, eco-tourism and other sustainable similar purposes.

SECTION 4. LGUs' ROLE IN WILDLIFE RESOURCES CONSERVATION AND PROTECTION

A prior clearance from the LGU shall be secured by the project proponent pursuant to the Wildlife Resources and Conservation Act and other related issuances.

SECTION 5. ESTABLISHMENT OF CRITICAL HABITAT

The LGU, in coordination with the concerned agencies, shall designate a critical habitat where threatened species are found pursuant to the provisions of RA No. 7586 (NIPAS Act) and its IRR.

SECTION 6. PROVINCIAL WILDLIFE RESCUE CENTER

The Provincial Government shall enter into a MOA with the DENR and other private institutions for the establishment and management of a wildlife rescue center. AKENRO, with concerned law enforcement agencies, shall coordinate with all the municipalities and consolidate their efforts in curtailing illegal trafficking of flora, fauna, by-products and its derivatives.

SECTION 7. LGUs' ADOPTION OF FLAGSHIP SPECIES

The LGUs shall adopt flagship species of flora and fauna within their areas of jurisdiction as their identified emblems of conservation efforts. Ordinances shall be enacted on the selection and adoption of such species in close coordination with the DENR or DA-BFAR and in adopting conservation measures of their flagship species preferred.

SECTION 8. URBAN MUNICIPAL TREE PARKS, GREENBELT AREAS AND GREENING OPEN AREAS

The LGUs shall establish and manage urban municipal tree parks, greenbelt areas and greening open spaces on portion of human settlement areas/housing subdivision projects, schools, cemeteries, riverbanks and any public or private places suited for the purpose. A mechanism will be formulated and implemented to serve the objective.

SECTION 9. DECLARATION OF WILDLIFE SANCTUARY

The municipal government shall declare terrestrial, wetlands and/or aquatic areas as wildlife sanctuary wherever possible in its area of jurisdiction. This serves as habitat for migratory and endemic birds and other wildlife species in the locality. The duly declared sanctuaries shall be maintained and conserved by the municipal government and be supported by the province in collaboration with DENR and BFAR and other government agencies and NGOs, POs and stakeholders.

SECTION 10. DECLARATION OF A CLOSE OR OPEN SEASON FOR HUNTING

The provincial government shall closely coordinate with the DENR on whether or not hunting of a certain wildlife species shall be allowed within the province or in selected areas pursuant to RA 9147. Nobody is allowed to conduct wildlife hunting without appropriate permit issued by the DENR. A close season for hunting in a certain prescribed period of the year may be determined through intensive wildlife biology research to assure regeneration and restocking of endemic wildlife species in the locality.

SECTION 11. BRINGING PARTNERSHIPS INTO GOOD WETLAND PRACTICES

The provincial government shall institutionalize and formulate policies and strategies on "Adopt-A-Wetlands Program". This shall promote partnerships among private and public entities in close coordination with the DENR-PAWB. The program shall be supportive of the missions being advocated by Wetlands International and RAMSAR Convention "to sustain and restore wetlands, their resources and biodiversity for the future generations through research, information exchange and conservation activities".

ARTICLE VI

SUSTAINABLE COMMUNITY WATERSHED AREA DEVELOPMENT AND MANAGEMENT

SECTION 1. IDENTIFICATION AND DELINEATION OF WATERSHED AREAS

The LGUs concerned shall identify, delineate and establish Community Watershed Areas in their respective areas of jurisdiction in close coordination with the DENR and in accordance with the applicable provisions of DENR-DILG joint Memorandum Circular No. 98-01 and 2003-01, and other related issuances.

SECTION 2. WATERSHED AREAS CLASSIFICATION

The watershed areas identified and delineated shall be classified into medium, small and micro watersheds based on the extent of administrative coverage areas and location, institutional coordinating agency, type and scope of watershed management divide.

SECTION 3. SCOPE AND COVERAGE

All identified and established watershed areas including their river basins must follow processes as required by the DENR-DILG joint Memorandum Circular 98-01 and 2003-01 and all related issuances.

SECTION 4. SUSTAINABLE DEVELOPMENT AND MANAGEMENT, STRATEGIES, AND APPROACHES

All proclaimed watershed areas shall be managed on a sustained yield and multiple use management schemes.

Management strategies shall conserve and enhance the watershed resources to protect the environment and provide goods and services for the enhancement of the quality of life in the local community. The strategies are grouped into preventive and remedial measures and policy formulation.

Community watershed areas shall be developed and managed in accordance with the policy guidelines, laws, rules and regulations and other related issuances. Watershed management strategies can be many and varied, but the overall objective will be to conserve and enhance the watershed resources to protect the environment and provide raw materials for the good of the local community. These strategies shall be grouped into three categories: prevention, policy and corrective.

(a.) **Prevention** – Ideally an approach where the strategy to prevent watershed resource degradation from occurring by enabling those who use the resources (rural/upland communities, corporate forestry/agriculture bodies) to adopt land use enterprises, field-level technologies and farm/forestry management practices that yield short-term production benefits (e.g. financially attractive) while being conservation effective (e.g. maintain and enhance soil productivity, vegetative cover, biodiversity and downstream water availability).

- (b.) **Policy** – As a rule, land use/forest management practices are strongly influenced by the policy environment in which specific resource users operate. Community participation can lead rural communities to formulate their own by-laws to set and enforce rules and regulations for the use of local resources. The strategy is to establish a policy environment which can accommodate the diverse perspectives and development priorities of different interest groups and at the same time encourage the responsible use of resources for long-term benefit of the community.
- (c.) **Corrective** – What is ideal is to prevent watershed degradation from occurring in many watershed areas, the process of degradation due to misuse of the land has already had an adverse on-site and off-site impacts. The strategy is one where the primary emphasis is to correct the current non-sustainable situation by removing the underlying causes, adopting improved resource management practices and taking appropriate specific restorative intervention measures.

ARTICLE VII

WATER RESOURCES

SECTION 1. MANAGEMENT DIRECTIONS

The LGUs shall adopt a policy of integrated and sustainable management of all water resources, whether inland, sub-terranean, coastal, marine or atmospheric. Integrated Water Resources Management (IWRM) shall be the foundation supporting the management of shared river basins, taking as a starting point the principles of Dublin and Global Water Partnerships. These principles are:

- (a.) Water is a finite, vulnerable and essential resource which should be managed in an integrated manner.
- (b.) Water resources development and management should be based on a participatory approach involving all relevant stakeholders.
- (c.) Women play a central role in the provision, management, and safeguarding of water.
- (d.) Water has an economic value and should be recognized as an economic good, taking into account affordability and equity criteria.

The Provincial Government shall adopt a vision for water which is the *“attainment of sustainability of water resources to ensure sufficient water quantity of acceptable quality to meet the needs of the people of Aklan and neighbors in terms of health, food security, economy and environment”*. This vision means providing the management directions for the water sector of Aklan, as follows:

- (a.) Access to safe, adequate and affordable water supply, hygiene and sanitation;
- (b.) Provision of sufficient water that will ensure food security for the Province of Aklan;
- (c.) Provision of sufficient water to spur and sustain the economies of the province;
- (d.) Protection of the water environment to preserve flow regimes, biodiversity, and cultural heritage as well as the mitigation of water related hazard.

The Provincial Government shall formulate framework for action for a better water future. This framework shall be formulated to meet the foremost challenges facing the province of:

- (a) Managing the water resources efficiently and effectively;
- (b) Moving towards integrated river basin management;
- (c) Translating awareness to political will and capacities;
- (d) Moving towards adequate and affordable water services.

SECTION 2. INVENTORY AND CLASSIFICATION OF WATER BODIES

The LGUs shall conduct an inventory and classification of water resources under their jurisdiction in coordination with the DENR, using present promulgations on water classification, specifically PD 1067 or the Water Code of the Philippines and DENR Administrative Order No. 97-23 updating DAO 34 Series of 1990 otherwise known as the Revised Water Usage Classification, which shall be the basis for the issuance of water utilization permits and licenses.

SECTION 3. AUTHORITY TO GRANT AND CONTROL USERS PRIVILEGES THROUGH ECONOMIC RESOURCE RENTS

The privileges of the community/stakeholders to utilize water and fishery resources on a sustainable basis shall be exercised under the notion that the grantee, licensee or permittee, shall not only be a privileged beneficiary of the state, but also an active participant and partner of the LGUs in the development, conservation and management of water and the aquatic resources.

The collected fees and charges shall be flowed back to support the costs and preservation, protection and rational management of the very same resource. This is through a conservation fee wherein an amount shall be paid for the protection, maintenance and rehabilitation of the resources based on the principle of mutual benefits on the watershed and the water supply source which will be greatly affected.

A very important water resource use regulatory requirement that is poorly complied with is the Water Right provided under the Philippine Water Code (PD 1067). Article 13 of this code provides that no person shall appropriate water without a water right which shall be evidenced by a document known as a "water permit".

