



Sangguniang Panlalawigan

BATAAN CAPITOL, BALANGA CITY



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG PANLALAWIGAN OF BATAAN HELD AT THE SAKURA RESTAURANT, SBMA, OLONGAPO CITY ON FEBRUARY 26, 2019

PRESENT:

Hon. Ma. Cristina M. Garcia, Vice Governor and Presiding Officer

FIRST DISTRICT:

- Hon. Benjamin C. Serrano, Jr., Board Member
- Hon. Aristotle J. Gaza, Board Member
- Hon. Rolando Z. Tigas, Board Member
- Hon. Reynaldo T. Ibe, Jr., Board Member

SECOND DISTRICT:

- Hon. Jovy Z. Banzon, Board Member
- Hon. Manuel N. Beltran, Board Member
- Hon. Edgardo P. Calimbas, Board Member
- Hon. Dante R. Manalaysay, Board Member
- Hon. Jose C. Villapando, Sr., Board Member

Hon. Noel Joseph L. Valdecañas, Board Member (PCL President)

ABSENT:

- Hon. Dexter B. Dominguez, Board Member
- Hon. Doroteo M. Austria, Board Member (FABC President) (O.B.)
- Hon. Precious D. Manuel, Board Member (SKF President) (O.B.)

ORDINANCE NO. 03
Series of 2019

AN ORDINANCE PROVIDING FOR THE ENVIRONMENT CODE OF THE PROVINCE OF BATAAN.

Sponsored by: HON. MANUEL N. BELTRAN

Be it ordained by the Sangguniang Panlalawigan of Bataan that:

CHAPTER I. GENERAL PROVISIONS

Article I

Title, Policy, Legal Bases, Definition of Terms

SECTION 1. TITLE. This Code shall be known as the "Bataan Environment Code" and shall hereinafter be referred to as the Code.

SECTION 2. DECLARATION OF POLICY. In conformity with the powers granted by the 1987 Constitution, and in conjunction with Section 16 or the General Welfare Clause of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, it is hereby declared the policy of the

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Provincial Governor

"EXCELLENT PUBLIC SERVICE TOWARDS A BETTER QUALITY OF LIFE FOR ALL"

SANGGUNIANG PANLALAWIGAN
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RECORDS DIVISION
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Provincial Government of Bataan to fully exercise genuine and meaningful local autonomy as an effective partner of the National Government, its people and the civil society in recognizing and promoting the right of the Filipino people to a balanced and healthful ecology in accord with the rhythm and harmony of nature.

SECTION 3. LEGAL BASES. This Code is promulgated by the Provincial Government of Bataan based on its authority, responsibility and mandate as provided for in related laws and regulations, such as, but not limited to, the Local Government Code of 1991; national laws and their Implementing Rules and Regulations; Executive Orders; Presidential Decrees; Presidential Proclamations; Administrative Orders; Department Administrative Orders; and Memorandum Circulars (see Annex for List of Relevant Laws and Issuances).

SECTION 4. DEFINITION OF TERMS. As used in this Code, the following acronyms, words and phrases shall be defined or construed as follows:

ADAPTATION - the adjustment in natural or human systems in response to actual or expected climatic stimuli or their effects, which moderates harm or exploits beneficial opportunities (RA 9729);

AGRICULTURAL WASTE - waste generated from planting, or harvesting of crops, trimming or pruning of plants and wastes or run-off materials from farms or fields (RA 9003);

AGRO-FORESTRY - a collective name for land-use systems and technologies where woody perennials (trees, shrubs, palms, bamboos, etc.) are deliberately used on the same land-management units as agricultural crops and/or animals, in some form of spatial arrangement or temporal sequence. In agroforestry systems, there are both ecological and economical interactions between the different components;

ALIENABLE AND DISPOSABLE (A&D) LANDS - public domain lands that have been limited, classified and declared as such and available for disposition under Commonwealth Act No. 141, otherwise known as the Public Land Act (DENR DAO 2000-83);

AMBIENT AIR QUALITY - the general amount of pollution present in a broad area; and refers to the atmosphere's average purity as distinguished from discharge measurements taken at the source of pollution (RA 8749);

BICMP - Bataan Integrated Coastal Management Program;

BIOGAS - gas produced by the biological breakdown of organic matter such as biomass, manure, sewage and plant material in the absence of oxygen;

BIOGAS DIGESTER - an air-and water-tight, oxygen-free tank, fed with organic material where the microbial digestion or fermentation takes place to produce biogas;

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BIOLOGICAL DIVERSITY OR BIODIVERSITY – the variability among living organisms from all sources including, *inter alia*, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems (RA 11038);

BMB – Biodiversity Management Bureau;

BSDS – Bataan Sustainable Development Strategy;

BWSA – Barangay Waterworks and Sanitation Association;

CARBON FOOTPRINT – the measure of the environmental impact of a particular individual or organization’s lifestyle or operation, measured in units of carbon dioxide or carbon dioxide equivalent;

CARBON NEUTRALITY – achieving net zero carbon emissions by balancing a measured amount of carbon released with an equivalent amount sequestered or offset;

CDP – Comprehensive Development Plan;

CENRO – Community Environment and Natural Resources Office;

CERTIFICATE OF ENVIRONMENTAL COMPLIANCE (CEC) – a document issued by the Provincial Government certifying that a poultry, piggery or livestock farm complies with existing environmental regulations and/or operates within best environmental practices that are not currently covered by existing laws;

CERTIFICATE OF GOOD STANDING – a document issued by the Provincial Government certifying that a holder of a Certificate of Stewardship Contract (CSC) has met the conditions as stipulated in the said contract;

CERTIFICATE OF NO OBJECTION – a certificate issued by the Provincial Government supporting a proposed project or activity;

CERTIFICATE OF NON-COVERAGE (CNC) – a certification issued by the EMB certifying that, based on the submitted project description, the project is not covered by the EIS System and is not required to secure an ECC (DENR DAO 2003-30);

CERTIFICATE OF STEWARDSHIP CONTRACT (CSC) – an agreement entered into by and between the government and individuals/families actually occupying or tilling portions of forestlands covered with CBFMA (DENR DAO 2004-29);

CLIMATE CHANGE – a change in climate that can be identified by changes in the mean and/or variability of its properties and that persists for an extended period typically decades or longer, whether due to natural variability or as a result of human activity (RA 9729);

CLUP – Comprehensive Land Use Plan;


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COASTAL AREA/ZONE – a band of dry land and adjacent ocean space (water and submerged land) in which terrestrial processes and uses directly affect oceanic processes and uses, and vice versa; its geographic extent may include areas within a landmark limit of one (1) kilometer from the shoreline at high tide to include mangrove swamps, brackish water ponds, nipa swamps, estuarine rivers, sandy beaches and other areas within a seaward limit of two hundred (200) meters isobaths to include coral reefs, algal flats, seagrass beds and other soft-bottom areas (RA 8550);

COMMUNITY BASED FOREST MANAGEMENT AGREEMENT (CBFMA) – an agreement entered into by and between the government represented by the Department of Environment and Natural Resources (DENR) and the local community, represented by the People’s Organization, as forest managers, which has a term of twenty-five (25) years and renewable for another twenty-five (25) years (DENR DAO 2004-29);

COMMUNITY BASED FOREST MANAGEMENT PROGRAM (CBFMP) – any forest development program which adopts the CBFM Strategy as its core concept (DENR DAO 2004-29);

COMMUNITY BASED FOREST MANAGEMENT (CBFM) STRATEGY – the strategy to improve the well-being of forest-dependent communities, and at the same time ensure the sustainable management, rehabilitation and protection of the forestlands and the resources therein, through the active participation of different stakeholders (DENR DAO 2004-29);

CMVR – Compliance Monitoring and Validation Report;

CRITICALLY ENDANGERED SPECIES – species or subspecies that is facing extremely high risk of extinction in the wild in the immediate future;

DA – Department of Agriculture;

DENR – Department of Environment and Natural Resources;

DESILTING PERMIT – a document granted by the Provincial Government to a qualified individual/entity for the removal of mud and sand/gravel from a water body or waterway deposited by running or standing water;

DILG – Department of the Interior and Local Government;

DISASTER – a serious disruption of the functioning of a community or a society involving widespread human, material, economic or environmental losses and impacts, which exceeds the ability of the affected community or society to cope with its own resources (RA 10121);

DISASTER RISK – the potential disaster losses, in lives, health status, livelihoods, assets and services, which could occur to a particular community or a society over some specified future time period (UNISDR);

DISASTER RISK REDUCTION – the systematic process of using administrative directives, organizations, and operational skills and capacities to implement strategies, policies and improved coping capacities in order to lessen the adverse impacts of hazards and the possibility of disaster (RA 10121);

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DOE – Department of Energy;

DOH – Department of Health;

DOST – Department of Science and Technology;

DRINKING WATER – water intended for human consumption or for use in food preparation (RA 9275);

ECOLOGICAL TOURISM OR ECOTOURISM – 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 the satisfaction of visitors (DENR DAO 2013-19);

EFFLUENT – discharge from known sources which is passed into a body of water or land, or wastewater flowing out of a manufacturing plant, industrial plant including domestic, commercial and recreational facilities (RA 9275);

EMB – Environment Management Bureau;

EMISSION – any air contaminant, pollutant, gas stream or unwanted sound from a known source which is passed into the atmosphere (RA 8749);

ENDANGERED SPECIES – species or subspecies that is not critically endangered but whose survival in the wild is unlikely if the causal factors continue operating;

ENVIRONMENT – all facets of man’s surroundings: physical, ecological, aesthetic, cultural, economic, historic, institutional and social;

ENVIRONMENTAL COMPLIANCE CERTIFICATE (ECC) – a document issued by the DENR/EMB after a positive review of an ECC application, certifying that the Proponent has complied with all the requirements of the EIS System and has committed to implement its approved Environmental Management Plan. The ECC also provides guidance to other agencies and to LGUs on EIA findings and recommendations, which needs to be considered in their respective decision-making process (DENR DAO 2003-30);

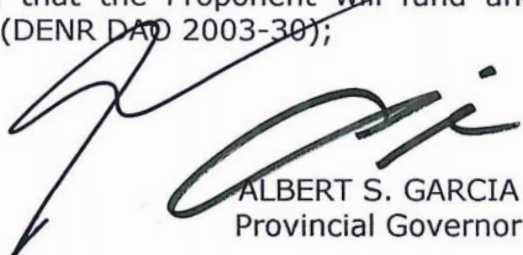
ENVIRONMENTAL IMPACT ASSESSMENT (EIA) – process that involves evaluating and predicting the likely impacts of a project (including cumulative impacts) on the environment during construction, commissioning, operation and abandonment. It also includes designing appropriate preventive, mitigating and enhancement measures addressing these consequences to protect the environment and the community’s welfare (DENR DAO 2003-30);

ENVIRONMENTAL IMPACT STATEMENT (EIS) – document prepared and submitted by the Project Proponent and/or EIA Consultant that serves as an application for an ECC. It is a comprehensive study of the significant impacts of a project on the environment. It includes an Environmental Management Plan/Program that the Proponent will fund and implement to protect the environment (DENR DAO 2003-30);

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ENVIRONMENT

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ENVIRONMENTAL MANAGEMENT PLAN (EMP) – sections in the EIS that details the prevention, mitigation, compensation, contingency and monitoring measures to enhance positive impacts and minimize negative impacts and risks of a proposed project or undertaking (DENR DAO 2003-30);

ENVIRONMENTALLY ACCEPTABLE – the quality of being re-usable, biodegradable or compostable, recyclable and not toxic or hazardous to the environment (RA 9003);

ENVIRONMENTALLY CRITICAL AREAS (ECAs) – those areas which are environmentally sensitive as declared under Presidential Proclamation No. 2146, Series of 1981 and therefore within the scope of the EIS System;

ENVIRONMENTALLY CRITICAL PROJECTS (ECPs) – those projects which have high potential for negative environmental impacts as declared under Presidential Proclamation No. 2146, Series of 1981 and therefore within the scope of the EIS System;

