

EXCERPT FROM UTHE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG PANLALAWIGAN OF BATAAN HELD AT LOU-IS RESORT AND RESTAURANT, CAPITOL DRIVERBALANGA CITYAL OFFICE BATAAN, ON SEPTEMBER 8, 2014 VINCE OF BATAAN

**Republika ng Pilipinas** 

PRESENT:

Hon. Efren E. Pascual, Jr., Vice-Governor Hon. Jovy Z. Banzon, Board Member and Temporary Presiding Officer

# FIRST DISTRICT:

Hon. Dexter B. Dominguez, Board Member Hon. Aristotle J. Gaza, Board Member Hon. Gaudencio C. Ferrer, Board Member Hon. Rolando Z. Tigas, Board Member Hon. Reynaldo T. Ibe, Jr., Board Member

# SECOND DISTRICT:

Hon. Edgardo P. Calimbas, Board Member

Hon. Dante R. Manalaysay, Board Member

Hon. Gerardo R. Roxas, Board Member

Hon. Jose C. Villapando, Sr., Board Member

Hon. Doroteo M. Austria, Board Member (FABC President)

ABSENT:

Hon. Manuel N. Beltran, Board Member (PCL President) (O.B.)

# **RESOLUTION NO. 197**

APPROVING THE AMENDMENTS OF PROVINCIAL ORDINANCE NO. 03, SERIES OF 2009, ENTITLED "AN ORDINANCE BANNING RICE STRAW BURNING AND IMPOSING APPROPRIATE PENALTIES FOR VIOLATIONS THEREOF AND IMPLEMENTING THE MENTIONED ORDINANCE IN ACCORDANCE WITH ITS IMPLEMENTING RULES AND REGULATIONS (IRR)".

"WHEREAS, Sangguniang Panlalawigans are empowered by the Local Government Code of 1991 to enact ordinances, approve resolutions and appropriate funds for the general welfare of its inhabitants.....in the exercise of the corporate powers of the province.....(Article 98) (a);

Provincial Governor



2014

OFFICE OF THE VICE GO U

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WHEREAS, Resolution No. 42, Approving Ordinance No. 03, series of 2009, entitled "AN ORDINANCE BANNING RICE STRAW BURNING AND IMPOSING APPROPRIATE PENALTIES FOR VIOLATION THEREOF" was passed and approved and the same was amended to read as follows:

## ORDINANCE NO. 03 Series of 2009

AN ORDINANCE BANNING RICE STRAW BURNING AND IMPOSING APPROPRIATE PENALTIES FOR VIOLATIONS THEREOF:

Section I. This Ordinance hereby prohibits and ban rice-straw burning in agricultural farms.

Section II. COVERAGE: This Ordinance covers all agricultural farmers, tillers and other farm owners and workers within the Province of Bataan, which is composed of eleven (11) Municipalities and one (1) City;

Section III. PROHIBITED ACTS: It is hereby prohibited in this Ordinance the burning of rice-straw in agricultural farms.

Section IV. EXCEPTIONS: Section III of this Ordinance shall not apply in the event that rice straw burning shall be made for scientific, agricultural and technological researches and studies and for purpose other than agricultural productivity and efficiency;

Section V. PRESUMPTION OF VIOLATION OF SECTION III: The presence of ashes from rice straw within any area/areas in the ricefield is a presumption that rice straw has been burned, henceforth a violation of Section III of this Ordinance.

Section VI. PURPOSE: This Ordinance focuses on the production of on-farm composts using rice straw with the aid of Trichoderma, a fungus that hastens the decomposition of biomass or farms wastes.

Section VII. COLLABORATING AGENCIES: The primary implementing agencies of the National Organic-Based Agriculture or "Agri Kalikasan" are the Bureau of Soils and Water Management (BSWM), the Department of Agriculture Regional Field Unit III (DA RFU III), the Provincial Government of Bataan through the Provincial Agriculture's Office and other related agencies.

Section VIII. SEPARABILITY CLAUSE: If any provision of this Ordinance has been declared null and void notwithstanding, the remaining provisions shall remain in full force and effect.

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Section IX. IMPLEMENTING RULES AND REGULATIONS: An Implementing Rules and Regulations shall be issued for the proper implementation of this Ordinance.

WHEREAS, to be able to contribute in addressing the concerns on environmental degradation and climate change, there is the necessity of legislative enactment providing the Implementing Rules and Regulations (IRR) of Provincial Ordinance No. 03, setting forth material guidelines and penalties for infractions thereof;

NOW, THEREFORE, on motion by Board Member Gaudencio C. Ferrer, which was unanimously seconded, the Sangguniang Panlalawigan of Bataan passed and approved the following Implementing Rules and Regulations (IRR) governing Ordinance No. 03, series of 2009 to read as:

## IMPLEMENTING RULES AND REGULATIONS

"AN ORDINANCE BANNING RICE STRAW BURNING AND IMPOSING APPROPRIATE PENALTIES FOR VIOLATION THEREOF".