An appropriate mechanism based on an economic price for water shall be formulated so that the allocation process can be seen as transparent. To consider levying a resource charge for the use of raw water, the following strategies and/or their combinations shall be carefully considered:

- (a) **Continuation of current approach where water is not economically priced** – Economic pricing for raw water is not introduced and the minimum coverage and current charges levied by NRW, continue. Ad hoc agreements between owners of water rights and users will continue.
- (b) **Raw water pricing as a "resource charge"** – The provincial government in close coordination, with DENR and NRW, shall determine an annual charge for raw water that is either based on an estimate of resources needed for the sector or determined in the form of an annual user charge according to clearly defined principles. It would be an amount per cubic meter of water, which would be factored according to specific water user.
- (c) **Pricing determined by the DENR and NRW according to economic principles** – The NRW implements the charges of the economic prices for raw water of all water resources and used to cover the administrative expenses of the program with the balance allocated to stimulate investment in the water supply and liquid waste management sector. This pricing scheme would be complemented by extending the concept of environmental user fees for wastewater discharges to all urban areas of the country over time.

- (d) **Pricing on the basis of tradable water rights under market mechanisms** – This would allow the LGUs to recognize water rights to be traded in a competitive market via the establishment of a system of public-private property rights for surface and groundwater, which would be owned by LGUs and private property owners. Water allocation would be based upon supply and demand, with prices determined by the market. This pricing scheme in close coordination with the DENR and NWRB would be complemented by expanding water discharge pollution charges to cover all industrial, commercial and domestic wastewater discharges throughout the water basins.

SECTION 4. PRIORITY USES

The LGUs, in permitting public use of its waters and coastal resources, including licensing of concessions to utilize living and non-living resources, establish settlements, put-up industrial facilities and set-up economic endeavors, shall observe the general priorities embodied in the Water Code of the Philippines or P.D. 1067 and RA 8550, otherwise known as the New Fisheries Code of the Philippines.

SECTION 5. CONSERVATION OF INLAND WATER

The Provincial Government, thru its AKENRO, in cooperation with the different municipalities, NGAs, NGOs, POs and stakeholders, shall ensure that the inland water-bodies such as the surface and underground water, rain water, and coastal waters are conserved for the sustainable and beneficial use in accordance with the Water Code of the Philippines and RA 8550.

SECTION 6. COMMUNITY ADOPTION OF RIVERS AND OTHER INLAND WATERS

The provincial government shall encourage municipalities for the “community adoption” of lakes, shoreline areas, and riverbanks contiguous to their residential areas for purposes of conservation and preservation of water resources.

SECTION 7. PROTECTION OF COMMUNITY WATERSHED AREAS AND THEIR DRAINAGE BASIN

This Code provides that all community watershed areas and their drainage basins shall be protected by the LGUs concerned against pollution and encroachment of other non-compatible uses.

SECTION 8. POLLUTION CONTROL OF INLAND WATER

All municipalities shall establish sewerage and proper disposal system of all domestic sewage from land based sources of intensive human, livestock and farming activities.

SECTION 9. REGULATION OF CERTAIN PESTICIDE AND FERTILIZER PRODUCTS

Traders, wholesalers, and retailers of pesticide and fertilizer products shall secure a permit from the AKENRO for the sale and distribution of highly soluble synthetic fertilizers and pesticides especially those with nitrogen or phosphorous content. Likewise, traders, wholesalers, and retailers of highly soluble synthetic fertilizers and pesticides are required to label their products with warnings of their potential risks on water supply.

Furthermore, distributors and sellers of farm chemicals and fertilizers are required to conduct farmer training seminars regarding the proper use of said products especially the prevention of water pollution.

SECTION 10. EFFLUENT AND POLLUTION CONTROL IN WATER SOURCES

The LGUs, in coordination with DENR-EMB, academe, and research institutions, shall formulate a water quality management scheme and determine the type and point sources of pollutants and the allowable volume of effluents that can be permitted to discharge to waterways subject to existing discharge standards provided in the Clean Water Act of the Philippines or RA 9275 and DENR DAO 34.

SECTION 11. MUNICIPAL AND INDUSTRIAL WASTE WATER TREATMENT

The LGUs shall require all industries within their jurisdiction to establish and share a common waste treatment plant and adopt precautionary measures to address adverse environmental impact using clean production techniques, and recycling of treated waste water.

SECTION 12. AKLAN RIVERS DEVELOPMENT COUNCIL

This Code adopts Provincial Ordinance No. 05-026, "An Ordinance Establishing the Aklan Rivers Development Council, Defining its Powers and Functions, Appropriating Funds Therefore and For Other Purposes".

SECTION 13. MUNICIPAL WATER RESOURCES DEVELOPMENT COUNCIL

Every municipality shall create and institutionalize Municipal Water Resources Development Council to act as a policy formulating and advisory body governing sustainable water resources management and utilization.

SECTION 14. WATER RESOURCES DEVELOPMENT FUND

The LGUs concerned shall allocate funds for the prevention of water pollution and the rational utilization of water resources. Furthermore, this Fund shall be allotted to develop research, establish data base, and implement water supply and sewerage projects, water sources protection and capability building for Municipal Water Resources Development Councils (MWRDCs) and other stakeholders.

Aside from their regular appropriations and economic rents, the LGUs concerned shall likewise source their funds from fees and penalties collected from identified point sources of pollution and damages, applying the Polluters Pay principle on the management of their territorial waters.

An ordinance shall be enacted and implemented to require resource users both within the locality and those that are transboundary to collect fees and charges to cover the cost of rehabilitation in addition to payments of administrative charges arising from the violations committed. Mitigating measures introduced in the area financed from fees and penalties collected by the LGUs from polluters should benefit those directly affected by the pollution.

SECTION 15. LGUS INITIATIVES ON WATER SUPPLY DISTRIBUTION AND SEWERAGE SERVICES

The LGUs shall be encouraged to provide delivery of water supply and sewerage services but not limited to investments or loans from Water Service Providers (WSPs). They shall be financially and operationally responsible for the WSPs within their respective jurisdiction in accordance with the provisions of Executive Order No. 219 dated February 2, 2004 entitled "Instituting Reforms in the Financing Policies for the Water Supply and Sewerage Sector and Water Service Providers and Providing for the Rationalization of LWUA's Organization Structure and Operation in Support Hereof".

SECTION 16. REGULATION OF WATER EFFLUENT IN CERTAIN AREAS

Commercial establishments along beach area and other bodies of water used for recreation and considered tourism areas are required to install waste water treatment devices. In the event that there is an existing centralized water treatment and sewerage facility in the area, said establishments shall be required to connect or interconnect their sewer lines to the system.

SECTION 17. MONITORING OF WATER EFFLUENT FROM SEA VESSELS DOCKED AT ALL SEAPORTS IN THE PROVINCE

All seagoing vessels which dock at all seaports in the province shall secure a discharge compliance certificate from the AKENRO after its waste water disposal system is found to be compliant with rules and regulations issued by the Philippine Coast Guard and the Maritime Industry Authority (MARINA).

SECTION 18. ROLE OF AKENRO IN LGU WATER POLLUTION CONTROL PROJECTS

Reviewing bodies passing upon, approving or disapproving all plans, programs and projects proposed by LGUs which aim to curb and control all kinds of water pollution, to include the review of zoning ordinances, shall first secure the recommendation of the AKENRO.

SECTION 19. PROHIBITED PRACTICES

In addition to those defined under national laws, rules and regulations, the following shall be considered prohibited practices:

1. Dumping of Domestic Sewage (especially Human Waste) into rice fields, irrigation canals, and road ditches;
2. The storage of toxic chemicals near bodies of water.
3. The washing of clothes with detergents in rivers and other bodies of water.
4. Direct discharge of domestic and industrial waste water into bodies of water.
5. Washing and cleaning of vehicles and machineries along river beds and at other bodies of water.
6. Motorboats without sealed gasoline and oil tanks.
7. Throwing of garbage, spitting, urinating and defecating in beaches and other bodies of water. These violations shall be aggravated by commission thereof in eco-tourist areas.
8. All other acts which will be defined in the Implementing Rules and Regulations of this Code.

SECTION 20. WATER QUALITY MANAGEMENT SYSTEM

20.1. Establishment of Water Quality Management Area (WQMA)

The Provincial Government, in close coordination with the DENR and NWRB, shall identify and designate certain areas as water quality management areas using appropriate physiographic units such as watershed, river basin or water resource region. Said management area shall have similar hydrological, hydro geological, meteorological or geographic conditions which affect the physicochemical, biological and bacteriological reactions and diffusions of pollutants in the water bodies or otherwise share common interest or face similar development programs, prospects or problems. The designation and management of WQMA shall adhere to the provisions of the DENR Administrative Order No. 2005-10 (IRR of the Phil. Clean Water Act-RA. 9275), Chapter-2, Article 1, Section-5, Rule -5.

The Provincial Government shall designate the areas of Caticlan, Boracay Island and Aklan River Basin as pilot "Water Quality Management Areas". These areas shall be governed by a governing board composed of representatives of mayors and governor of the Province of Aklan, and representatives of relevant national government agencies, duly registered NGOs, water quality sector, business sector and academe. The DENR Representative shall chair the governing board with the Governor as vice chair.