FARMC – Fisheries and Aquatic Resources Management Council;

FAUNA – all species of animals;

FISHERFOLK – people directly or personally and physically engaged in taking and/or culturing and processing fishery and/or aquatic resources (RA 8550);

FISHERIES – all activities relating the act or business of fishing, culturing, preserving, processing, marketing, developing, conserving and managing aquatic resources and the fishery areas, including the privilege to fish or take aquatic resource thereof (RA 8550);

FLORA – all species of plants;

FOREST LANDS – lands of the public domain which have been classified as such under the land classification program of the DENR and all unclassified lands of the public domain. Forest lands include the public forest, the permanent forest or forest reserves, a forest reservation (PD 705 and DENR DAO 2004-29);

GAME REFUGE OR BIRD SANCTUARY – a forest land designated for the protection of game animals, birds and fish and closed to hunting and fishing in order that excess population may flow and restock surrounding areas;

GIS – Geographic Information System;

GREENHOUSE GASES (GHGs) – constituents of the atmosphere that contribute to the greenhouse effect including, but not limited to, carbon dioxide, methane, nitrous oxide, hydrofluorocarbons and sulfur hexafluoride (RA 9729);

GROUNDWATER – a subsurface water that occurs beneath a water table in soils and rocks, or in geological formations (RA 9275);

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HAZARDOUS SUBSTANCES – substances which present either:
(a) short term acute hazards such as acute toxicity by ingestion, inhalation or skin absorption, corrosiveness or other skin or eye contact hazard or the risk of fire or explosion; or (b) long-term environmental hazards, including chronic toxicity upon repeated exposure, carcinogenicity (which may in some case result from acute exposure but with a long latent period), resistance to detoxification process such as biodegradation, the potential to pollute underground or surface waters, or aesthetically objectionable properties such as offensive odors (RA 6969);

HAZARDOUS WASTES – by-products, side product process residues, spent reaction media, contaminated plant or equipment or other substances from manufacturing operations and as consumer discards of manufactured products which present unreasonable risk and/or injury to health and safety and to the environment (RA 6969);

INDIGENOUS CULTURAL COMMUNITIES (ICCs) OR INDIGENOUS PEOPLES (IPs) – 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 inroads of colonization, non-indigenous religions and cultures, became historically differentiated from the majority of Filipinos (RA 8371);

INTEGRATED COASTAL MANAGEMENT (ICM) – a dynamic process of planning and management involving stakeholders, and requiring the analysis of the environmental and socioeconomic implications of development, the ecosystem processes, and the interrelationships among land-based and marine-related activities across jurisdictions (EO 533, S. 2006);

INTEGRATED WASTE MANAGEMENT FACILITY (IWMF) – a facility for solid waste management that includes, but not limited to, a receiving facility, materials recovery facility, treatment and disposal facility/sanitary landfill, and support facilities (RA 9003);

KAINGIN – a portion of the forest land, whether occupied or not, which is subjected to shifting and/or permanent slash-and-burn cultivation having little or no provision to prevent soil erosion;

LIVESTOCK – farm animals kept for consumption, work or leisure, such as cow, carabao, horse, goat, sheep, pig;

MANGROVES – a community of intertidal plants including all species of trees, shrubs, vines and herbs found on coasts, swamps, or border of swamps (RA 8550);

MUNICIPAL/CITY WATERS – include not only streams, lakes, inland bodies of water and tidal waters within the municipality/city which are not included in the protected areas as defined under Republic Act No. 7586 (The NIPAS Law), public forest, timber lands, forest reserves or fishery reserves, but also marine waters included between two (2) lines drawn perpendicular to the general coastline from points where the boundary lines of the

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municipality/city touch the sea at low tide and a third line parallel with the general coastline including offshore islands and fifteen (15) kilometers from such coastline. (RA 8550);

NATURAL HERITAGE – natural features, geological and physiographical formations and delineated areas that constitute the habitat of threatened species of animals and plants and natural sites of value from the point of view of science, conservation or natural beauty. It includes parks and reserves, zoos, aquaria and botanical gardens;

NSWMC – National Solid Waste Management Commission;

NUCLEAR WASTES – hazardous wastes made radioactive by exposure to the radiation incidental to the production or utilization of nuclear fuels but does not include nuclear fuel, or radioisotopes which have reached the final stage of fabrication so as to be usable for any scientific, medical, agricultural, commercial, or industrial purpose (RA 6969);

NWRB – National Water Resources Board;

ORGANIC – particular farming and processing system, described in the standards and not in the classical chemical sense. The term "organic" is synonymous in other languages to "biological" or "ecological". It is also a labeling term that denotes products considered organic based on the Philippine National Standards for organic agriculture (RA 10068);

ORGANIC AGRICULTURE – includes all agricultural systems that promote the ecologically sound, social acceptable, economically viable and technically feasible production of food and fibers (RA 10068);

PAMB – Protected Area Management Board;

PEMSEA – Partnerships in Environmental Management for the Seas of East Asia;

PENRO – Provincial Environment and Natural Resources Office;

PG-ENRO – Provincial Government – Environment and Natural Resources Office;

PMRB – Provincial Mining Regulatory Board;

PSWMB – Provincial Solid Waste Management Board;

POULTRY – a collective term for all domesticated fowls such as chicken, turkey, ducks or geese and game fowl;

PRIVATE LAND – any land belonging to any private person which includes alienable and disposable land being claimed by a holder, claimant or occupant who has already acquired a vested right thereto under the law, although the corresponding certificate or evidence of title or patent has not been actually issued (RA 7942);

NSWMC

ENRO

PMRB

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PROTECTED AREA – identified portions of land and water set aside by reason of their unique physical and biological significance, managed to enhance biological diversity and protected against destructive human exploitation (RA 7586);

PROVINCIAL GOVERNMENT – Provincial Government of Bataan;

PUBLIC LAND – lands of the public domain which have been classified as agricultural lands and subject to management and disposition or concession under existing laws (RA 7942);

QUARRYING – the process of extracting, removing and disposing quarry resources found on or underneath the surface of private or public land (RA 7942);

QUARRY PERMIT – a document granted to a qualified person for the extraction and utilization of quarry resources on public or private lands (RA 7942);

QUARRY RESOURCES – any common rock or other mineral substances as the Director of Mines and Geosciences Bureau may declare to be quarry resources, such as, but not limited to, andesite, basalt, conglomerate, coral sand, diatomaceous earth, diorite, decorative stones, gabbro, granite, limestone, marble, marl, red burning clays for potteries and bricks, rhyolite, rock phosphate, sandstone, serpentine, shale, tuff, volcanic cinders, and volcanic glass: Provided, that such quarry resources do not contain metals or metallic constituents and/or other valuable minerals in economically workable quantities: Provided, further, That non-metallic minerals such as kaolin, feldspar, bull quartz, 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 the same to be of economically workable quantities, shall not be classified under the category of quarry resource (RA 7942);

SANITARY LANDFILL – a waste disposal site designed, constructed, operated and maintained in a manner that exerts engineering control over significant potential environment impacts arising from the development and operation of the facility (RA 9003);

SEGREGATION – solid waste management practice of separating different materials found in solid waste in order to promote recycling and re-use of resources and to reduce the volume of waste for collection and disposal (RA 9003);

SEPTAGE - sludge produced on individual onsite wastewater disposal systems, principally septic tanks and cesspools (RA 9275);

SEWAGE – water-borne human or animal wastes, excluding oil or oil wastes, removed from residences, building, institutions, industrial and commercial establishments together with such groundwater, surface water and storm water as maybe present including such waste from vessels, offshore structures, other receptacles intended to receive or retain waste or other places or the combination thereof (RA 9275);

Permit

Quarrying

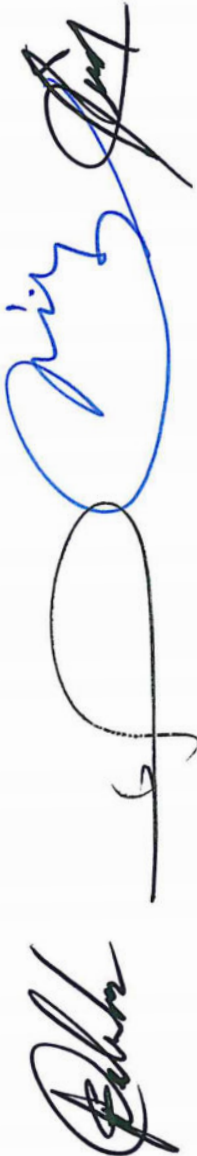
Sanitary Landfill

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SMR – Self Monitoring Report;

SOLID WASTE – all discarded household, commercial waste, non-hazardous institutional and industrial waste, street sweepings, construction debris, agricultural waste, and other non-hazardous/non-toxic solid waste (RA 9003);

SOLID WASTE MANAGEMENT – the discipline associated with the control of generation, storage, collection, transfer and transport, processing, and disposal of solid wastes in a manner that is in accord with the best principles of public health, economics, engineering, conservation, aesthetics, and other environmental considerations, and that is also responsive to public attitudes. Ecological solid waste management shall refer to the systematic administration of activities which provide for segregation at source, segregated transportation, storage, transfer, processing, treatment and disposal of solid waste and all other waste management activities which do not harm the environment (RA 9003);

SPECIAL EXCAVATION PERMIT (SEP) – a document issued by the Provincial Government to a qualified person/entity for the removal and utilization of sand, gravel and other loose or unconsolidated materials from public land for private use and/or for government projects;

THREATENED SPECIES – a general term to denote species or subspecies considered as critically endangered, endangered, vulnerable or other accepted categories of wildlife whose population is at risk of extinction;

US EPA – United States Environment Protection Agency;

WASTE DIVERSION – activities which reduce or eliminate the amount of solid wastes from waste disposal facilities (RA 9003);

WASTEWATER – waste in liquid state containing pollutants (RA 9275);

WATER QUALITY – the characteristics of water in terms of physical, chemical, biological, bacteriological or radiological characteristics by which the acceptability of water is evaluated (RA 9275);

WATERSHED – a land area drained by a stream or fixed body of water and its tributaries having a common outlet for surface run-off. It is synonymous with a catchment area or drainage basin (PD 705);

WHO – World Health Organization;

WILDLIFE SANCTUARY – an area which assures the natural conditions necessary to protect nationally significant species, groups of species, biotic communities or physical features of the environment where these may require specific human manipulations for their perpetuation (RA 7586);

ARTICLE II
Mandate and Objectives

SECTION 5. MANDATE. Pursuant to Section 16 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, the Provincial

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Waste

Water

Government of Bataan "shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare of its constituents as enshrined in the 1987 Constitution." Within its territorial jurisdiction, the Provincial Government shall ensure and support programs, policies and measures geared towards the promotion of health and safety, the enhancement of the people's lives in a balanced ecology, the encouragement and development of appropriate environment-friendly technologies, the improvement of public morals and social justice and the preservation of the comfort and convenience of its inhabitants.

SECTION 6. OBJECTIVES. This Code is promulgated to provide the Provincial Government of Bataan policy direction in the planning and execution of programs and strategies that will:

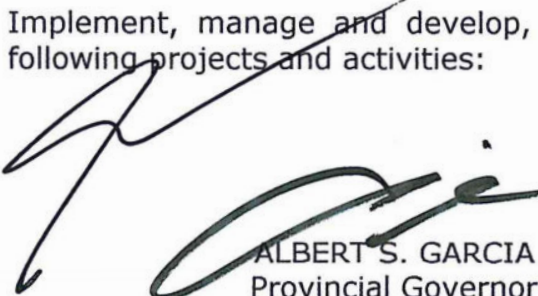
- a. Ensure ecologically sound and sustainable development through collaborative efforts of concerned government agencies, non-government agencies and organizations, business communities and other concerned sectors;
- b. Establish policies and mechanisms for the protection, preservation and management of the province's natural resources and environment; and
- c. Ensure strict enforcement of pertinent environmental laws, regulations, policies and issuances; and consider socio-cultural interests and strengthen people's participation.