- I. POLICY AND DEFINITION OF RESOLUTION NO. 42, APPROVING ORDINANCE NO. 03.
  - To achieve food security in an environment friendly manner;
  - b. To conserve and protect the ecosystem in the Province against CO<sub>2</sub> emission contributing to climate change;
  - c. To ensure productive fertile soil with the use of farm wastes produced in this policy;
  - d. To protect the residents from the harmful effects of smoke of the burning waste materials in the farm in response to Clean Air Act of the National Government;
  - e. To provide technical assistance to farmers on how to facilitate decomposition with the use of Effective Microorganism and Trichoderma and others;
  - f. Flexibility of the policy should be adopted in the Province to attain the full cooperation of the community.

THE PROVINCIAL GOVERNMENT ENSURES TO ATTAIN THE OBJECTIVES:

1. Conservation and Protection of the Environment;

2. Improved Productivity;

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- 3. Poverty Alleviation;
- 4. Assure Clean Air for the Community;
- 5. Reduced CO<sub>2</sub> Emission.

SECTION 1. TITLE:

- **RULE 1.1** TITLE. These Rules shall be known and cited as the Implementing Rules and Regulations (IRR) of Resolution No. 42, Approving Provincial Ordinance No. 03;
- **RULE 1.2** PURPOSE. These Rules are promulgated to prescribe the procedures and guidelines for the implementation of the Provincial Ordinance No. 03 of 2009 to facilitate and achieve the objectives thereof;

### CHAPTER I

## DECLARATION OF POLICY AND DEFINITIONS

- SECTION 2. DECLARATION OF POLICY. - It is hereby declared the policy of the Province:
  - To achieve food security as the overriding consideration in the utilization and management of agricultural farm wastes in an environment-friendly manner. A flexible policy towards the attainment of food security shall be adopted in response to the emerging and inequivocal climate change due to global warming;
- b) To ensure the rational and sustainable agriculture development thru the use of Trichoderma Harzianum and other microorganisms that enhance decomposition of organic farm wastes.

#### **DEFINITION OF TERMS:**

2.

1. Agricultural Farmers

Food Security

People directly or personally and physically engaged in farming of agricultural crops;

Refers to any strategy, policy or plan aimed at ensuring adequate supplies of appropriate food at affordable prices. It can be achieved self-sufficiency, thru selfreliance, and/or importation;

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a)



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Agricultural Farms

Farm Wastes

3.

4.

5. Composting

Pits

6.

7. Carbon Dioxide (CO<sub>2</sub>)

Organic Fertilizer

8.

 A tract of land cultivated for the purpose of agricultural production;

- All crop residues produced during agricultural operations to include kitchen wastes in the farm;
- Often defined as aerobic decomposition of organic materials into a crumbly, dark, soil-like amendment, rich in 'stable humus', - the foundation of a fertile soil. Typically, none of the original materials can be easily identified by the end of the composting process, indicating a well humified finished (humus rich), compost;
- Naturally formed or excavated hole or cavity in the ground;
- А colorless, odorless, incombustible gas CO<sub>2</sub>, formed during respiration, combustion, and organic decomposition and used in food refrigeration, carbonated beverages, inert atmospheres, fire extinguishers, and aerosols. Also called *carbonic acid gas*;

 Naturally-occurring fertilizers (e.g. <u>compost, manure</u>), or naturally-occurring mineral deposits (e.g. saltpeter). Naturally-occurring <u>organic</u> <u>fertilizers</u> include <u>manure,</u> <u>slurry, worm castings, peat,</u> <u>seaweed, humic acid and</u> <u>guano;</u>

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Fertile Soil

9.

10. Farm Land

- 11. Forest Land
- 12. Decomposition

13. Effective Microorganism

- Rich in material needed to sustain plant growth;
- A tract of land cultivated for the purpose of agricultural production;
- A dense growth of trees and underbrush covering of large tract;
- Is the process by which organic material is broken down into simpler forms of matter. The process is essential for recycling the finite matter that occupies physical space in the biome. Bodies of living organisms begin to decompose shortly after <u>death.</u> Although no two organisms will decompose in the same way, they will all undergo the same sequential stages of decomposition;
- Aka EM Technology, is a trademark term now commonly used to describe a proprietary blend of 3 or more types of predominantly anaerobic organisms that was originally marketed as EM-1 Microbial Inoculant but is now marketed by a plethora of companies under various names, each with their own proprietary blend. "EM Technology" uses a laboratory cultured mixture of consisting microorganisms mainly of lactic acid bacteria, purple bacteria, and yeast which co-exist for the benefit whichever environment of they are introduced, as has been claimed by the yarious em-like culture purveyors;

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Trichoderma

15. CFA

14.