The governing board shall formulate strategies to coordinate policies necessary for the effective implementation of the Clean Water Act of 2004 (R.A.9275). The Provincial Government through the governing board shall create a multi-sectoral group to establish and effectuate water quality surveillance and monitoring network including sampling schedules and other similar activities. The group shall submit its report and recommendation to the Provincial Government through the governing board.

The AKENRO of the Provincial Government shall act as the Technical Secretariat and shall provide technical support to the governing board. The secretariat shall be provided with External Support Group composed of at least four (4) members who shall have the following minimum qualifications:

- (a) One (1) member shall be a member of the Philippine Bar;
- (b) One (1) member shall be a Chemical Engineer, Chemist, Sanitary Engineer, Environmental Engineer or Ecologist or have significant training and experience in chemistry;
- (c) One (1) member shall be a Civil Engineer or Hydrologist or have significant training and experience in closely related fields and mainly experienced on groundwater, respectively; and
- (d) One (1) member shall be a Geologist or Biologist or have significant training and experience in closely related fields.

Functions, compensation, expenses and other concerns of the governing board shall be guided by the provisions of DAO 2005-10, Chapter-2, Article-1, Rule-5.

20.2. Sewerage and Septage Management Program

The Provincial Government, in close coordination with the DENR and DPWH, shall prepare a provincial program on sewerage and septage management. The formulation of this program shall be guided by the provisions of Section 7 and Section 8, Chapter-2, Article-1 of DAO-2005-10 (IRR of R.A.9275).

20.3. Local Water Quality Management Fund

The Provincial Government, in close coordination with the governing board, DENR and National Treasury, shall establish and administer a special account for the local water quality management fund. The fund shall be used to finance the following:

- (a) Containment and clean-up operations of the LGUs in water pollution cases;
- (b) Guarantee restoration of ecosystems and rehabilitation of affected areas;
- (c) Support research, enforcement and monitoring activities;
- (d) Grant rewards and incentives;
- (e) Provide technical assistance to the implementing agencies;
- (f) Support information and educational campaign; and
- (g) Such other disbursements made solely for the prevention, control or abatement of water pollution and management and administration of the management areas in the amounts authorized by the LGUs through the governing board.

Disbursements from the fund shall be subject to the usual accounting and budgeting rules and regulations of the LGUs.

20.4. Local Wastewater Charge System

The Provincial Government, in close coordination with the governing board and DENR, shall implement a wastewater charge system in all water quality management areas (WQMA) through the collection of wastewater charges/fees. Wastewater charges shall be established taking into consideration the following:

- (a) Strong economic inducement for polluters to modify their production or management process or to invest in pollution control technology in order to reduce the amount of water pollutants generated;
- (b) Cost of administering water quality management or improvement programs;
- (c) The damages caused by water pollution on the surrounding environment, including the cost of rehabilitation;
- (d) Type of pollutant;
- (e) Classification of the receiving water body; and
- (f) Other special attributes of the water body.

The scheme of the local wastewater charge system shall be guided by the provisions of the DAO-2005-10, Chapter-2, Article-1, Section-13, Rule-5 of the IRR for R.A.9275.

20.5. Discharge Permits

All discharge permits and issuances of the DENR and other LGUs within the WQMA shall be subject to area-clearance and post-approval authentication by the AKENRO through the governing board.

ARTICLE VIII

COASTAL ZONE AREAS AND RESOURCES MANAGEMENT

SECTION 1. GOVERNING PRINCIPLES AND MANAGEMENT DIRECTIONS

The LGUs concerned shall adopt the Integrated Coastal Zone Management (ICZM) by using the ecosystem approach in the development and management of their coastal environment and resources pursuant to Executive Order No. 533, "Adopting Integrated Coastal Management as a National Strategy to Ensure the Sustainable Development of the Country's Coastal and Marine Environment and Resources and Establishing Supporting Mechanisms for its Implementation."

The Provincial Government shall consider the coastal zone planning as a tool to improve the use of coastal resources. It incorporates the context within which it operates; the capability required to assess, evaluate and monitor the outcomes; and the process through which it could be attained.

Planning the coastal zone shall be based on certain principles which promote its effectiveness, responsiveness and acceptability to its key stakeholders and which guide the preparation of the coastal land use plan. These principles shall include:

- (A) **Linkage** – The management aspect of "linkage" pertains to the effective conservation of marine and coastal resources. This requires integration with land use planning and management, which is based on the principle of protection of common resources and cooperation and coordinative action for their conservation and judicious use.
- (b) **Sustainability through Participatory Approach** – It is essential to integrate conservation with use, where the coastal communities actively participate in the management of resources and help harmonize conflicting land uses. The planning and allocation of coastal resources involve a continuing negotiation process between and among various public and private stakeholders. Such processes involve the resolution of conflicts and consensus-building.
- (c) **Productivity and Biological Limits** – The use of coastal resources is determined by their biological capacity and ecological limits. Carrying capacity is the ability of a resource to absorb stress or perturbation without unacceptable environmental degradation.
- (d) **Biodiversity Protection** – Coastal areas with high degree of ecosystem and species diversity need to be identified and mapped in coastal land use planning. These areas with rich diversity of ecosystems and species should be protected and conserved for their ecological and economic importance.
- (e) **Socio-Cultural Relevance and Requirements** – Coastal plans should be sensitive to the needs, aspirations and culture of the zone's inhabitants and the indigenous cultural communities therein. The plan should therefore be able to document the critical aspects of a coastal community's culture with reference to the use and management of coastal resources.
- (f) **Conservation of Resources** – The decline in fish catch indicates that resources are dwindling as a result of increasing pressures on the coastal zone arising from legitimate or illegitimate competing interests. Much attention shall therefore be focused on the efficiency of the extraction of resources and the untapped resources which exist within the community.

- (g) **Capability Building** – The education, training and professional development of LGU planners and managers and researchers on issues and problems on coastal zone management and development require long-term investment which the Provincial Government must make in order to improve coastal zone management.
- (h) **Institutional Framework** – There is a need to ensure that planning at the local and regional levels is responsive to the needs and aspirations of the local communities. The planning body (e.g. ARDC, PPDO and AKENRO) at the local level should be able to integrate these concerns and activities in the coastal zone.
- (i) **Integration** – A major purpose of the integrated coastal zone management (ICZM) approach is to coordinate the initiatives of the various coastal economic sectors toward long-term optimal socio-economic outcomes, including the resolution of use conflicts and beneficial trade-offs. The integrated multiple sector approach is designed to guide the activities of two or more economic sectors in planning and management and optimize resource conservation, public use and economic development.
- (j) **Ecological Viability** – This refers to the sustainability of the productive functions of the coastal zone within the limits of its carrying capacity. Adequate consideration shall be given to measures which would ensure that first, harvests from fishing are maintained at sustainable levels, and second, that pollution loads are kept at levels which will not unduly compromise the ability of the coastal zone to support other economic activities such as coastal tourism.
- (k) **Economic Feasibility** – This shall be operationalized through measures that will enable development to proceed without compromising the coastal ecological functions. Particular emphasis shall be given to actions that will result in the minimization of social costs. Coastal communities should be able to harness the potentials of coastal resources as part of their economic base without hampering ecological functions.
- (l) **Social Acceptability** – The support of the entire community is important for the coastal land use plan. All sectors should be able to understand and visualize as a group and as a community, the importance of coastal resources conservation and environmental quality protection.
- (m) **Political Viability** – Political leaders should be involved in the planning process to get their support and ownership of the plan. They should spearhead the implementation of the coastal land use plan.

SECTION 2. RESOURCE ACCOUNTING AND INFORMATION MANAGEMENT SYSTEM

LGUs shall provide for the establishment and development of data base of all coastal zone resources which include all informations and maps on the qualitative and quantitative characteristics of the fishery resources, breeding grounds, seasons and processes that need to be protected, including critical habitats needing preservation as centers for stock recruitment and replenishment and the identification of resources that may be tapped for further economic production.

SECTION 3. COASTAL ZONE MANAGEMENT PLANNING

The LGUs shall organize or create a body responsible for the drafting of Provincial/Municipal/Barangay Integrated Coastal Zone Management Plan and coordinate efforts for a comprehensive action plan preparation and implementation.

The ICZM planning must involve the rational allocation of dry land and wetland components of the coastal area for various uses. This requires comprehensive resource inventory and stocktaking (ecological profiling) of the present status of coastal zone resources. Coastal Zone Planning boundary shall be ascertained through the conduct of a land use survey and mapping of coastal subsystems.

SECTION 4. FORMULATION OF INTEGRATED COASTAL ZONE MANAGEMENT (ICZM) PLAN

Planning and development of Integrated Coastal Zone Management Program is the key management tool for sustainable economic program.

The ICZM Plan shall define and delineate the zoned areas and resources covered by the management regime. It must clearly spell out and define the resources and critical issues and strategies and the mechanics that are necessary to address such issues and sustainability of the resources pursuant to the provisions of RA 8550, RA 7160, RA 7586, RA 9147 and other applicable laws and issuances.