CHAPTER II. NATURAL RESOURCES MANAGEMENT

Article I
Forest Resources

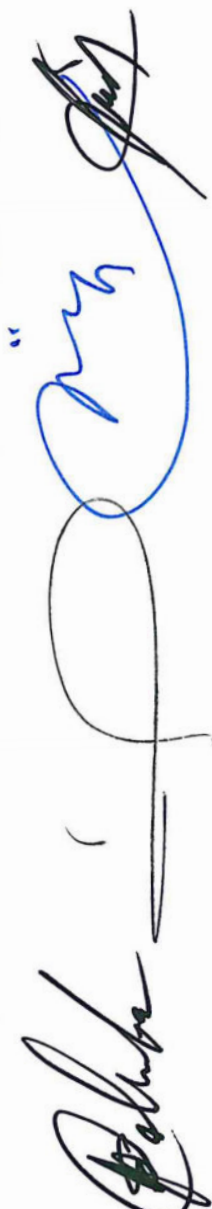
SECTION 7. SCOPE OF POWERS. In the exercise of their respective mandates provided for in Section 17 and other sections of RA 7160; and DENR Administrative Order No. 30, Series of 1992 on the devolved and other forest management functions, the Local Government Units shall:

- A. Province:
 - 1. Enforce forestry laws, rules and regulations in CBFM project areas, community watersheds and communal forests;
- B. Municipalities:
 - 1. Implement, manage and develop, and be responsible for the sustainability of CBFM projects and activities within their territorial jurisdiction;
 - 2. Implement, manage and develop, and be responsible for the following projects and activities:


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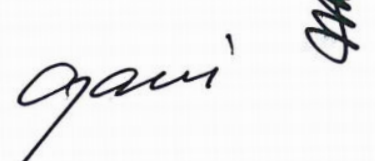




- a. Integrated Social Forestry Projects, except at least one (1) project per province, which has been previously identified as Centers for People Empowerment in the Uplands;
 - b. Establishment of new regular reforestation projects, except in areas located in protected areas and critical watersheds;
 - c. Completed family and community based contract reforestation projects whether regularly funded or foreign fund subject to the policies and procedures of the DENR, except in areas located in protected areas and critical watersheds;
 - d. Management and supervision of areas for forest lands covered by Forest Land Management Agreements (FLMAs);
 - e. Community Forestry Projects; and
 - f. Management, protection, rehabilitation and maintenance of communal forests and community watershed areas that are sources of local water supply;
3. Conserve mangroves and mangrove areas under the category of protected area status;
- C. City:
- 1. Implement forestry projects within its territorial jurisdiction. These projects are those listed above as having been devolved to the municipalities;
 - 2. Enforce forestry laws, rules and regulations within CBFM project areas, community watershed areas and communal forests that are located within its territorial jurisdiction;
- D. Barangays:
- 1. Collaborate in the protection of forests and rehabilitation of degraded forest lands within or near their territorial coverage;
 - 2. Opt to have its barangay officials designated or deputized by the DENR as DENROs (Deputized Environment and Natural Resources Officer) subject to specific rules and regulations to perform environmental functions, including forest protection upon prior consultation with the Local Chief Executives.

SECTION 8. OPERATIVE PRINCIPLES. The Provincial Government and its component Local Government Units (LGUs) shall operate on the principle of co-management with the national government of forest resources within its territorial jurisdiction, subject to the general policies on devolution as contained in RA 7160 and DENR Administrative Order No. 30, Series of 1992.


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The following policies and principles shall govern the implementation of DENR-DILG-LGU partnership on devolved and other forest management functions (DENR-DILG Joint Memorandum Circular No. 98-01):

- a. The DENR shall be the primary government agency responsible for the conservation, management, protection, proper use and sustainable development of the country's environment and natural resources;
- b. The LGUs shall share with DENR the responsibility in the sustainable management and development of the forest resources within their territorial jurisdiction. Toward this end, the DENR and the LGUs shall endeavor to strengthen their collaboration and partnership in forest management;
- c. As the LGUs' capacity in forest management is enhanced through technical assistance extend by DENR in coordination with DILG, the primary tasks in the management of devolved functions shall be performed by the LGUs and the role of the DENR becomes assistive and coordinative;
- d. To further the ends of local autonomy, the DENR in consultation with the LGUs shall devolve additional functions and responsibilities to the LGUs, or enter into agreements with them for enlarged forest management and other ENR-related functions;
- e. A Forest Development and Enhancement Fee is hereby generally established to serve as additional funding for forest-related initiatives by the Provincial Government. The main source for such FDEF should be the fees to be collected for services provided by the PGB.

SECTION 9. PROVINCIAL FOREST LAND USE PLAN. In coordination with DENR, the Provincial Government shall formulate a Provincial Forest Land Use Plan (FLUP), which shall be integrated into the Provincial Development and Physical Framework Plan (PDPFP);

SECTION 10. COMMUNITY BASED FOREST MANAGEMENT. The CBFMP shall be strengthened through the partnership of the Provincial Government and DENR:

- a. Existing CBFM projects shall be regularly reviewed and assessed by the DENR-PENRO Bataan, PG-ENRO, representatives of the concerned City/Municipal Government and CENRO having jurisdiction over the said CBFM project;
- b. Implementation of new CBFM projects shall be undertaken jointly by DENR and the concerned communities/beneficiaries as provided under DENR DAO 96-29.

SECTION 11. MANAGEMENT OF PROTECTED FORESTS IN THE PROVINCE. Pursuant to the provisions of RA 7586 as amended by RA 11038, the Provincial Government shall actively share the responsibility of

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managing forest ecosystems within the Bataan National Park (BNP) and Roosevelt Protected Landscape (RPLS) with the national government, particularly the DENR. To this end, the Provincial Government.

- a. In accordance with Section 11 of RA 7586, as amended, hereby designates the Provincial Government – Environment and Natural Resources Officer as the representative of the Governor to the Protected Area Management Boards (PAMBs) of BNP and RPLS;
- b. In accordance with Section 26 of RA 11038, shall align its development and physical framework plans, climate change action plan, and other required local plans with the Protected Area Management Plans (PAMPs) of BNP and RPLS. The Provincial Government, in coordination with the PAMB and Protected Area Management Office (PAMO), shall also ensure that the local plans of the city, municipalities and barangays encompassed by the BNP and RPLS are likewise aligned with the PAMPs of these protected areas.

SECTION 12. PROTECTION AND LAW ENFORCEMENT. In the performance of the Provincial Government's mandate of enforcing relevant forestry laws and regulations in coordination with the national government, the Bataan Provincial Anti-Illegal Fishing and Logging Task Force established in 2008 through a Memorandum of Agreement between the Provincial Government of Bataan; City and Municipal Governments of the Province; Philippine National Police – Bataan Provincial Police Office (PNP-Bataan PPO); Regional Maritime Office II – Maritime Police Station 303rd; and the DENR-PENRO and CENRO, is hereby adopted and reaffirmed;

SECTION 13. REGULATION OF CUTTING AND/OR EARTH-BALLING OF TREES IN THE PROVINCE. Consistent with the provisions of RA 7160 and the long-term objective of becoming a carbon-neutral province, it shall be the policy of the Provincial Government to regularly monitor any tree-cutting and/or earth-balling activity in the Province. Through this Code, all individuals and entities requesting or applying for tree-cutting or earth-balling permit from the DENR are hereby required to secure a Certificate of No Objection from the Provincial Government through the PG-ENRO. Corresponding Forest Development and Enhancement Fees shall be collected by the Provincial Government of Bataan in accordance with Section 15 of this Code;

SECTION 14. PROCLAIMING JUNE 25 OF EVERY YEAR AS PROVINCIAL ARBOR DAY. In accordance with the provisions of RA 10176, RA 7160, the long-term objective of becoming a carbon-neutral province, and the recognition of the need for collaboration with the citizens to achieve such vision, June 25 of every year is hereby proclaimed to be Bataan Arbor Day. June 25 of every year henceforth shall be a regular working public holiday throughout the province and the Provincial Government in coordination with all Municipal and City Government Units shall conduct a simultaneous and province-wide tree-planting activity or other related activities to further appreciate the role of trees in ecological stability.

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The Bataan Arbor Day Committee is hereby created with the Governor as Chairperson and members from the following national government offices operating in the province, provincial government offices, and other stakeholders.

- Provincial Government ENRO
- SP Committee on Environment
- SK Provincial Federation
- League of Municipalities of the Philippines
- Philippine Councilors League
- Liga ng mga Barangay
- Provincial Engineer's Office
- Provincial Assessor's Office
- Office of Provincial Agriculturist
- Provincial Cooperatives and Enterprise Development Office
- Department of Environment and Natural Resources
- Department of Education
- Department of Public Works and Highways
- Philippine National Police
- Authority of the Freeport Area of Bataan
- Department of the Interior and Local Government
- Armed Forces of the Philippines
- Bataan Peninsula State University
- Bataan Coastal Care Foundation, Inc.
- Bataan Multi-Sector Governance Council
- Other Civic Organizations

The Bataan Arbor Day Committee in consultation with the Local Arbor Day Committee and the DENR shall specify the area within the province to be planted or reforested. If the area specified is a protected area or a protection forest, only endemic or indigenous tree species shall be used.

Tree-planting activities may be done in public school grounds, idle or vacant public lands, public parks in urban and rural areas, and with the consent of the owner, private schools, parks and idle lands. PROVIDED that in the last case, a written conformance to maintaining the planted seedlings shall accompany the written consent.

The amount of ONE MILLION PESOS is hereby allocated to the Provincial Government ENRO to fund the activities of the annual Bataan Arbor Day. This Arbor Day Fund will be utilized for such expenses as, but not limited to, the following:

- a. Purchase of seedlings and propagules;
- b. Purchase of supplies and materials for tree planting;
- c. Purchase of meals and snacks for Bataan Arbor Day organizers, guests and participants;
- d. Conduct of site preparation, actual planting, and maintenance activities;
- e. Conduct of IEC activities and production of IEC materials;

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- f. Conduct of Bataan Arbor Day Committee and stakeholder meetings;
- g. Operation and maintenance of Provincial Nursery; and
- h. Field monitoring of planting sites.