16. DA

17. BSWM

- 18. DARFO III
- 19. Agricultural Farmer Tiller

20. Farmer Owner

- A saprophytic fungus that deals only with dead materials and hastens decomposition of cellulotic materials;
- Acts as catalyst in the decomposition of farm wastes;
- Compost Fungus Activator that hastens decomposition of agricultural farm wastes;
- Department of Agriculture;
- Bureau of Soils and Water Management, a staff bureau of the Department of Agriculture responsible for advising and rendering assistance on matters relative to the utilization of soils and water as vital agricultural resources;
- Department of Agriculture Regional Field Office III and the focal agency in Region III in charge in the implementation of the department's agricultural programs;
- A person or persons actively engaged in farming and deriving taxable income from such activity-or someone who is retired from farming when it relates to the land the farmer formerly farmed;
- Owner of a parcel of land devoted to crop production or called as owner cultivator;

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Farm Worker

Climate Change

21.

22.

- A person hired to work in the agricultural industry. This includes work on farms of all sizes, from small, family-run businesses to large industrial agriculture operations. The farm worker may or may not be related to the individual who owns or run the farm, but his or her job entails a more formal relationship than a family member or neighbor occasional who might do chores on the farm;
- A long-term change in the statistical distribution of weather patterns over <u>periods</u> <u>of time</u> that range from decades to millions of years. It may be a change in the average weather conditions or a change in the distribution of weather events with respect to an average, for example, greater or fewer extreme weather events.

# II. APPLICATIONS:

1. All farmlands, forestlands and household farm backyards are covered by this ordinance;

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- 2. All lands devoted to crop production, idle lands, and pasture lands that produce waste that are highly combustible;
- 3. All lands whether private and public lands are also included and others that had been previously utilized as farmlands.

# III. JURISDICTION/IMPLEMENTATION:

The Provincial Government, eleven (11) Municipalities, one (1) City, NGO, Government Agency, Religious Groups and the Community itself shall have the responsibility and jurisdiction in the management, conservation, development and protection of the environment, particularly the soil where agricultural crops are planted.

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Monitoring Team:

Α.

A Monitoring Team at the municipal level shall be created to be composed of the following who shall convene and formulate mechanics and policies anent the implementation of this Ordinance.

- 1. Chairman of the Sangguniang Bayan Committee on Agriculture;
- 2. Municipal Agriculturists;
- 3. Federation President of ABC and the concerned Barangay Captain.

### RULE 2. APPREHENSION AND IMPLEMENTATION:

An Apprehending Team shall be created to be composed of the PNP, Chief of Barangay Tanod and the Barangay Kagawad Chairman of Agriculture who shall apprehend the violators of this Ordinance;

This Ordinance shall not apply in the event that rice straw and other related agricultural wastes shall be used for Scientific, Agricultural and Technical Researches.

IV. PENALTIES AND CHARGES:

RULE 1. The following penalties and charges shall be imposed for the commission of prohibited acts contemplated under Section III of Provincial Ordinance No. 3, as amended:

FIRST OFFENSE - Reprimand and signing of Promissory Note;

SECOND OFFENSE - Fine of THREE THOUSAND PESOS (PHP3,000.00) or Confiscation of equivalent cavans of palay at prevailing price;

THIRD OFFENSE - Fine of FIVE THOUSAND PESOS (PHP5,000.00) or imprisonment not exceeding ONE (1) YEAR at the discretion of the Court.

RULE 2. Any amount collected as penalty will be utilized by the respective barangay for their agricultural development.

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V. AWARDS AND RECOGNITION:

An Awards Committee from each of the eleven (11) municipalities and one (1) city of the Province will formulate its own criteria to choose the Best Barangay Implementor of this Ordinance and will be rewarded with the following which will be utilized for the agricultural development of the winning barangay:

| Cash         | <br>Php10,000.00           |
|--------------|----------------------------|
| One (1) unit | <br>Multi-Purpose Shredder |
| Vermi Worms  | <br>15 kilograms           |

### VI. EFFECTIVITY:

These Implementing Rules and Regulations (IRR) shall take effect fifteen (15) days after publication in a newspaper of local circulation.

RESOLVED FINALLY, that copies of this resolution be furnished all eleven (11) municipal and one (1) city mayors in the Province of Bataan, all SB Chairman of the Committee on Agriculture, the Provincial Agriculturist, 11 Municipal Agriculturists, 1 City Agriculturist and other parties concerned for their information and guidance.

APPROVED UNANIMOUSLY".

DEXTER B. DOMINGUEZ

Board Member

We hereby certify to the correctness of the above-quoted resolution.

SEVERINO P. SALAZAR Secretary to the SP

ARISTOTLE J. GAZA Board Member

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GAUDENCI FERRER Board Member

REYNALDO T. IBE, JR.

Board Member

DANTE R. MANALAYSAY Board Member

JOSE C. VILLAPANDO, SR. Board Member ROLANDO Z. TIGAS Board Member

GARDO P. CALIMBAS Board Member

GERARDO R. ROXAS Board Member

DOROTEO M. AUSTRIA Board Member (FABC President)

ATTESTED:

JOVY Z. BANZON Board Member

(Temporary Presiding Officer)

APPROVED:

. GARCIA Provincial Governor

EFREN E. PASCUAL, JR.

Vice-Governor