Each municipality's ICZM Plan should reflect its own unique set of conservation issues. The ICZM Plan should include the content, form and scope of a community's coastal zone management plan which covers a review and permit system including the requirements of the EIA System for development projects and similar activities. The ICZM Plan should include the following:

- (a) Enumeration and description of options for the improvement of the community's welfare in coastal areas. These options should maintain the integrity of the coastal ecosystem and the productivity of the natural resource base;
- (b) A list and explanation of the objectives and policies of an ICZM program;
- (c) Identification of permissible types of uses of coastal resources and terms and conditions on their uses;
- (d) Identification of areas that offer the best potential for compatible uses and provision of technical basis for land-use planning and zoning;
- (e) Provision of detailed representation of the inventory of the resources in the zone, and an identification of the coastal areas for conservation;
- (f) Provision of authority for identifying and protecting natural hazards;
- (g) Authorization of the institutional arrangement for managing the program;
- (h) Procedure for public participation;
- (i) System of procedure for permit approval;
- (j) Procedure for monitoring of activities and enforcement of compliance to permits issued
- (k) Issues and areas of concerns such as: natural resources degradation, pollution, land use conflicts, and destruction of life and property as a result of natural hazards.

SECTION 5. PRESERVATION OF ECOSYSTEM THAT SUPPORTS COASTAL RESOURCES

Development shall avoid manipulation of biological cycles that are important to the natural productivity of the coastal zone to influence other ecosystems' productivity and sustainability. It shall regulate the alteration of the degree and direction of river flows having far reaching effects on the coastal zone ecosystem, the diversity and productivity of the seashores, fisheries and the natural configuration of the coastlines that protects the immediate lands.

SECTION 6. INTER-MUNICIPAL COOPERATION

LGUs shall form a federation or alliance to ensure coherent management strategies and policies in areas wherein resources may be shared between two or more municipalities considering ecological processes that transcend one municipality and affecting the others. The federation or alliance shall define its functions and responsibilities as the policy making and advisory body of the Local Chief Executives.

SECTION 7. COMMUNITY EDUCATION AND AWARENESS ENHANCEMENT

LGUs shall formulate and implement a continuing information and education program to enhance awareness, appreciation and responsibility in ensuring the wise and sustainable utilization of resources, to intensify interest of developing capabilities towards rational management of marine water and coastal resources, and to establish a broad base support for resource management plans implementation.

SECTION 8. MARINE POLLUTION AND HEALTH HAZARDS

The LGU concerned shall prepare, adopt and implement precautionary and preventive measures against marine pollution and health hazards as prescribed in the IRR of this Code.

The LGUs shall consider the Polluters Pay Principle to generate funds for research and development capabilities and institutional cooperation of stakeholders for the formulation of guidelines on technologies for marine water pollution control innovations.

An ordinance shall be enacted by concerned municipalities that shall oblige erring resource users, both within the local territory and those that are transboundary, to bear the cost of rehabilitation/restoration activities in addition to payments of administrative charges arising from such unscrupulous activities. Other preventive measures will be financed by the revenues generated from fees and penalties collected by LGU from polluters. It should benefit as much as possible those who are directly affected by pollution hazards.

SECTION 9. COMMUNITY ORGANIZING

Community organizing in ICZM shall be institutionalized to enhance management of projects, the adoption of responsible fishing practices and the internalization of the concepts of resource conservation by the local community.

SECTION 10. MUNICIPAL FISHERY ORDINANCE

This Code shall adopt the existing and duly approved municipal fishery ordinances of the coastal LGUs. Coastal LGUs which have no existing municipal fishery ordinance are hereby mandated to enact the same.

SECTION 11. CREATION AND STRENGTHENING OF INTER-AGENCY TECHNICAL WORKING GROUPS

The LGUs concerned shall create and strengthen inter-agency Technical Working Groups composed of DA, BFAR, DENR, DILG, FARMC, academe and other interested parties pursuant to the provisions of the joint DA-DENR, DILG, Administrative Order No. 1, Series of 2008, "Defining/Identifying The Areas of Cooperation and Collaboration Among DA, DENR and DILG in the Planning, Management, and Control of Aquaculture Development to Mitigate Impacts in the Environment."

SECTION 12. MANGROVE MANAGEMENT SYSTEM

Mangroves provide tremendous primary ecological and economic benefits. To cite a few, mangroves provide nursery grounds for fish, prawns and crabs, and support fisheries production in coastal waters; protect the environment and coastal communities from storm surges, waves, tidal currents and typhoons.

The aspects of the mangrove management system shall embody four (4) management options, namely:

- (a) *Mangrove Nursery Establishment and Management* – This involves physical selection and preparation of the site and the application of nursery technology and operations.
- (b) *Mangrove Plantation Establishment and Management* – This involves a number of stages ranging from site selection and preparation, out-planting, care and maintenance, and monitoring and evaluation.
- (c) *CBFMA: A land tenure instrument for mangroves* – A Community-Based Forest Management Agreement (CBFMA) is a land tenure instrument for mangrove habitats to be given to qualified and organized coastal communities under the CBFM Program of the government implemented by the DENR. The CBFMA provides a multitude of benefits to the holder ranging from management control over the area and exemption to pay taxes or rent normally levied by the government to natural resource users aside from being bankable. The holder is given preferential access by the DENR to available Official Development Assistance.
- (d) *Fishpond Restoration* – This is a management option that provides information on how People's Organization (PO) can modify abandoned fishponds reverted to the category of forestlands or fishponds not covered by the Fishpond Lease Agreement (FLA) or permit and are thus illegal. These areas can be restored and developed to plantation for benefits to the community in terms of firewood, lumber or poles; an area for collecting shells, crabs, and fish; or providing shelter and food for mangrove fauna such as crabs, shells, shrimps, and fish harvested in coastal waters. Fishpond restoration shall only be conducted after the fishponds shall have been reverted to the category of forestlands and shall have been granted to the CBFMA holder by the DENR.

ARTICLE IX

ENVIRONMENTAL PROTECTION AND ENHANCEMENT MEASURES

SECTION 1. AIR QUALITY MANAGEMENT

In consonance with the provisions of the Clean Air Act (RA 8749) and pursuant to the LGC (RA 7160-1991) and other applicable laws, the provincial government shall share the responsibility in the management and maintenance of air quality in the province and implement the air quality standards set by the Governing Board upon its creation and establishment of the province's airshed consistent with Sec. 7, 8 and 9 of RA 8749 with the Integrated Air Quality Framework to attain and maintain Ambient Air Quality Standards within the Province.

1.1 Mandatory Requirements for Traffic Management Framework

The LGUs, in collaboration with LTO and DENR-EMB, shall adopt ambient air quality standard with prescribed maximum concentration of air pollutants permissible in the atmosphere consistent with public health safety and general welfare. They shall prepare and implement a program and other measures including relocation whenever necessary in order to protect the health and welfare of residents of the province. They shall further develop a procedure in carrying out action plan for the province in coordination with the DENR-EMB.

1.2 Identification and Management of Heavily Congested Traffic Areas in Urban Centers

The LGUs, in collaboration with the LTO and DENR-EMB, shall lay down the identification of the heavily congested traffic areas in their highly urbanized areas and institute management strategies/measures to address the smooth implementation of RA 8749 and its Implementing Rules and Regulations under DAO 2000-81.

1.3 Industrial Pollution Control

The provincial government thru AKENRO, in close coordination with DENR-EMB and the municipality concerned, shall ensure that the industrial firms operating within the province shall comply with air quality standard through periodic testing of industrial firms (quarterly or semi-annual).

1.4 Abatement of Air Pollution from Other Sources

In compliance with the state policy provided for in PD 1181, the province shall ensure that precautions are undertaken to prevent the emission of excessive carbon monoxide, particulates and sulfur dioxide from motor vehicles and other stationary engines or sources. Some primary considerations are the enforcement of the anti-smoke belching program, the intensification of coordination among concerned agencies on the use of unleaded fuel and reduce sulfur content on diesel, and bunker fuel on power generating plants in the province of Aklan.

It will be a mandatory requirement to all scopes of industry with emissions load to the environment to install anti-pollution facility in all aspects of production point that generates particulate matter which contributes to air pollution.

1.5 Mandatory Planting of Plant Species that Mitigate/Abate Air Pollution

Planting of ornamental plants/trees in street islands, both shoulders of roads or streets in the municipalities, barangays, subdivision and condominium compounds shall be encouraged. The planting must be in a manner that is scientifically and agriculturally acceptable to the community with intervals sufficient to provide healthy growth of such flora to create enough shade subject to the existing guidelines, rules, and regulations of DPWH and other agencies concerned. No development permit shall be issued by the local executive for subdivisions and other industrial parks project unless there are provisions for the planting of trees to mitigate/abate air pollution.

SECTION 2. WATER QUALITY MANAGEMENT

This Code adopts the provisions of RA 9275 otherwise known as the Clean Water Act of 2004 governing sound water quality management.