SECTION 15. IMPOSITION OF FEES. Under Article I Chapter II of this Code, the following schedule of fees is hereby imposed for the services rendered and issuance of documents by the Provincial Government through the PG-ENRO, for inclusion/amendment in the Bataan Revenue Code:

- a. Certification Fee, Certificate of No Objection for Tree-Cutting/Earth-Balling of Tree:

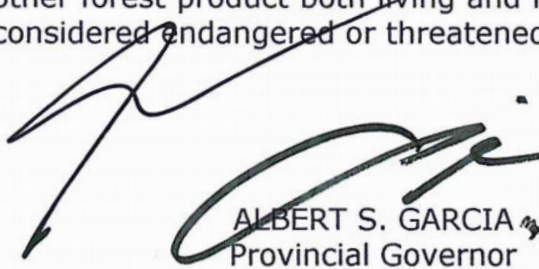
Application Fee	-	₱100.00
Forest Development and Enhancement Fee	-	₱100.00 per tree

- b. Certification Fee, Certificate of Good Standing of CSC Holder:

Application Fee	-	₱100.00
Forest Development and Enhancement Fee	-	₱500.00 per hectare or a fraction thereof

SECTION 16. PROHIBITED AND PUNISHABLE ACTS. Under Article I Chapter II of this Code, the following acts shall be prohibited and punishable:

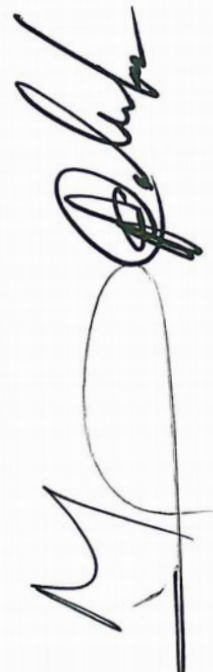
- a. Indiscriminate cutting, gathering, collection, removing or selling of natural growing of trees in both forest land, alienable and disposable lands and from private lands;
- b. Cutting and/or earth-balling of trees without securing a Certificate of No Objection from the Provincial Government;
- c. Use of unregistered or unlicensed power chainsaws and similar tree-felling equipment unless a current and valid license or permit for the use thereof is issued by authorized agencies;
- d. Operation of sawmills and other wood processing plants without the required permit to operate;
- e. Use of unregistered or unlicensed hunting paraphernalia such as airguns, shotguns, and similar devices unless covered by a valid permit for the use thereof as issued by the proper authority subject to prior clearance by the concerned Municipal Mayor;
- f. Hunting, destroying or mere possession of any plant, animal or other forest product both living and non-living and other species considered endangered or threatened pursuant to existing laws;


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- g. Taking, cutting, catching, possessing, taming, selling, killing and transporting of ecologically important flora and fauna in the Province of Bataan such as, but not limited to: Philippine Civet (Musang), Brahminy Kite, Hawk (Banog/Tekwe), Heron, Wild Chicken (Labuyo), White Colored Parrot (Abucay), Monkey, Wild Cat, Crow (Uwak), Wild Dove, Kingfisher, Woodpecker, Wild Ducks, Wild Pigs (Baboy Damo), Python, Reptiles, Deer (Usa), Owl (Kwago), etc. except those used for scientific and/or propagation purposes PROVIDED that gathering of samples shall be done with the affirmation of the DENR and in consultation with affected communities;
- h. The trafficking of flora and fauna shall be prohibited, unless the City/Municipal Mayor and the DENR have issued a current and valid permit for the traffic thereof from the source;
- i. No person shall ignite, cause to be ignited, or maintain any open fires except in the following activities: open fires for cooking of food for human consumption in areas designated by law, fires for religious or ceremonial purposes, fires for the prevention and control of pests and diseases, fires for the disposal of dangerous materials or waste subject to prior clearance or permit issued by the Mayor, fires for training personnel in firefighting, prescribed burning for recognized agricultural, forestry and wildlife management practiced, and open fires expressly approved by the DENR and concerned Mayor; and
- j. Slash-and-burn farming or kaingin.

SECTION 17. FINES AND PENALTIES.

- a. Violation of Section 16 (a) and (b) under this Code shall be penalized and be fined an amount not less than ONE THOUSAND FIVE HUNDRED PESOS (P1,500.00) but not to exceed FIVE THOUSAND PESOS (P5,000.00) or an imprisonment of not less than THIRTY (30) DAYS but not to exceed ONE (1) YEAR or both fine and imprisonment at the discretion of the Court;
- b. Violation of Section 16 (c), (d) and (e) under this Code shall be penalized accordingly:

First Offense	Fine not less than ONE THOUSAND PESOS (P1,000.00);
Second Offense	Fine not less than ONE THOUSAND FIVE HUNDRED PESOS (P1,500.00);
Third Offense	Fine not less than TWO THOUSAND PESOS (P2,000.00) or an imprisonment of not less than FIFTEEN (15) DAYS or both at the discretion of the Court. Confiscation of unregistered or unlicensed paraphernalia and processed

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timber/wood by such unregistered or unlicensed paraphernalia shall also be imposed.

- c. Violation of Section 16 (f), (g), (h), (i) and (j) of this Code shall be penalized and be fined an amount of not less than ONE THOUSAND PESOS (P1,000.00) but not to exceed FIVE THOUSAND PESOS (P5,000.00) or an imprisonment of not less than THIRTY (30) DAYS but not to exceed ONE (1) YEAR or both fine and imprisonment at the discretion of the Court.

Article II
Mineral and Other Quarry Resources

SECTION 18. SCOPE OF POWERS. In the exercise of their respective mandates, the Local Government Units shall:

- A. Province
1. Operationalize the Provincial Mining Regulatory Board;
 2. Participate in the monitoring of any mining activity as a member of the Multipartite Monitoring Team referred to in Section 5 of DAO 96-40, as amended (Revised IRR of RA 7942); and
 3. Implement Provincial Ordinances relating to the management of the province's mineral resources.
- B. Component City and Municipalities:
1. Intensify information and education campaign on the economic and environmental considerations of mineral resources utilization and exploration; and
 2. Participate in the monitoring of any mining activity as a member of the Multipartite Monitoring Team referred to in Section 5 of DAO 96-40, as amended.
- C. Barangay:
1. Educate the community about their participation, roles and responsibilities in proposed projects or activities;
 2. Monitor the safety and environmental protection measures in mining and quarrying in its respective areas; and
 3. Participate in the monitoring of any mining activity as a member of the Multipartite Monitoring Team referred to in Section 5 of DAO 96-40, as amended.

Through this Code, the Provincial Government shall provide the following basic services and facilities:

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- a. Enforcement of Republic Act No. 7076 (the Small-Scale Mining Law of 1991);
- b. Issuance of permit for the extraction of quarry resources on privately owned lands and/or public lands for building and construction materials pursuant to Section 43, RA 7942 and Section 138, RA 7160; and
- c. Verification and adjudication of conflicts on and collection of fees and charges for the extraction of sand, gravel and other quarry resources.

SECTION 19. OPERATIVE PRINCIPLES. The exploration, extraction, utilization and management of the province's mineral/quarry resources shall be conducted in a manner that is consistent with the rule of law; social acceptability; public safety and welfare; and environmental protection.

SECTION 20. QUARRY OPERATION. Subject to the relevant provisions of the Mining Law (RA 7942), RA 7076, and DENR Administrative Order (DAO) 96-40 on Small Scale Mining, sand, gravel and other quarry resources within the province may be operated/utilized by public or private entities only through a permit issued exclusively by the Provincial Governor pursuant to RA 7942. The permit will only be granted to qualified persons, partnership, corporations or public entities; provided, that public hearing/consultation was conducted and that a proposed Environmental Management Plan (EMP), as well as Rehabilitation and Restoration Plan, is submitted by the proponent to the PG-ENRO.

SECTION 21. REGULATORY PROVISIONS. Quarrying and extraction of quarry materials and mineral deposits shall be governed by the following provisions:

- a. Mining and quarrying activities within the Province of Bataan shall be subject to prior Environmental Impact Assessment (EIA) and/or Environmental Monitoring Plan (EMoP), as provided under the Philippine Environmental Impact Assessment System;
- b. A Certificate of Non-Coverage (CNC), issued by the EMB-DENR, is required to be submitted with the applications for Special Excavation Permits and other Special Permits for the removal of excess materials on private lands with areas more than two hectares (2.0 ha) but less than five hectares (5.0 ha);
- c. For all small-scale quarry and special permits, an Environmental Management Work Plan shall be prepared and submitted to the PMRB through the PG-ENRO as bases for regular monitoring of environmental impacts of the operations;
- d. The extraction or removal of mineral resources and other materials other than by open pit method shall be allowed beyond a distance of one (1) kilometer from the boundaries of reservoirs established for public water supply, archaeological, historical sites and any public or private works or structures;

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- e. The extraction or removal of quarry resources shall be allowed except those within one (1) kilometer from the bridges and dams upstream and downstream. Desilting shall be allowed provided that a written consent is secured from concerned LGUs or NGAs operating in the province or private entities concerned;
- f. Special Excavation Permit (SEP)/Desilting Permit in public lands shall be secured from the Provincial Governor through a joint recommendation of the PG-ENRO and the Provincial Engineer's Office (PEO) prior to the extraction/excavation of riverbeds;
- g. Certificate of No Objection shall be secured from the PG-ENRO for excavation or site development in private lands; and
- h. To ensure legality of source of aggregates, all contractors and/or haulers of aggregates shall secure a Certificate of Origin from a permitted area of source, which shall be presented to the PG-ENRO prior to the issuance of pertinent clearance and/or permits by said office. A corresponding environment management and enhancement fee shall be collected by the Provincial Treasurer in accordance with the Section 25 (f) of this Code.

SECTION 22. REHABILITATION. Environmentally damaged or degraded portions of areas subjected to quarrying and mining shall be immediately rehabilitated by the proponent during or upon completion of operations. Said rehabilitation program shall be included in the program of work to be submitted while securing the permit for the operation.

SECTION 23. MONITORING AND EVALUATION. Upon effectivity of this Code, there shall be a regular monitoring and evaluation of quarry operations in the province. It shall be the responsibility of the PG-ENRO in coordination with concerned agencies to monitor and evaluate the quarrying activities in the province, for the purpose of ensuring compliance of the permittees with the provision stipulated in the permits issued, pursuant to existing laws, rules and regulations (Revised based on Section 19 of RA 7942).

SECTION 24. PROVINCIAL MINING AND REGULATORY BOARD (PMRB). To ensure strict compliance of permits and/or licenses to pertinent mining laws, rules and regulations, there is hereby created a Provincial Mining Regulatory Board to be composed of the following:

- Chairperson : Regional Director, MGB Region III
- Vice-Chairperson : Provincial Governor, or his duly authorized representative
- Members : Representative, Small-Scale Mining
Representative, Large-Scale Mining
Representative, Non-Governmental Organization (NGO)

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The PMRB shall, among others, accept, process and evaluate applications and determine administrative charges and fees for quarry, sand and gravel and small-scale mining permits duly filed with the same (Section 70 of DAO 96-40). The PMRB shall also have the following powers and functions, pursuant to RA 7076:

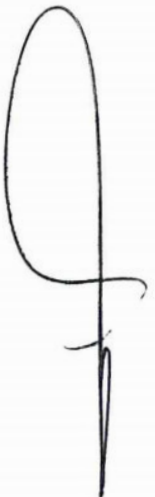
- a. Declare and segregate existing areas for small-scale mining;
- b. Reserve future mineralized areas/mineral lands for small-scale mining;
- c. Award contracts to small-scale miners;
- d. Formulate and implement rules and regulations related to small-scale mining;
- e. Settle disputes, conflicts or litigations over conflicting claims within a people's small-scale mining area; and
- f. Perform such other functions as may be necessary.

SECTION 25. IMPOSITION OF FEES. Under Article II Chapter II of this Code, the following schedule of fees is hereby imposed for the services rendered and issuance of documents by the Provincial Government through the PG-ENRO, for inclusion/amendment in the Bataan Revenue Code:

- a. Quarry application filing fee - ₱3,000.00/application;
- b. Quarry application processing fee - ₱2,000.00/application;
- c. Special excavation permit application fee - ₱2,000.00/application;
- d. Sand and gravel - Ten percent (10%) of the fair market value of the extracted quarry materials; tax/extraction fee
- e. Certification Fee, Certificate of No Objection For Area Development of Private Property:
 - Application Fee - ₱100.00;
 - Environment Management and Enhancement Fee - ₱500.00 per hectare or a fraction thereof.
- f. Certification Fee, Certificate of Origin:
 - Application Fee - ₱100.00;


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Environment Management - Five percent (5%) of the fair and Enhancement Fee market value of the hauled materials.

SECTION 26. PROHIBITED AND PUNISHABLE ACTS. Under Article II Chapter II of this Code, the following acts shall be prohibited and punishable:

- a. Quarrying and mining activities without a permit or license duly issued by the Governor or appropriate agency having authority and jurisdiction thereto;
- b. Hauling or transporting of minerals and quarry resources without a Certificate of Origin duly issued by the Provincial Government;
- c. Extraction or removal of quarry material within the fifty-meter distance from riverbanks and tributaries and within one kilometer from bridges and dams upstream and downstream;
- d. Presentation of any false application, declaration or evidence to the government or publishes or causes to be published any prospectus or other information containing any false statement relating to quarrying and mining operation; and
- e. Preventing or obstructing the holder of any permit, agreement or lease from undertaking quarrying operations without justifiable cause.