2.1 Waste Water Disposal Management Direction

Consistent with the national anti-pollution laws, the LGUs shall adopt policies that regulate the effluent standard of waste water discharge to receiving water body pursuant to DAO 34 Series of 1993 and RA 9275 otherwise known as the Clean Water Act of 2004.

2.2 Waste Water Disposal Management Restriction

Under this Code, the LGUs shall help enforce and implement existing national laws and promulgations which penalize any industrial, manufacturing facility and domestic structure that operates without proper waste water disposal/treatment facilities in accordance with the set standard and designs prescribed by the same national laws. They shall also help monitor compliance by these facilities and structures to the provisions of all applicable laws.

2.3 Special Liquid Waste Disposal Management

This Code also adopts the set standards and designs including the prohibited acts, fines and penalties provided for by all applicable national laws and issuances governing disposal of waste water emanating from hospitals, funeral parlors, gasoline stations, and animal slaughter houses.

SECTION 3. SOLID WASTE MANAGEMENT

Pursuant to relevant provisions of RA 7160 and RA 9003 and its Implementing Rules and Regulations, the Province shall adopt the Integrated Ecological Solid Waste Management System. Through the CENRO, it shall share the responsibility with the component municipalities in facilitating the effective implementation and enforcement of Solid Waste Management System.

Implementation of the Ecological Solid Waste Management System in the province shall fundamentally take into account the following hierarchy with volume reduction as its first priority, to wit:

- a.) Source reduction and minimization of waste generated at sources;
- b.) Resource recovery, recycling and reuse of waste at barangay level;
- c.) Efficient collection, proper transfer of waste; and
- d.) Efficient management of residuals and of final disposal sites and/or any other related technologies for the destruction/reuse of residuals.

Solid waste shall be collected and segregated at the barangay level specifically biodegradable, compostable and reusable waste, while the collection of non-recyclable materials and special waste shall be the responsibility of the municipal government.

3.1 Institutional Mechanism

The province, municipalities, and barangays shall establish and strengthen their respective solid waste management board/committee pursuant to Section 4 of RA 9003.

3.2 Multi-Purpose Environmental Cooperative

The Provincial Government shall encourage the municipalities to establish Multi-Purpose Cooperative that shall undertake activities and projects to promote the implementation of the provisions of RA 9003. In this Code, the cooperatives shall be federated in the provincial level.

3.3 Preparation of Solid Waste Management Plans

The municipalities shall prepare and submit their respective Solid Waste Management Plan to the National Solid Waste Commission for approval and to the Provincial Solid Waste Management Board for consolidation. The Provincial Government shall form clusters of municipalities with common problems on solid waste management system specifically in the identification, establishment and management of common solid waste management facilities.

3.4 Waste Characterization

The municipalities shall identify the constituent materials which comprise the solid waste generated in their area of jurisdiction, its volume, percentage in weight or its volumetric equivalent, material type and source of generation which include residential, commercial, industrial, institutional or other sources.

3.5 Collection, Transport and Transfer

The barangay shall be responsible for ensuring 100% collection efficiency from proper waste segregation at source. The municipal government shall be further responsible in the collection and transfer of residual waste to the designated sanitary landfill.

3.6 Processing

Appropriate processing technologies, methods and facilities which are nationally-acceptable shall be established to process the solid waste including the use of immediate treatment facilities for composting, recycling, conversion and other waste processing system.

3.7 Source Reduction

The Solid Waste Management Plan of the LGUs shall adopt strategies, measures, methods and new facilities that will reduce the volume of all wastes at source.

3.8 Recycling

The LGU shall promote industrial, commercial, residential, agricultural, institutional and other reduction strategies (mobile, drop-off, buy-back recycling programs, manual and automated material recovery facilities, zoning, building code changes and rate of structures) which encourage the recycling of materials to meet the waste diversion as specified in Section 20 of RA 9003.

3.9 Specified Composting

The province and its municipalities shall prescribe a program and implementation schedule which will reduce a sufficient amount of solid waste disposed through composting, and shall grant price preference to encourage their constituents to purchase composted products.

3.10 Solid Waste Facility and Final Disposal

The municipalities shall include the projection of the volume or disposal capacity needed to accommodate the solid waste generated as reduced through interventions such as reuse, recycling and composting programs.

The plan shall specify the strategies for the efficient disposal of wastes through existing disposal facilities and the identification and development of prospective sites for future use pursuant of Article 6, RA 9003.

3.11 Education and Public Information

The municipalities shall ensure a well-informed citizenry about source reduction, recycling, composting, waste collection services, solid waste management and related health and environmental concerns.

3.12 Special Waste

The municipalities shall include existing waste handling and disposal practices for special and hazardous waste and identification of current and proposed program to ensure proper handling, re-use and treatment and disposal of special waste.

3.13 Resource Requirement and Funding

The municipalities shall include identification of specific projects, activities, equipment and technological requirements and indicate its cost. It will also indicate the source (s) of funds and of how the province/municipality intends to generate funds to finance the different programs/activities of solid waste management.

3.14 Privatization of Solid Waste Management Projects

The municipalities shall promote the participation of the private sector in the solid waste management, particularly in the generation and development of the essential technologies.

3.15 Incentives

The Provincial Government shall provide incentives to municipalities, barangays, puroks, households, schools and other institutions/establishments that effectively implement ecological waste management particularly on waste generation through the 3 R's, (reduction, reuse and recycling), handling and on-site storage, collection, transfer and transport of solid waste, waste processing and resources recovery and the manner and schedule of disposal of solid waste.

3.16 Dumping Into the River and Any Body of Water

The dumping or disposal of solid waste into the river or any body of water In the Province is prohibited.

3.17 Waste Storage in Public Utility Vehicles

Owners/operators/drivers of public utility vehicles, including tricycles, shall provide garbage receptacles or trash can inside the vehicles with the notice/warning to the passengers to place their waste inside the receptacles and shall be properly disposed in accordance with existing laws, rules and regulations.

SECTION 4. NOISE POLLUTION CONTROL

1.1 Noise Reduction

The Province through the AKENRO, in coordination with the municipalities, shall set noise standards for both mobile and stationary sources, either indoor or outdoor, which will not result in ambient noise level higher than the ambient standard.

1.2 Standard for Noise-Producing Equipment

This Code through its IRR, shall establish standards on noise produced from construction works, transportation, electrical or electronic equipments, stationary engines and such similar equipments. The standard shall set the acceptable level of noise emitted from given equipment for the protection of public health and welfare, considering among others, the magnitude and condition of the usage, the degree of noise reduction achievable through the application of best available technology and the cost of compliance.

The installation of any noise-producing equipment shall conform to the requirements of PD 1096 and other applicable laws as well as their implementing rules and regulations.

1.3 Community Noise Standards

Appropriate standard for ambient noise levels shall be established considering its location, zoning and land use classification.

1.4 Operation of Public Address System

Operations of public address systems shall be regulated under this Code.

SECTION 5. DISASTER/NATURAL CALAMITIES PREPAREDNESS

The province shall develop a comprehensive disaster risk reduction program that will include safety measures/preparations, assessments, predictions, prevention and mitigation of natural disasters through conduct of studies, demonstrations, projects and drills, education and trainings tailored to a specific disaster and location.

5.1 Creation and Institutionalization of Emergency Preparedness and Public Safety Mechanism.

The province through the PDCC, in collaboration with the municipalities and its barangays, shall prepare and implement emergency disaster risk reduction management plans and programs and provide logistic support thereof.

5.2 Evacuation Center Designation

The provincial government in collaboration with the municipalities and its barangays shall identify/designate evacuation centers which will be used during disaster/calamities.

5.3 Post Disaster Evaluation

The province through the PDCC shall conduct post disaster evaluation which includes assistance on restoration and rehabilitation to hasten the recovery process of disaster victims, and to the extent possible, remove or change the conditions which contribute to the occurrence of disaster to lessen the vulnerability of the community and enhance its capability. These post disaster evaluations may include limited financial assistance to shelter and cash/food-for-work, for the restoration and improvement of damaged houses and facilities, income generating projects and skills development trainings.

SECTION 6. CREATION OF ANTI-SMOKE BELCHING TASK FORCE.

The AKENRO shall organize anti-smoke belching Task Force that will coordinate with the EMB in conducting regular on-the-spot inspection of motor vehicles plying all road networks in the province.

SECTION 7. PROHIBITED PRACTICES.

Aside from those defined by national laws, rules and regulations, the following shall be prohibited

1. Burning of rice straws, sugarcane and other agricultural crops shall be prohibited.
2. Burning of household garbage or the practice of "dap-ong" shall be prohibited. Burning of toxic waste items shall have a stiffer penalty.
3. All other acts to be defined in the Implementing Rules and Regulations of this Code.

ARTICLE X

LAND AND LAND USE MANAGEMENT DEVELOPMENT

SECTION 1. LAND USE

This refers to the manner of utilizing land, both man-made and natural, including its allocation, development, and management. It shall be a policy to provide a rational, holistic, and just allocation, utilization, management, and development of the land resources to ensure their optimum use, consistent with the principles of sustainable development.

For purposes of this Code, the land use of the Province shall conform with the Provincial Development and Physical Framework Plan (PDPFP) that shall be used as guide framework in the formulation of the Comprehensive Land Use Plans (CLUPs) of the Local Government Units (LGUs) as mandated by RA 7160 and amendments thereof.

It shall apply to all lands, whether public, private, government-owned, and/or in the possession of individuals, communities, indigenous people, or group of people, to guide and govern the use, allocation, and management of land resources, including such activities that bear impact on said resources.

SECTION 2. LAND USE MANAGEMENT

The primary and alternative use of a specific land resource shall be determined and evaluated prior to any decision for the assignment of its use. Areas feasible for sustainable land resource use may be considered wherein settlements, tourism, agriculture, agro-forestry, infrastructures, industry, extraction activities and other income generating or livelihood activities may be allowed.

Land use management shall be in accordance with existing laws (DENR, DAO 71, Series of 1990; DAR AO 9, Series of 2006) and other guidelines adopted by national government agencies that recognize community based practices and Agribusiness Venture Arrangements (AVA) for the advancement of local entrepreneurs.

Provided, that multiple uses of land resources shall be in accordance with the principle and priorities in land use allocation and planning and on the carrying capacity of land and shall be in conformity with the adjoining land uses, and that no reclassification of prime agricultural lands to urban or other uses shall be allowed.

SECTION 3. MAINTENANCE AND DEVELOPMENT OF AGRICULTURAL LAND

Priority areas for agricultural development must be based on the Strategic Agricultural and Fisheries Development Zone (SAFDZs) as defined by Republic Act No. 8435 known as the Agricultural and Fisheries Modernization Act of 1997 or AFMA.

The Provincial Government, through its implementing arms, shall be tasked to assist the farmers in developing and maintaining agricultural lands. Assistance shall be sought from the Department of Agriculture (DA) in prioritizing areas for agricultural development based on SAFDZ.

The Network of Protected Areas for Agriculture and Agro-industrial Development (NPAAD), as identified by the Department of Agriculture through the Bureau of Soils and Water Management (BSWM), in coordination with the National Mapping and Resource Information Authority (NAMRIA), must be adopted and implemented by the LGUs to ensure the efficient utilization of land for agriculture and agro-industrial development and to promote sustainable growth.

SECTION 4. RECLASSIFICATION OF AGRICULTURAL LANDS

A city or municipality may, through an ordinance passed by the local sanggunian after the required public hearing, reclassify agricultural lands and provide for the manner of utilization in accordance with the provisions of existing governing laws, executive orders, administrative orders and other national government issuances and promulgations and in pursuance with the principle of sustainable development and environmental preservation.

SECTION 5. SETTLEMENTS AND SUBDIVISIONS DEVELOPMENT

The development of town, cities, and settlements through the zoning ordinances of cities and municipalities shall be guided by urban zoning standards designed to maximize existing urban spaces and reasonably restrain urban expansion.

Each city or municipality with an urban or urbanizable areas shall designate lands for socialized housing and resettlement areas within the residential zone which are integrated in the city or municipality's zoning ordinance duly approved by the Housing and Land Use Regulatory Board (HLURB) for the immediate and future needs of the underprivileged and homeless in their territory, pursuant to existing laws and regulations.

SECTION 6. REVERSION COVERED BY SPURIOUS OR ILLEGAL TITLES INTO PUBLIC DOMAIN

The Province, through the office of the Provincial Assessor and the AKENRO, in coordination with the Department of Environment and Natural Resources and Department of Agrarian Reform, shall conduct jointly an inventory of public lands within the Province and identify/demarcate all titled lands situated on forest or timber lands, reservations, easement of rivers, streams, creeks, streets or public highways including properties of public domain. The Province, in coordination with the Land Registration Authority and other government agencies, shall assist the Solicitor General to ensure that such titles are cancelled and those lands be reverted to public domain.

SECTION 7. LAND SPECULATION AND MANAGEMENT

An appropriate provision to institute a monitoring system shall be included in lands within the private domain, particularly in areas where economic growth is extensive and identified for development and investment speculation and conform to existing laws and regulations which ensures compliance to;

7.1 Policies that will constitute sustainable management practices in land development and speculation shall be established.

7.2 That proposed development plans are consistent with the zoning and land use plan and will positively benefit the residents of the concerned municipalities.

SECTION 8. SOIL CONSERVATION

The LGUs shall adopt soil erosion measures suitable to the site to maintain soil fertility and prevent potential soil degradation.

SECTION 9. MANDATORY FORMULATION AND UPDATING OF COMPREHENSIVE LAND USE PLAN

The LGUs shall formulate their respective CLUPs consistent with the provincial development and physical framework plan subject to the review by the PLUC and must be in accordance with Rule V11, Article 41 of the Implementing Rules and Regulations of the Local Government Code of 1991.

SECTION 10. TOWN ECOLOGICAL ZONING

A city or municipality may be zoned according to its functional contribution for economic development of the province in general for which the details shall be defined in the CLUP and zoning ordinance.

SECTION 11. DEVELOPMENT OPPORTUNITIES/CONSIDERATION FOR IDENTIFIED DISASTER PRONE AREAS

LGUs, in the formulation of the Comprehensive Development Plans/Comprehensive Land Use Plan, must identify disaster prone areas as a special concern and shall prepare mitigating programs/projects to address the adverse impact on the populace, damage to crops, properties and infrastructure projects.

SECTION 12. INSTITUTIONALIZATION OF THE PROVINCIAL LAND USE COMMITTEE (PLUC)

At the provincial level, the Provincial Land Use Committee (PLUC), whose composition and functions are defined in Executive Order No. 72 of 1993, shall be strengthened and institutionalized.

SECTION 13. LOCAL DEVELOPMENT COUNCIL (LDC)

The City or Municipal Development Councils, created under R.A. 7160, shall, with technical assistance from their sectoral committees and the City/Municipal Planning and Development Office (C/MPDO), prepare and periodically update the CLUP, taking into consideration the national, regional and provincial policies and strategies.

SECTION 14. LAND USE CONVERSION

Conversion of agricultural lands to non-agricultural uses shall be strictly regulated pursuant to Section 65 and 49 of Republic Act No. 6657, otherwise known as The Agrarian Reform Law of 1988, RA 7607, otherwise known as the Magna Carta for Small Farmers, Sections 4 (j) and 5 (l) of Executive Order No. 129-A, the Reorganization Act of the Department of Agrarian Reform, and the pertinent provisions of RA 8435, otherwise known as the Agriculture and Fisheries Modernization Act (AFMA), and all other pertinent laws, rules and regulations.

SECTION 15. OPEN SPACE IN URBAN AREAS FOR ECOLOGICAL FUNCTIONS

LGUs are hereby mandated to provide within their urban zone an open space for ecological enhancement to be incorporated in their respective CLUPs.

SECTION 16. ROAD EASEMENT AND SETBACK REQUIREMENTS

This Code adopts the provisions of PD 1096 known as the National Building Code of the Philippines and its revised IRR which governs road easement and setback requirements for buildings and other structures.

SECTION 17. CLOSURE AND OPENING OF ROADS

Closure and opening of local roads shall be governed by the pertinent provisions of RA 7160 otherwise known as the Local Government Code of 1991 and existing local ordinances.

SECTION 18. SIGNAGES AND BILLBOARDS CONSTRUCTION

This Code likewise adopts the provisions of Chapter 20 (Signs) of the National Building Code of the Philippines (PD No. 1096) providing for the general requirements, maintenance, design and construction, supports and anchorages, projections and clearances, and lighting of all signs.

ARTICLE XI

ENVIRONMENTAL IMPACT ASSESSMENT

SECTION 1. SCOPE OF POWERS

The implementation of Environmental Impact Assessment by Local Government Units refers to the powers, duties, and functions of the Municipal Mayor, City Mayor, and Provincial Governor to adopt adequate measures to safeguard and conserve land, mineral, marine, forest and other resources, as provided under Sections 444(b)(3)(vii), 455(b)(3)(vii), and 465(b)(3)(v) of RA 7160, respectively. Likewise, the power to enforce laws for the protection of the environment provided under RA 7160, Section 17(b)(3)(iii) and Section 17 (b)(4) rests on the provincial and city government, respectively. All projects/undertakings that shall be introduced and implemented within the territorial jurisdiction of the province are subject to the Philippine Environmental Impact Statement (EIS) system pursuant to Section 4 of PD 1151 "Philippine Environment Policy" and Section 2 of PD 1586 "Establishing An EIS Including Other Environmental Management Related Measures And For Other Purposes", DAO 2003-30 – Implementing Rules and Regulations of EIS, and related laws, rules and regulations. EIS system covers projects and undertakings categorized per Section 4 Article 2 of DAO 2003-30.

SECTION 2. MANAGEMENT DIRECTION

All projects/undertakings cannot proceed without first securing a Certificate of Non-Coverage (CNC) or Environmental Compliance Certificate (ECC) issued by the DENR upon completion of the requirements and recommendations by respective Local Government Units where the projects are located.