SECTION 27. FINES AND PENALTIES.

- a. Violation of Section 26 (a), (b) and (c) of this Code shall be penalized accordingly:

First Offense Fine not less than TWO THOUSAND PESOS (P2,000.00);

Second Offense Fine of FIVE THOUSAND PESOS (P5,000.00) and FIVE HUNDRED PESOS (P500.00) for each day during which the violation or default continuous but not exceed FIVE THOUSAND PESOS (P5,000.00);

Third Offense Suspension of operations for not less than THIRTY (30) DAYS but not to exceed SIX (6) MONTHS.

- b. Violation of Section 26 (d) and (e) of this Code shall be penalized and be fined an amount of not less than TWO THOUSAND PESOS (P2,000.00) but not to exceed FIVE THOUSAND PESOS (P5,000.00) or an imprisonment of not less than THIRTY (30) DAYS but not to exceed ONE (1) YEAR or both fine and imprisonment at the discretion of the Court.

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Article III
Water Resources

SECTION 28. SCOPE OF POWERS. In the exercise of their respective mandates, the Local Government Units shall:

A. Province:

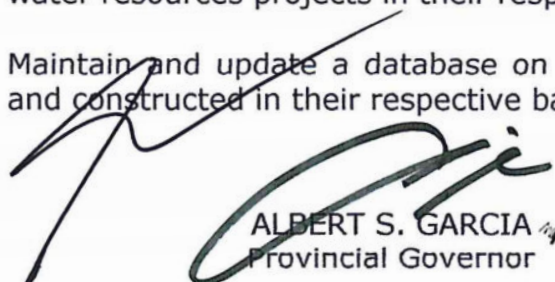
1. Ensure effective development, protection and maintenance of its water resources through a participatory and integrated management approach;
2. Formulate and implement a Provincial Integrated Water Resources Management Plan that shall contain policies and proposed interventions for the sustainable management of its groundwater resources and potential bulk water supply sources;
3. Upon approval of its request for deputation by the National Water Resources Board (NWRB), shall perform specific functions of the latter;
4. Collaborate in the administration and enforcement of the provisions of PD No. 1067 otherwise known as the Water Code of the Philippines, and RA 9275 otherwise known as Clean Water Act;
5. In coordination with the DENR, ensure the effective management of watersheds; and
6. In coordination with the concerned LGU, the DENR, DILG and DPWH, ensure the protection of riverbanks, shorelines, easements, right-of-way and greenbelts.



B. Component City and Municipalities:

1. Issue locational clearance in addition to the requirements under PD 1067 before construction of any water resources projects in their respective jurisdiction;
2. Ensure effective management, protection and maintenance of small watershed which are sources of local water supply;
3. Implement measures for safe and adequate water supply; and
4. Collect fees and charges to water users in accordance with Section 289 of RA 7160.

C. Barangay:

1. Issue certificate of no objection for the construction of any water resources projects in their respective jurisdiction;
2. Maintain and update a database on groundwater wells planned and constructed in their respective barangays; and


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Provincial Governor

3. Monitor the yield of the groundwater wells constructed in the barangay.

SECTION 29. OPERATIVE PRINCIPLES. Water resources in the province shall be managed (a) for the primary purpose of meeting indefinitely the basic requirement for potable water of all residents of Bataan and for sustained agricultural production; and (b) for the secondary purpose of securing the availability of the adequate water supply for the growing industrial, recreational and commercial development activities. The management of water resources will be guided by the principles of Integrated Water Resources Management, such as equitable access of multiple users; supply and demand management; and participatory approach to protection and conservation of waters and related land resources.

SECTION 30. UTILIZATION OF WATERS. The following shall constitute as guidelines for proper utilization of water in the Province of Bataan:

- a. In addition to the provisions of PD 1067, utilization of water resources for domestic and industrial use shall be allowed provided it is in consonance with the development policies of DENR, PD 705 or the Revised Forestry Code of the Philippines, as amended, and RA 9275, and it is subject to an environmental impact assessment as provided under PD 1586;
- b. The Provincial Government in collaboration with concerned agencies and LGUs shall monitor the quality of the groundwater in Bataan;
- c. Concerned LGUs shall maintain/rehabilitate lands along the edge of the normal high waterline of rivers and streams. Maintenance and/or rehabilitation should be at least twenty (20) meters inland on both banks of waterways at least five (5) meters width;
- d. Water peddlers and commercial surface and/or groundwater permittees in the Province should maintain the safety and quality of their drinking waters passed on to their customers. Prior clearance should be secured from DOH for this purpose;
- e. Rainwater collection and harvesting for domestic and/or agricultural purposes shall be promoted in the Province;
- f. To rationalize the wise utilization of all water resources, joint venture/co-management scheme in all waterworks projects is encouraged;
- g. Inclusion of water conservation facilities/structures in the design and/or construction of building and dwelling in urban areas should be considered in the issuance of building permits;
- h. Establishment of cemeteries and waste disposal areas that may affect the source of a water supply or a reservoir for domestic or municipal use shall be subject to the rules and regulations promulgated by the DENR or DOH.

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SECTION 31. WATERSHED MANAGEMENT AND PROTECTION. Subject to national and provincial policies, City/Municipal Governments shall be responsible in the proper management of their respective watersheds, if there be any. For this purpose, all City/Municipal Government Units shall identify and delineate their municipal watersheds within one (1) year upon effectivity of this Code, PROVIDED that area identification and delineation shall be undertaken in coordination with the DENR pursuant to Section 17, RA 7160 and Section 3.0 DENR Administrative Order 30, series of 1992 for areas within public forest thereof shall be properly coordinated with the Department of Agriculture (DA) and Department of Agrarian Reform (DAR). Watershed conservation and management (i.e., reforestation, soil and water conservation) shall be integrated in all development projects utilizing water resources as its major component.

The concerned local water distribution utility company shall be assigned to protect and manage the municipal watershed identified above through a multi-partite management agreement among the DENR, the concerned Municipal Government and the respective local water distribution utility company;

SECTION 32. PROTECTION OF RIVERBANKS, SHORELINES, EASEMENTS, RIGHT-OF-WAY AND GREENBELTS. The Provincial Government shall adopt adequate measures for establishing clearance and greenbelts along river banks and lake areas as prescribed by law, to recover easements as provided by Presidential Decree No. 1067 and other applicable laws which provides that banks of rivers and streams and the shores of the lakes throughout their entire length and with a zone of three (3) meters in urban areas, twenty (20) meters in agricultural areas and forty (40) meters in forest areas, along their margins are subject to the easement of public use in the interest of recreation, navigation, floatage, fishing and salvage.

SECTION 33. DIVERSIFICATION OF WATER SUPPLY SOURCES. To conserve and replenish the limited groundwater supply in the province, the Provincial Government, in close coordination with the local Water Districts and NWRB, shall encourage the diversification of sources of water supply, whenever feasible, especially for lower-order purposes as enumerated in Section 1 of PD 1067. Sources other than groundwater including, but are not limited to, surface/bulk water; desalinated water; and treated wastewater shall be developed through any mode of implementation available to the Provincial Government;

SECTION 34. PROHIBITED AND PUNISHABLE ACTS. Under Article III Chapter II of this Code, the following acts shall be prohibited and punishable:

- a. Constructing houses and other physical structures within lakes or riverbanks except for areas identified by the CLUP as multiple use or buffer zones;
- b. Developing a stream, lake, waterfalls, marshland or pond for recreational or commercial purposes without the necessary permit from the NWRB and the LGU concerned in addition to an ECC;

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- c. Raising or lowering of the water level of a stream, river, lake, marsh or pond or draining of the same without the necessary government clearance and/or permit;
- d. Water impounding prejudicial to downstream or upstream communities;
- e. Drilling of well for commercial and industrial purposes without a permit from the National Water Resources Board and the necessary clearances issued by the concerned Local Government Units; and
- f. Other prohibited acts as cited under the Water Code of the Philippines.

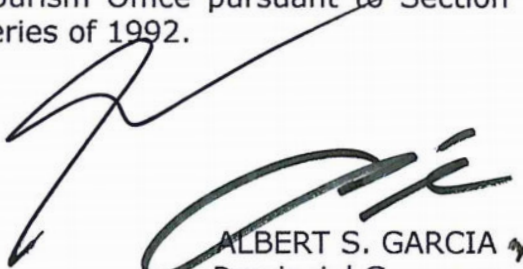
SECTION 35. FINES AND PENALTIES. Violation of Section 34 of this Code shall be penalized and be fined an amount of not less than TWO THOUSAND FIVE HUNDRED PESOS (P2,500.00) but not to exceed FIVE THOUSAND PESOS (P5,000.00) or an imprisonment of not less than THIRTY (30) DAYS but not to exceed ONE (1) YEAR or both fine and imprisonment at the discretion of the Court;

Article IV
Coastal Resources

SECTION 36. SCOPE OF POWERS. In addition 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 389(b)(9), 444(b)(3)(vii), 455(b)(3)(v), and 465(b)(3)(v) of the Local Government Code of 1991, respectively, the local government, subject to the applicable provisions of R.A. 8550 and Implementing Rules and Regulations, shall also provide the following coastal resource management services and facilities:

A. Province:

- 1. Formulation of a Provincial Integrated Coastal Resource Management Plan that shall be incorporated in the Provincial Development and Physical Framework Plan;
- 2. Assistance to FARMCs, fishermen's cooperatives and other collective organizations as well as the transfer of technology pursuant to Section 17(b)(3)(i) and Article II of RA 8550;
- 3. Enforcement of community-based (mangrove) forest management laws and other laws on the protection of the environment pursuant to Section 17 (b)(3)(iii); and
- 4. Coastal tourism development and promotion programs in collaboration with the Department of Tourism and the Provincial Tourism Office pursuant to Section 17(b)(3)(xii); of DAO 30, series of 1992.


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Provincial Governor













B. Component City and Municipalities:

1. Enforcement of fishery laws in municipal waters, whether local or national promulgation, including the conservation of mangroves, extension and on-site research services and facilities related to fishery activities which include dispersal of fingerlings and other seeding materials for aquaculture pursuant to Section 17(b)(2)(ii);
2. Provision of fish ports, seawalls, dikes, drainage and sewerage, and flood control services pursuant to Section 17(b)(2)(viii);
3. Coastal/marine tourism facilities and other marine/coastal tourist attractions, including the acquisition of equipment, regulation and supervision of business concessions, and security services for such facilities pursuant to Section 17(b)(2)(xi) and pursuant to DENR Administrative Order No. 30, series of 1992.

SECTION 37. OPERATIVE PRINCIPLES. The Provincial Government recognizes that our municipal waters, which contain valuable productive habitats wherein more than one-thirds (1/3) of the people of Bataan are directly dependent for livelihood, income and nutrition, are presently under the "de facto" or open access conditions which threaten the food security, long term livelihood use and enjoyment of our fishing population in particular and the people of Bataan in general. The Provincial Government also hereby affirms the provisions of Article XIII Section 2 of the Philippine Constitution, which provides that the state through the component coastal municipalities shall protect the right of subsistence fishermen, especially of local communities, to the preferential use of communal marine and fishing resources, both inland and offshore. It shall also protect its marine wealth and exclusive economic zone, and reserve its use and enjoyment exclusively to Filipino Citizens.

Through this Code, it is hereby declared the policy of the Provincial Government to strongly and irrevocably support the coastal municipalities in the full exercise of their powers, duties and responsibilities toward proper management of municipal waters. It is also hereby declared that, considering the transboundary character of the issues and problems confronting the municipal waters of Bataan, the Provincial Government shall exercise its full powers through the provision of active leadership, technical assistance, conducive policy and effective law enforcement for the conservation of marine resources.

SECTION 38. PROVINCIAL INTEGRATED COASTAL MANAGEMENT (ICM) SYSTEM. The Provincial Government shall adopt and maintain an ICM System, in accordance with Executive Order No. 533; and consistent with the provisions of the Local Government Code (Republic Act 7160) and the Bataan Sustainable Development Strategy (BSDS). Under the Bataan ICM System, the Provincial Government shall:

1. Strengthen and expand the Sustainable Development Council to include the participation of all concerned stakeholders and involve PEMSEA as a technical and management advisor of the Council;

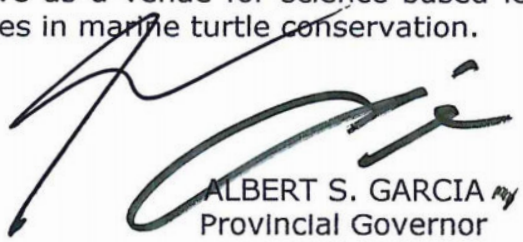
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2. Develop and oversee the implementation of an Annual Work and Financial Plan guided by the BSDS and the State of the Coast Report for submission to and approval by the Sustainable Development Council;
3. Provide assistance to the component city and municipalities in developing and/or updating their respective ICM Programs;
4. Document the ICM activities and processes including achievements, impacts, constraints, experience and lessons learned;
5. Assist in information dissemination to promote the adoption of ICM approaches throughout the province, the Philippines and countries in the East Asian Seas Region; and
6. Undergo an assessment and certification system in accordance with a tested ICM System Audit Procedure, which is based on internationally recognized standards and procedures as defined in the ISO 19011 guideline for ISO 9001 AND ISO 14001 certifications.

SECTION 39. PROMOTION OF APPROPRIATE PROVINCIAL POLICY ON FISHERY AND COMPATIBLE FISHERY ORDINANCES. The Province shall assist the Municipal/City Governments in reviewing and systematizing the ordinances pertaining to the coastal zone to identify the ordinances needed, reconcile conflicting provisions in the existing ordinances, and attain rational compatibility of ordinances among municipalities/cities and between the provincial and municipality/city ordinances; provided, that the Province shall initiate measures towards the promulgation of standard fishery ordinance in consideration of depleting marine resources and the transboundary character of the issues and problems on coastal resources management.

SECTION 40. PROTECTION, CONSERVATION AND REHABILITATION OF MANGROVES. For the purpose of protecting the livelihood and well-being of the fishing population, the sustained productivity of coastal habitats of marine flora and fauna shall be secured through the provision of assistance to the Municipal Governments in establishing adequate safeguards and controls in human activities within declared mangrove forest reserves, marine parks and fish sanctuaries, such as, but not limited to, the implementation of the BSDS/BICMP. The Provincial Government upon recommendation of the respective municipality shall proclaim a network of protected mangroves consistent with the Provincial Integrated Coastal Resources Management Plan and the respective Municipal Fisheries Codes or Local Integrated Coastal Management Plans;

SECTION 41. PAWIKAN CONSERVATION, PROTECTION AND MANAGEMENT. In coordination with DENR and other agencies, the private sector and other stakeholders, the Provincial Government shall formulate and implement various conservation efforts and management programs for marine turtle or pawikan, including their habitats/nesting sites in the province especially in Bagac, Morong, and Mariveles. The Provincial Government shall likewise establish a Pawikan Conservation Learning Center which shall serve as a venue for science-based learning and a showcase of the best practices in marine turtle conservation.


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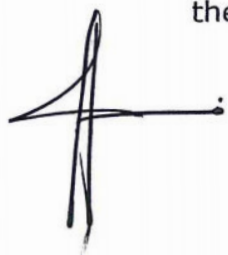












SECTION 42. PAWIKAN CONSERVATION AND MANAGEMENT PLAN. The Provincial Government, in collaboration with the DENR, the concerned LGUs, and other stakeholders, shall prepare a Pawikan Conservation and Management Plan to develop a strategy to proper handling and conservation of marine turtles within one (1) year upon effectivity of this Code.

SECTION 43. PROHIBITED AND PUNISHABLE ACTS. Under Article IV of Chapter II of this Code, the following acts shall be prohibited and punishable:

- a. The construction, installation or putting up of any permanent structure, building, hut, or any improvement of whatsoever nature within twenty (20) meters from the shoreline at high tide of the sandy beaches of any municipality or component city in the province;
- b. Without written permit from the Mayor, appropriating the sea or any portion thereof fronting the beaches, for private or commercial use without justification such as safety, health, emergency and similar contingencies; or without such permit, preventing free passage thereon by enclosing the same with fences, buoys or similar means;
- c. The gathering, extraction and/or removal of beach resources such as pebbles, sand and gravel and boulders for whatever purpose except those expressly allowed by law;
- d. Cutting, gathering, collection, removing or selling of natural growing of mangroves in both forest land, alienable and disposable lands and from private lands;
- e. Taking, catching, possessing, taming, selling, killing and transporting of marine turtles or pawikan, including its eggs.

SECTION 44. FINES AND PENALTIES. Violation of Section 43 of this Code shall be penalized and be fined an amount of FIVE THOUSAND PESOS (P5,000.00) or an imprisonment of not less than THIRTY (30) DAYS but not to exceed ONE (1) YEAR or both fine and imprisonment at the discretion of the Court.

ARTICLE V
Sustainable Agriculture Development

SECTION 45. SCOPE OF POWERS. In the exercise of its powers, functions and responsibilities, the LGU among others shall prescribe measures to safeguard the environment and natural resources, by promoting rural development through sustainable agriculture within their respective areas of jurisdiction through:

- a. Strengthening the participation of; and cooperation among: concerned entities such as; the Department of Agriculture, Local Government Units, civil society, the academe and other stakeholders;

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- b. Promotion and development of environmentally sound and economically viable agricultural production systems for both lowland and upland ecosystems, preferably of organic, diversified and integrated agriculture, in reference to; and consistent with; local development plans and CLUPs;
- c. Provision of efficient support services and incentives to farmers practicing sustainable agriculture;
- d. Establishment of Geophysical Information System (GIS)-based Resource Management Information System (RMIS) as a tool in the assessment on the impact of existing agricultural production systems to the agricultural resource base in the province and as basis for the formulation of Sustainable Agriculture Master Plan (SAMP); and
- e. Creation and capacitation of community-based agricultural extension teams through:
 - 1. Establishment of community learning centers for appropriate technologies;
 - 2. Diversified Farming System including the use of short-term, medium-term and long-term crops and propagation of small livestock production;
 - 3. Promotion of Soil and Water Conservation measures in both lowland and upland areas;
 - 4. Enforcement of laws and ordinances banning or regulating the use of synthetic chemical agricultural inputs;
 - 5. Adoption of the Sloping Agricultural Land Technology (SALT) in the rolling areas; and
 - 6. Maximizing recycling of agricultural waste, minimizing external inputs and optimizing internal inputs.

SECTION 46. OPERATIVE PRINCIPLES. Policies on agricultural/cropland resources in the Province are anchored on the following operative principles:

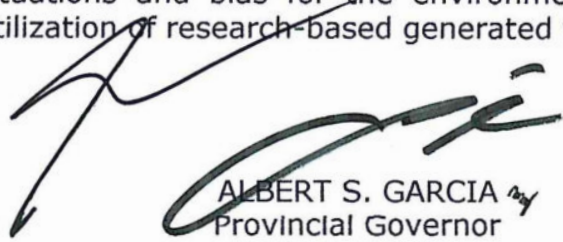
- a. The integrity and carrying capacity of the agricultural resource base, especially land, water and genetic resources of both plant and animals shall not be degraded in the process of development;
- b. Inclusion of sustainable agricultural development practices as essential component of agro-ecological considerations towards maximum productivity and profitability;
- c. Policy of piloting or on-the-ground testing as an essential requisite for adaptability, adoptability, efficiency in local situations and bias for the environment for acceptability and utilization of research-based generated technologies;

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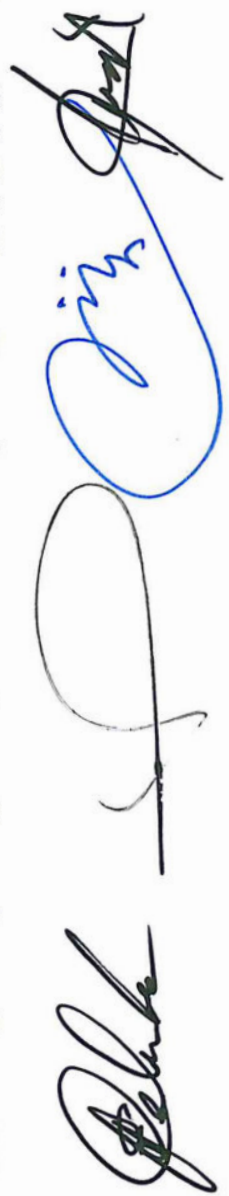
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- d. Policy decisions are based on studies on biological limits and scientific result of agricultural and natural resource productivity;
- e. Access and autonomy in the management of common resource such as water and biodiversity of domesticated animal and plant genetic resources in agriculture shall be assured;
- f. Environmental management tools shall be adopted in policy and decision-making for all stages of economic productivity;
- g. Environmental protection is a shared responsibility of all;
- h. Environment-friendly and location-specific technologies in sustainable agriculture shall be promoted;
- i. In agricultural genetic engineering, precautionary principle must always be upheld; and
- j. Food self-sufficiency and security shall be of utmost consideration in all economic and development activities.

SECTION 47. AGRICULTURAL POLICY REVIEW AND AGRICULTURAL IMPACT ASSESSMENT. The Office of the Provincial Agriculturist (OPA), in collaboration with research institutions and concerned agencies, shall conduct a comprehensive survey, benchmark study and assessment of the impact of agriculture to various ecosystems every five (5) years, or as the case so requires, which shall be the basis in the conduct of agricultural policy review.

SECTION 48. PROMOTION OF ORGANIC FARMING AND PESTICIDE/FERTILIZER REGULATION. Upon the approval of this Code, the Provincial and Municipal Governments through their respective Agriculture Office shall:

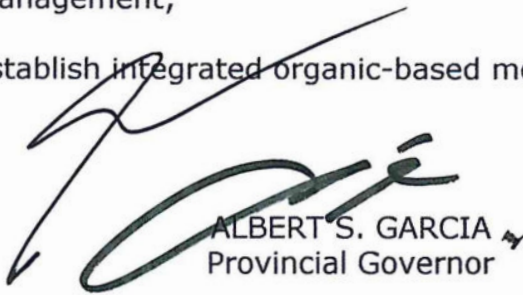
- a. Regulate the use of approved pesticides/fertilizers;
- b. Promote the application of organic fertilizers in all agricultural and forestry development endeavors, such as Bio-Nitrogen, Trichoderma and Composting facilities, Vermi-Composting and other rapid composting technologies pursuant to DA Memo Circular 01, series of 2005, otherwise known as Philippine National Organic Agriculture Board (PNOAB);
- c. Promote Biological control methodologies such as Trichoderma and Rhizobium as an alternative means to prevent pests and diseases;
- d. Promote balanced fertilization "tipid-abono" approach leading to zero chemical agricultural and tree farming;
- e. Promote integrated pest management and integrated nutrient management;
- f. Establish integrated organic-based model farms;

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- g. Institutionalize viable farmers' association/cooperatives as community compost and bio-predator producers;
- h. Provide incentives to all farmers practicing the organic farming and shall provide trainings, seminars and other educational assistance to deserving farmers and beneficiaries;
- i. Provide funds to sustain their organic and biological programs and the maintenance of laboratory facilities of the Province, in coordination with the DA, to enhance the agricultural production as well as environmental preservation; and
- j. Conduct intensive information and education drive to promote and patronize organic farm products.