SECTION 3. OPERATING PRINCIPLES

The Provincial Government recognizes the need for an effective instrument for ensuring environmental soundness of agro-industrial and ecotourism projects thereby maintaining a rational and orderly balance between economic growth and community development in the province and, as such, hereby adopts the Environmental Impact Statement (EIS) System provided under Presidential Decree No. 1586, its Implementing Rules and Regulations (DAO 03- 30) and subsequent laws rules and regulations.

Specifically, the following basic processes for ensuring environmental soundness of all development projects as identified under PD 1586 are hereby adopted such as project screening, scoping, EIA study and report preparation, EIA report review and evaluation, decision making, monitoring, validation and evaluation audit.

SECTION 4. PUBLIC HEARING/CONSULTATION REQUIREMENTS

The conduct of public hearing as part of the EIS review for projects specified in the Revised Procedural Manual for DAO 2003-30 is mandatory unless otherwise determined by EMB. For all other undertakings, a public hearing is not mandatory unless specifically required by EMB.

Proponents should initiate public consultation early in order to ensure that environmentally relevant concerns of stakeholders are taken into consideration in the EIA study and the formulation of the environmental management plan. All public consultations and public hearings conducted during the EIA process are to be documented. The public hearing/consultation process report shall be validated by the EMB/EMB RD with a copy furnished to the AKENRO and shall constitute part of the records of the EIA process.

SECTION 5. MULTIPARTITE MONITORING TEAM

The organization, composition and operationalization of the Multi-partite Monitoring Team shall be governed by the provisions of the Revised Procedural Manual for DAO No. 2003-30. The proponents are required to establish an MMT and shall put up an Environmental Monitoring Fund (EMF) not later than the initial construction phase of the project.

SECTION 6. SELF-MONITORING AND THIRD PARTY AUDIT

The proponent shall also conduct regular self-monitoring of specific parameters indicated in the Environmental Management Plan through its environmental unit.

For projects with ECCs issued based on a PEPRMP, EPRMP, or an EMS-based EMP, a third party audit may be undertaken by a qualified environmental or EMS auditor upon the initiative of the proponent and in lieu of forming an MMT. The said proponent shall submit to EMB a copy of the audit findings and shall be held accountable for the veracity of the report. The EMB may opt to validate the said report.

SECTION 7. ENVIRONMENTAL GUARANTEE FUND

An Environmental Guarantee Fund (EGF) shall be established for all co-located or single projects that have been determined by DENR to pose a significant public risk or where the project requires rehabilitation or restoration. An EGF Committee shall be formed to manage the fund which shall be composed of representatives from the EMB Central Office, EMB Regional Office, affected communities, concerned LGUs, and relevant government agencies identified by EMB.

An integrated MOA on the MMT-EMF-EGF shall be entered into among the EMB Central Office, EMB Regional Office, the proponent, and representatives of concerned stakeholders.

SECTION 8. ABANDONMENT

For projects that shall no longer be pursued, the proponent should inform EMB and the Local Government Unit to relieve the former from the requirements for continued compliance with the ECC conditions. For projects that have already commenced implementation, an abandonment/decommissioning plan shall be submitted for approval by EMB, with a copy furnished to the Local Government Unit, at least six (6) months before the planned abandonment/decommissioning. The implementation of the plan shall be verified by EMB.

SECTION 9. LAW ENFORCEMENT

The Provincial Government, through the Multipartite Monitoring Team, and the DENR shall work together to enforce the law, including the closure of the establishments and projects and the prosecution of offenders.

ARTICLE XII

ENVIRONMENTAL HEALTH AND SANITATION

SECTION 1. PROTECTION AND IMPROVEMENT OF WATER SUPPLY QUALITY

1.1 Water Supply Quality Management - The quality of drinking water used shall be in accordance with the Philippine National Standards for Drinking Water. The examination of drinking water shall be performed only in private or government laboratories duly accredited by the Department of Health.

1.2 The standard parameters and values for drinking water required, roles of the local health authority in maintaining safe and quality public water supply system, and the creation of the multi-sectoral monitoring group shall be governed by the provisions of PD 856 otherwise known as the Code on Sanitation of the Philippines.

SECTION 2. LOCAL DRINKING WATER QUALITY MONITORING COMMITTEE

This Code adopts the composition at the municipal and provincial levels and the functions of the Local Drinking Water Quality Monitoring Committee prescribed in PD 856.

SECTION 3. WATER REFILLING STATIONS

The LGUs, in collaboration with the DOH-BFAD, shall regulate all water refilling stations or individuals engaged in selling water for commercial or human consumption subject to regular monitoring of water sources.

SECTION 4. OTHER PROTECTIVE MEASURES

Monitoring of other water sources, water products, treatment and disinfection of raw water by the corresponding responsible agencies or persons shall be governed by the provisions of PD 856.

SECTION 5. WATER SUPPLY AND SANITATION IN EMERGENCIES

The LGUs shall formulate a sanitation policy and provide temporary water supply and sanitation facilities during emergency situations to prevent loss of life and spread of common and fecal diseases.

SECTION 6. COMPREHENSIVE RABIES PREVENTION AND CONTROL PROGRAM

The Province, in collaboration with the municipalities, shall have a comprehensive Provincial Rabies Control Program pursuant to the National Rabies Prevention and Control Program mandated by RA 9482, otherwise known as the Anti-Rabies Act, and to be implemented by a multi-sectoral agency chaired by the Governor whereby the Municipalities and Barangays shall establish their own Comprehensive Rabies Prevention and Control Program and create their respective committees.

6.1 Rabies Vaccination for Canine and Feline

All dogs and cats ages three (3) months and above must be vaccinated in designated centers as mandated by RA 9482, known as Anti Rabies Act of 2007.

6.2. Duties of Pet Owners

All pet owners shall have their dogs and cats regularly vaccinated (annual) against rabies or as prescribed by the veterinarian and maintain registration card which shall contain all vaccinations conducted on their pets.

6.3. Enforcement

It shall be the responsibility of the municipal government to enforce this particular provision and promulgate the necessary rules and regulations for its implementation.

6.4. Pet Owner's Liability

6.4.1 The owner of a dog, cat, and other domesticated animals which has bitten any person shall be held responsible for the cost of the vaccine, treatment and dog examination and other related expenses unless the bite was inflicted by a restrained and registered dog or had occurred within the owners premises, in which case the issue may be settled by the owner and the bite victim.

6.4.2 The owner of a dog, cat, and other domesticated animals which had caused injury, damages or loss of life in case of traffic/road accidents will be held liable.

6.5. Responsibilities of the LGUs

Section 7 (10) of RA 9482 provides that LGUs in their respective localities shall appoint a veterinarian and establish a veterinary office in every province, city and first class municipality; however, other municipalities may on their own, opt to share the expense of having a veterinary office.

6.6. Vaccination Cost

The cost of vaccine shall be borne by the owner of the dog, cat, and other domesticated animals, unless there are mass anti-rabies vaccinations subsidized by the government.

6.7. Impounding and Disposition of Stray Animals

Stray dogs and other animals shall be impounded in the designated pounding area of the LGU and properly disposed of, taking into consideration the following guidelines:

- a. Unregistered, stray or unvaccinated dogs shall be impounded and kept in the LGU's designated dog pound.
- b. Impounded dogs not claimed after 3 days from the dog pound shall be placed for adoption to qualified persons with the assistance of animal welfare NGO, when feasible otherwise, it shall be disposed of in any manner authorized, subject to pertinent provisions of RA 8485.

6.7.1 Impounding Fee. The owner of the impounded dog shall be held liable and required to pay an impounding fee prescribed under enacted ordinance of the LGUs.

6.7.2. Vaccination Fee. Vaccination fee shall be determined by the defined provision of enacted ordinance by the LGUs.

6.7.3 Registration Fee. The amount of registration fee shall be defined and determined in a provision of any local ordinance for this purpose.

6.8. Stray Animals

The LGUs shall have a control over all stray animals as maybe provided under their respective local ordinance enacted for this purpose.

6.9. Elimination of Unregistered Dogs and Cats

Unregistered dogs and cats over four (4) months old shall be seized and humanely disposed of under the supervision of a licensed veterinarian or the Municipal Rabies Control Authority.

ARTICLE XIII

ECOTOURISM

SECTION 1. MANAGEMENT DIRECTION

The LGUs shall formulate plans and programs with institutional mechanism for sustainable community based ecotourism guided by environmentally-sound policies involving active participation of the stakeholders. This Code hereby adopts the ecotourism principles, policies and objectives as embodied under Executive Order No. 111, "Establishing the Guidelines for Ecotourism Development in the Philippines dated June 17, 1999."

SECTION 2. IDENTIFICATION, DESIGNATION AND CLASSIFICATION OF ECOTOURISM SITES

The LGUs shall identify, designate and classify ecotourism sites within their jurisdictions in close consultation with concerned government agencies pursuant to existing standards, policies and laws.