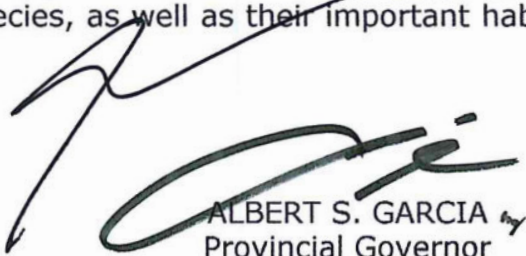
Article VI
Wildlife, Biodiversity and Natural Heritage

SECTION 49. SCOPE OF POWERS. In the exercise of their powers, functions and responsibilities, the LGUs shall enforce biodiversity conservation and formulate legislation for the protection of species of flora and fauna endemic to the province.

SECTION 50. OPERATIVE PRINCIPLES. Policies on wildlife, genetic resource and biodiversity conservation, protection and development in the province shall be guided by the following operative principles:

- 1. The integrity and carrying capacity of resource base, especially genetic resources of both plant and animals shall not be degraded in the process of development;
- 2. Policies shall be based on studies of biological limits of natural resource capacity, resilience and renewability;
- 3. Environmental protection especially of wildlife habitat, niche and genetic biodiversity belts shall be viewed by all as a shared responsibility;
- 4. Biological diversity shall be conserved through institutional support and direct involvement of local communities especially the Indigenous Peoples; and
- 5. The Precautionary Principle shall at all times be upheld in the face of contentious issue of genetic-based erosion and genetic pollution vis-a-vis transgenic organisms through genetic engineering.

SECTION 51. RESOURCE PROFILING. The Provincial Government in coordination with concerned NGAs, Municipal LGUs, and Civil Society Organizations (CSOs) shall conduct resource profiling of existing vegetative cover, endemic species of flora and fauna, particularly threatened and endangered species, as well as their important habitat, nesting and breeding sites.


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SECTION 52. TERRESTRIAL AND MARINE PROTECTED AREAS. The Provincial Government shall initiate and coordinate with concerned national agencies, City/Municipal Governments, Non-Government Organizations, and private institutions in the identification of specific areas, which shall be declared as terrestrial and/or marine protected areas for the province's endemic, endangered, and threatened flora and fauna. Appropriate local ordinance/s shall be passed declaring sanctuaries for the same, as well as, the establishment of refuge and rescue centers;

SECTION 53. NATURAL HERITAGE CONSERVATION. Upon the approval of this Code, the Provincial Government, in collaboration with research/academic institutions, Non-Government Organizations/Foundations, and concerned agencies, shall conduct a comprehensive survey, identifying, evaluating, and formulating a management plan or program for Natural Heritage Conservation in the Province of Bataan. The Natural Heritage Conservation plan will integrate past and present initiatives and legislations for species that are already covered by local ordinances;

SECTION 54. PROHIBITED AND PUNISHABLE ACTS. Under Article VI of Chapter II of this Code, the following acts shall be prohibited and punishable:

- a. Killing and destroying of wildlife species, except in the following instances:
 - i. When it is done as part of the religious rituals of established tribal groups or indigenous cultural communities;
 - ii. When the wildlife is afflicted with an incurable communicable disease;
 - iii. When it is deemed necessary to put an end to the misery suffered by the wildlife under a medical condition;
 - iv. When it is done to prevent an imminent danger to the life or limb of a human being; and
 - v. When the wildlife is killed or destroyed after it has been used in authorized research or experiments.
- b. Inflicting injury which cripples and/or impairs the reproductive system of wildlife species;
- c. Effecting any of the following acts in critical habitat/s:
 - i. Littering and/or dumping of waste products detrimental to wildlife;
 - ii. Squatting, encroachment or otherwise occupying any portion of the critical habitat;

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- iii. Mineral exploration and/or extraction;
 - iv. Burning;
 - v. Logging; and
 - vi. Quarrying.
- d. Introduction, reintroduction or restocking of wildlife resources;
 - e. Trading of wildlife;
 - f. Unauthorized collection, hunting or possession of wildlife, their by-products and derivatives;
 - g. Maltreatment and/or inflicting other injury/ies not covered by Section 54 (b);
 - h. Transporting of wildlife for the purposes of Section 54 (e) and (f);
 - i. Unauthorized bio-prospecting;
 - j. Transfer and unauthorized sale of seeds from the seed bank; and
 - k. Sale of flora and fauna from the protected areas.

SECTION 55. FINES AND PENALTIES. Violation of Section 54 of this Code shall be penalized and be fined an amount of FIVE THOUSAND PESOS (P5,000.00) or an imprisonment of not less than THIRTY (30) DAYS but not to exceed ONE (1) YEAR or both fine and imprisonment at the discretion of the Court;

CHAPTER III. ENVIRONMENTAL MANAGEMENT

Article I
Environmental Impact Assessment

SECTION 56. 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 389(b)(9), 444(b)(3)(v), and 465(b)(3)(v) of RA 7160 respectively. Likewise, the power to enforce laws for the protection of the environment is provided under RA 7160, Section 17(b)(3)(iii) and Section 17(b)(4) to the provincial and city government, respectively;

SECTION 57. OPERATIVE PRINCIPLES. The Provincial Government shall be an active partner of the DENR-EMB in the implementation of the Philippine EIS System (PEISS). Accordingly, the Provincial Government shall uphold the following key operating principles of the PEISS provided under PD 1586 and DENR Administrative Order No. 30 Series of 2003;

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- a. The EIS System is concerned primarily with assessing the direct and indirect impacts of a project on the biophysical and human environment and ensuring that these impacts are addressed by appropriate environmental protection and enhancement measures;
- b. The EIS System aids Proponents in incorporating environmental considerations in planning their projects as well as in determining the environment's impact on their project;
- c. Project Proponents are responsible for determining and disclosing all relevant information necessary for a methodical assessment of the environmental impacts of their projects;
- d. Effective regulatory review of the EIA Reports depends largely on timely, full and accurate disclosure of relevant information by project Proponents and other stakeholders in the EIA process.

SECTION 58. PROVINCIAL EIA MONITORING TEAM. In complementation of DENR Administrative Order No. 2017-15 otherwise known as the Guidelines on Public Participation under the Philippine Environmental Impact Statement System, there is hereby created a Provincial Environmental Impact Assessment (EIA) Monitoring Team, with the following composition:

Team Leader: PG-ENRO
 Members : Provincial Health Office (PHO)
 Provincial Engineer's Office (PEO)
 Office of Provincial Agriculturist (OPA)
 Provincial Veterinarian's Office (PVO)
 Provincial Disaster Risk Reduction and Management Office (PDRRMO)
 Provincial Social Welfare and Development Office (PSWDO)
 Representative/s from concerned DENR-CENRO
 Representative/s from concerned city/municipality
 Representative/s from concerned barangay/s
 Representative/s from concerned stakeholder/s

The Provincial EIA Monitoring Team shall have the following functions:

- 1. Monitor the compliance with ECC conditions of non-environmentally critical projects (non-ECPs) located in environmentally critical areas (ECAs), and major non-ECP, non-ECA projects located in the province;
- 2. Monitor compliance with the Environmental Management Plan (EMP) and with applicable laws, rules and regulations of these projects;
- 3. Generate as much as possible real-time environmental, health and socio-economic information to serve as bases for timely and informed decision-making, and effective planning and management of environmental measures;

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4. Recommend appropriate action against erring projects to the Governor and concerned Local Chief Executive/s; and to the DENR-EMB Region III thru the DENR-CENRO/DENR-PENRO Bataan.

In the exercise of the above duties, the Provincial EIA Monitoring Team shall be granted visitation rights to on-site facility/ies and operation/s of said projects, and access to EIA reports, monitoring reports, and other related documents of the projects;

The members of the Provincial EIA Monitoring Team shall serve without compensation, except for the actual and necessary traveling and subsistence expenses incurred in the performance of their duties, subject to existing rules and regulations;

SECTION 59. INVENTORY OF ESTABLISHMENTS. The Provincial Government, through the PG-ENRO shall coordinate with the DENR-EMB Region III in the conduct of inventory of existing establishments/projects within the province to ascertain whether or not these have complied with the provisions of existing environmental regulations as provided for in PD 1586, PD 984, RA 6969, RA 8749, RA 9003, and RA 9275;

SECTION 60. PROHIBITED AND PUNISHABLE ACTS. Under Article II of Chapter IV of this Code, the following acts shall be prohibited and punishable:

- a. Refusal to grant the Provincial EIA Monitoring Team access to on-site facility/ies and operations; and
- b. Refusal to provide or submit to the Provincial Government copies of the EIA report, monitoring reports, and other documents relevant to a project.

SECTION 61. FINES AND PENALTIES. Violation of Section 60 of this Code shall be fined an amount of TWO THOUSAND PESOS (P2,000.00) and FIVE HUNDRED PESOS (P500.00) for each day during which the violation or default continuous but not to exceed FIVE THOUSAND PESOS (P5,000.00);

Article II
Solid Waste Management

SECTION 62. SCOPE OF POWERS. In the exercise of their respective mandates, the Local Government Units shall:

- A. Province:
 1. Monitor and ensure compliance of the component city and municipalities with the provisions of RA 9003;
 2. Provide support to the component city and municipalities in the formulation and implementation of their respective solid waste management programs; and

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3. Facilitate establishment of supportive linkages between municipal government units and other government and private sector organizations.

B. Component City and Municipalities:

1. Monitor and ensure compliance of barangays with the provisions of RA 9003;
2. Establish and enforce a solid waste management system consistent with the provisions of RA 9003;
3. Ensure the proper segregation, collection, storage and disposal of solid waste;
4. Provide services and facilities for waste collection, recovery and disposal, especially of non-recyclable materials and special wastes; and
5. Formulate and implement programs for waste diversion.

C. Barangay:

1. Ensure proper waste segregation at source; and
2. Provide services and facilities for the collection and recovery specifically of biodegradable, compostable and reusable wastes.

SECTION 63. OPERATIVE PRINCIPLES. The strategies for solid waste management shall be formulated and implemented upholding the following principles stipulated in RA 9003:

- a. Segregation at source;
- b. Maximum waste reduction and diversion;
- c. Greater stakeholder participation; and
- d. Environmentally sound technology excluding incineration as provided for in RA 9003 and RA 8749.

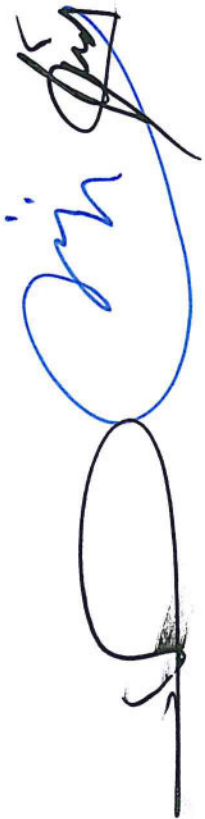
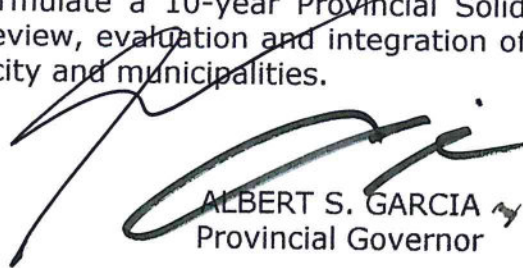
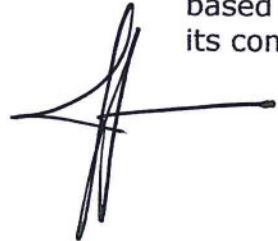
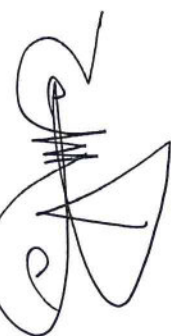
SECTION 64. PROVINCIAL SOLID WASTE MANAGEMENT BOARD (PSWMB). The Provincial Solid Waste Management Board (PSWMB) for the Province of Bataan established through Provincial Executive Order No. 14, Series of 2017 is hereby adopted and reaffirmed, PROVIDED, that the Governor shall recommend to the Sangguniang Panlalawigan, within six (6) months upon effectivity of this Code, amendments thereto for the purpose of updating the composition and functions of the Board.