SECTION 3. ECOTOURISM DEVELOPMENT PLAN

The LGUs, through its Tourism Council, shall formulate their respective ecotourism plans and programs as an effective mechanism for ecotourism development particularly in their respective localities patterned after the national ecotourism strategies and pursuant to the provisions of the Tourism Code of Aklan.

SECTION 4. ECOTOURISM WITHIN PROTECTED AREAS (PAS)

Protected areas within the Province of Aklan which have potentials for ecotourism purposes shall be subject to inventory assessment and classification pursuant to existing laws, rules and regulations.

SECTION 5. EDUCATION AND ADVOCACY

The LGUs shall encourage public and private school authorities in their respective jurisdiction to include in their prescribed environmental education curriculum all information materials related to ecotourism sites, projects and activities by way of brochures, posters, videos and related devices.

It shall also encourage active participation of all other sectors of the civil society and business, local governments, media, and the youth in education and advocacy campaign activities pertaining ecotourism.

SECTION 6. SUPPORT PROGRAMS

In the establishment of an ecotourism project particularly in the concerned localities, the LGUs shall provide support programs to ensure the project's sustainability, through capacity building, community organizing and other support services (waste management, health/rescue services and disaster management).

SECTION 7. ECOTOURISM FUND

Funding for ecotourism programs, projects and activities shall be included in the fund sourcing and disbursement mechanism provided for in the Tourism Code of Aklan.

SECTION 8. MONITORING AND EVALUATION

Monitoring and evaluation of the social and economic impact of every ecotourism program, project and activity in Aklan shall be undertaken in accordance with the specific provisions of the Tourism Code of Aklan and this Code.

ARTICLE XIV

HERITAGE RESOURCES CONSERVATION, PRESERVATION, DEVELOPMENT AND UTILIZATION

SECTION 1. POLICY DIRECTION

The Province shall formulate and establish measures for maintaining and preserving its rich heritage resources and traditions which are essential in developing tourism attractions.

SECTION 2. CLASSIFICATION OF ECOTOURISM HERITAGE RESOURCES

The Province shall initiate the inventory and classification of historical, archaeological sites, cultural, religious and culturally sensitive areas in accordance with the provisions of Republic Act 8492, otherwise known as The National Museum Act of 1998 and relevant Presidential Decrees, proclamations and Issuances.

SECTION 3. DEVELOPMENT AND PROMOTION

The LGUs shall establish programs for the development and promotion of its rich cultural heritage resources and treasures.

SECTION 4. AKLAN CULTURE, HERITAGE AND THE ARTS

The LGUs shall encourage the public and private school authorities in their respective areas of jurisdiction to include subjects on Heritage Resources in their school curriculum.

ARTICLE XV

SUSTAINABLE ENERGY DEVELOPMENT

SECTION 1. POLICY DIRECTION

The provincial government shall undertake an environment-friendly sustainable energy development program in partnership with the private sector and other concerned agencies through harnessing local energy sources such as solar, water, wind, biomass and other viable sources to mitigate climate change brought about by global warming.

SECTION 2. ENERGY DEVELOPMENT PROGRAM

In line with the environmental policies aimed at protecting the world from global warming and other forms of ecological degradations, the local government units shall:

- a. undertake a sustainable energy development program that encourages the utilization of alternative and renewable sources of energy like solar, wind, hydropower and bio-fuel.
- b. undertake strict regulatory and monitoring system in the utilization of energy sources that have contributed to the degradation of the environment (e.g., fossil fuels and coal).
- c. ensure implementation of environmental standards and policies.

SECTION 3. ENERGY ENHANCEMENT MEASURES

Consistent with the development of a sustainable energy program, the Local Government Units shall adopt measures that include, but not limited to the following:

- a. Give full support and incentives to investments and projects that develop renewable and environment-friendly energy sources.
- b. Conduct study and research and establish pilot projects on energy sources.
- c. Provide capability building activities for technical personnel and other stakeholders in the development of sustainable energy.

SECTION 4. SAFETY NETS

The local government units shall promulgate measures to prevent or mitigate the adverse effects of energy development to the environment. Among the areas of concern that may be addressed may include, but not limited to the following:

- a. Safeguard the health and safety of the community where an energy plant or project is located.
- b. Guarantee the rights of the indigenous people in the utilization of their ancestral domain for energy development projects.
- c. Protect the watersheds and its river system from degradation or destruction caused by the construction of hydro-electric power plants in the area.

SECTION 5. INFO-DISSEMINATION AND EDUCATION

Information dissemination and education campaign on energy development projects shall be intensified through the use of the tri-media facilities.

ARTICLE XVI

INDIGENOUS PEOPLE

SECTION 1. ATI AND AKLANON SULODNON

The Ati of Malay and Aklanon Sulodnon of Libacao are recognized as the Indigenous Peoples of Aklan in accordance with RA 8371 of 1997 and provide due accreditation to their respective organizations with the National Commission on Indigenous Peoples (NCIP).

SECTION 2. PROTECTION OF ANCESTRAL DOMAIN AND THEIR NATURAL HABITAT

This Code adopts Sections 7, 8, 9 and 58 of RA 8371, entitled Indigenous Peoples Rights of 1997, in the protection of the ancestral domain of indigenous peoples.

SECTION 3. PRESERVATION OF THE ICCS/IPS CULTURE, TRADITIONS AND ARTS

Pursuant to Sec. 29 and 34 of RA 8371, the local government units shall respect, recognize and protect the rights of the Ati and Aklanon Sulodnon to preserve and protect their culture and institutions.

3.1 Rights to Religious, Cultural Rites and Ceremonies

The Ati and Aklanon Sulodnon shall have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect and have access to their religious and cultural sites; the right to use and control of ceremonial objects, and the right to the repatriation of human remains. Accordingly, the LGUs shall take effective measures, in cooperation with the ICCs/IPS concerned, to ensure that indigenous sacred places including burial sites, be preserved, respected and protected. To achieve this purpose, it shall be unlawful to:

a) explore, excavate or make diggings on archeological sites of the ICCs/IPS for the purpose of obtaining materials of cultural values without the free and prior consent of the community concerned; and

b) deface, remove or otherwise destroy artifacts which are of great importance to the ICCs/IPS for the preservation of their cultural heritage.

SECTION 4. EDUCATION ON RESOURCE CONSERVATION

The LGUs, in coordination with other national line agencies, shall conduct periodic trainings on Resource Conservation for the Ati and Aklanon Sulodnon pursuant to Sec. 9 of RA 8371.

SECTION 5. PROVISION OF SKILLS TRAINING AND LIVELIHOOD OPPORTUNITIES

The LGUs, in coordination with other government agencies, NGOs, and POs, shall provide skills training and livelihood opportunities for the Ati and Aklanon Sulodnon to minimize their dependence but yet sustain the natural resources of their habitat.

ARTICLE XVII

PERMITS AND CHARGES

This Code provides that all permit issuances and imposition of charges on Forest Resources, Land and Mineral Resources, Habitat and Biodiversity Conservation, Watershed Management, Water Resources, Coastal Zone Resources, Environmental Protection and Enhancement, Cultural Heritage Preservation, Energy Development and Eco-tourism shall be governed by the existing national laws, rules and regulations, provincial and municipal Ordinances.

ARTICLE XVIII

PENAL CLAUSE

All penal sanctions and/or civil liabilities including its mode of prosecution and/or filing of complaints to proper judicial and administrative bodies imposed by existing national laws and local ordinances are hereby incorporated and adopted under this Code. Violations and/or acts punishable under this ordinance not being covered/penalized by existing national and local laws shall upon conviction, be punished by a fine of not less than One Thousand Pesos (Php 1,000.00), but not more than Five Thousand Pesos (Php 5,000.00), or an imprisonment of not less than one (1) month but not more than six (6) months. Such fine or imprisonment or both, shall be imposed at the discretion of the proper judicial and/or administrative body.

ARTICLE XIX

FINAL PROVISIONS

SECTION 1. SEPARABILITY CLAUSE

Should any provision or part of this Code be declared unconstitutional or contrary to existing laws, the remaining provisions shall be in full force and effect.

SECTION 2. REPEALING CLAUSE

All local ordinances and promulgations, executive and administrative orders inconsistent with this Code are hereby effectively repealed.

SECTION 3. EFFECTIVITY CLAUSE

This Code shall be effective Fifteen (15) days after its publication in a newspaper of general circulation in the Province of Aklan.

SECTION 4. IMPLEMENTING RULES AND REGULATIONS.

One (1) month after the effectivity of this Code, the Provincial Governor shall cause the preparation and issuance of its Implementing Rules and Regulations in close consultation and coordination with concerned national and local government agencies and offices.

ENACTED, SEPTEMBER 17, 2009.

I HEREBY CERTIFY to the correctness of the foregoing ordinance.

SGD. ODON S. BANDIOLA
Secretary to the Sanggunian

ATTESTED:

SGD. GABRIELLE V. CALIZO
Vice Governor/Presiding Officer

APPROVED:

SGD. CARLITO S. MARQUEZ
Provincial Governor