SECTION 65. PROVINCIAL SOLID WASTE MANAGEMENT PLAN. The Provincial Government, through the Provincial Solid Waste Management Board, shall formulate a 10-year Provincial Solid Waste Management Plan based on the review, evaluation and integration of all the submitted plans of its component city and municipalities.

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SECTION 66. CLUSTERING OF SOLID WASTE MANAGEMENT FACILITY. To ensure compliance of the component city and municipalities with Article 6 of RA 9003, the Provincial Government shall coordinate and initiate the development of an inter-local sanitary landfill or integrated waste management facility serving two (2) or more municipalities. This shall be subject to an EIA or IEE, as the case may be, pursuant to Section 38 of RA 9003.

SECTION 67. REGULATION OF THE USE OF PLASTIC BAG AND OTHER NON-ENVIRONMENTALLY ACCEPTABLE (NEA) PACKAGING MATERIALS. The Province shall initiate and coordinate with the NSWMC, DTI, DOST and related agencies; component city and municipalities in the province; and other public and private organizations in the regulation and eventual phase-out of single-use plastic bags and similar non-environmentally acceptable (NEA) packaging in the province, *provide*, that such regulation/s will be in accordance with the Guidelines on Phasing Out of NEA Products and Packaging Materials to be issued by the NSWMC.

SECTION 68. TOXIC SUBSTANCES, HAZARDOUS AND NUCLEAR WASTES. The Province shall initiate and coordinate with the DENR-EMB, component city and municipalities in the province, and other public and private organizations in the handling, disposal and management of toxic and hazardous wastes; and in informing and educating the populace regarding the hazards and risks attendant to the manufacture, handling, storage, transportation and disposal of toxic chemicals and other substances and mixture.

All owners and/or administrators of vehicles used in the transport or hauling of any explosive, flammable, infectious, toxic and other hazardous materials shall hereby be required to secure a Conveyance Permit from the Office of the Provincial Governor before such vehicles and activity are allowed in any highway, streets, roads or any public way within the Province of Bataan;

Transport of healthcare wastes and other toxic and hazardous substances from facilities and establishments, such as but not limited to, hospitals, clinics, beauty parlor and salon, automotive repair shops, car wash shops, computer and cell phone repair shops and other similar professions shall also be subject to hazardous wastes conveyance fee;

A Provincial Special Task Group is hereby created to review and recommend applications for conveyance permits and recommend the assessed values of fees to be imposed. The composition of the Provincial Special Task Group is as follows:

- Team Leader: PG-ENRO
Members : Provincial Treasurer's Office
Metro Bataan Development Authority
Provincial Disaster Risk Reduction and Management Office
Provincial Engineer's Office


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SECTION 69. PROHIBITED AND PUNISHABLE ACTS. Under Article I of Chapter III of this Code, the following acts shall be prohibited and punishable:

- a. Littering, throwing, dumping of waste matters in public places, such as roads, sidewalks, canals, esteros or parks, and establishment, or causing or permitting the same;
- b. Open dumping of solid waste;
- c. Open burning of solid waste;
- d. Dumping of toxic substances, nuclear and hazardous waste;
- e. Establishment or operation of open dumps as enjoined in RA 9003;
- f. Site preparation, construction, expansion or operation of waste management facilities without an ECC and not conforming with the CLUP of the city/municipality;
- g. Construction of any establishment within two hundred (200) meters from pen dump or controlled dump or sanitary landfill;
- h. Construction or operation of landfills or any waste disposal facility on any aquifer, groundwater reservoir or watershed area and/or any portion thereof; and
- i. Transporting or hauling of any explosive, flammable, infectious, toxic and other hazardous materials in any highway, streets, roads or any public way within the province without securing a Conveyance Permit from the Provincial Government.

SECTION 70. FEES, FINES AND PENALTIES.

- a. Conveyance Fees to be collected in accordance with Section 68 above shall be guided by the following:
 - i. Base Fee for every - ₱1,000.00 per truck/
Conveyance Permit issued motor vehicle
on cargo trucks or motor
vehicles with a load capacity
not exceeding 2,000 liters of
flammable liquid OR not
exceeding 500 kilograms of
explosives and/or
combustible materials,
including hazardous
chemicals and gases
payable annually;


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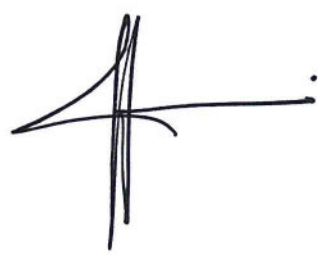




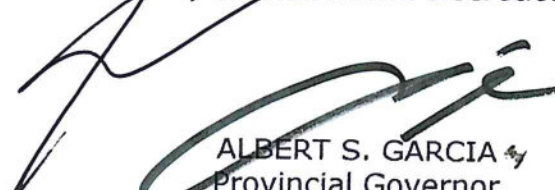




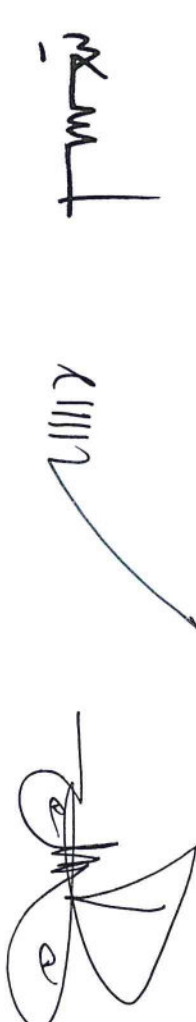




- ii. Load Fee for flammable liquid payable per trip; - ₱0.25 per liter
 - iii. Load Fee for explosives and/or combustible materials, including hazardous chemicals and gases payable per trip; - ₱0.60 per kilogram
 - iv. Hospitals and health institutions shall be required to submit the faithful records of volume and weight of hospital waste they produce every last working day of every month to the Special Task Group who in return will conduct the computation of the amount payable for hospital waste conveyance fees. ONE PESO (₱1.00) for every kilogram of hospital waste will be collected which shall be likewise remitted to the Provincial Treasury. Small clinics using toxic and hazardous chemicals for profession and practices shall be required to pay hazardous waste disposal and conveyance fee of not less than ONE HUNDRED PESOS (₱100.00) a month or equivalent to ONE THOUSAND TWO HUNDRED PESOS (₱1,200.00) annually, in addition to the actual cost of clinical waste treatment they shall pay to the service provider for the treatment of their hazardous waste;
 - v. Conveyance fees of other Hazardous Materials and Permits for Hazardous practices including construction, demolition and/or digging within and along public ways of the Province of Bataan shall be likewise imposed and collected base on the assessment of Special Task Group provided such amount shall not be lower than one centavo or more than ONE PESO (₱1.00) per liter or per kilogram weight of hazardous materials transported and minimum of ONE HUNDRED PESOS (₱100.00) to maximum of ONE THOUSAND TWO HUNDRED PESOS (₱1,200.00) per hazardous practice performed along and within the public ways of Bataan;
 - vi. All fees and fines under Section 70 of this Code shall be collected by the Provincial Treasury. PROVIDED that fifty percent (50%) of the total amount collected shall be used for the purposes of Environmental Protection and Enhancement as described in Section 89 of this Code, and the other fifty percent (50%) shall be used for the purpose of supporting the operations of the Metro Bataan Development Authority (MBDA).
- b. Violation of Section 69 (a) and (b) of this Code shall be penalized and be fined an amount of not less than ONE THOUSAND PESOS (₱1,000.00) but not to exceed FIVE THOUSAND PESOS (₱5,000.00) or community service for not less than ONE (1) DAY but not to exceed FIFTEEN (15) DAYS to an LGU where such prohibited acts are committed or both fine and community service at the discretion of the Court;


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- c. Violation of Section 69 (c) and (d) of this Code shall be penalized and be fined an amount of not less than TWO THOUSAND PESOS (P2,000.00) but not to exceed FIVE THOUSAND PESOS (P5,000.00) or an imprisonment of not less than ONE (1) DAY but not to exceed FIFTEEN (15) DAYS or both fine and imprisonment at the discretion of the Court;
- d. Violation of Section 69 (e), (f), (g), (h) and (i) shall be penalized and be fined an amount of FIVE THOUSAND PESOS (P5,000.00) and FIVE HUNDRED PESOS (P500.00) for each day during which the violation or default continuous but not to exceed FIVE THOUSAND PESOS (P5,000.00) or an imprisonment of not less than THIRTY (30) DAYS but not to exceed ONE (1) YEAR or both fine and imprisonment at the discretion of the Court;

Article III
Air and Water Quality Management and Pollution Control

SECTION 71. SCOPE OF POWERS. In the exercise of their respective mandates, the Local Government Units shall:

- a. Monitor air quality, water quality and noise pollution management of industries, motor vehicles, slaughter houses, markets, agri-industries, hotels, businesses and other activities that contribute to pollution;
- b. Implement measures to prevent and control, air, water and noise pollution in coordination with LGUs and other agencies/offices;
- c. Enact measures for the abatement of air, water and noise pollution; and
- d. Enforce air, water, and noise pollution control laws, rules and regulations.

SECTION 72. OPERATIVE PRINCIPLES. The policies on air and water quality management and pollution control shall be guided by the following:

- a. Shared responsibility in the management and maintenance of air and water quality within the Province; and
- b. Attainment and maintenance of ambient air and water quality within the national standards.

SECTION 73. AGRICULTURAL POLLUTION CONTROL. Through this Code, Sections V and VIII of Provincial Ordinance No. 03-S-2014, otherwise known as "Provincial Ordinance on Regulating the Operation and Management of Poultry, Piggery and Other Livestock Raising in the Province of Bataan" are hereby amended to read as follows:

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"SECTION V. DEFINITIONS:

"a. ANIMAL POPULATION – the actual number of heads of animal present at the farm at specific reference date;

xxx

"g. BACKYARD FARM – refers to raising of animals in household backyard with a maximum stocking population of ten (10) sow level for livestock and a total of 10,000 heads for poultry, as prescribed in EMB Memorandum Circular 005 dated July 2014;

xxx

"i. COMMERCIAL FARM – refers to raising of animals with a stocking population of more than ten (10) sow level for livestock and more than 10,000 heads for poultry, as prescribed in EMB Memorandum Circular 005 dated July 2014.

xxx

"l. ENVIRONMENTAL COMPLIANCE CERTIFICATE (ECC) – a document issued by the DENR/EMB after a positive review of an ECC application, certifying that the Proponent has complied with all the requirements of the EIS System and has committed to implement its approved Environmental Management Plan. The ECC also provides guidance to other agencies and to LGUs on EIA findings and recommendations, which needs to be considered in their respective decision-making process.

xxx

"n. CERTIFICATE OF NON-COVERAGE (CNC) – a certification issued by the EMB certifying that, based on the submitted project description, the project is not covered by the EIS System and is not required to secure an ECC."

SECTION VIII. REGULATED ACTS:

"1. All new and existing farms must obtain a Permit to Operate from the Provincial Veterinarian's Office and a Certificate of Environmental Compliance (CEC) from the PG-ENRO as conditions for the issuance/renewal of business permit from the city/municipality. The issuance of the CEC shall be based on the submission of the following documentary requirements:

e. Barangay Business Permit;

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- f. ECC/CNC, issued by DENR-EMB Region 3. For farms with ECC, the following EMB-issued permits shall also be presented, as the case may be:
 - b.1 Permit to Operate Air Pollution Source and Control Installations (APSCI);
 - b.2 Discharge Permit Water Pollution Control/ Source Facilities (WPSCF);
- g. For poultry, plans and specifications for a mortality pit, and commitment to install/affidavit of undertaking;
- h. For piggeries, plans and specifications for Wastewater Treatment Facility (WWTF), and commitment to install/affidavit of undertaking. Such WWTF may include but not limited to biogas digester, lagoons, septic tanks, provided that such facility shall result to an effluent/wastewater discharge within the DENR Administrative Order (DAO) 08 Series of 2016 effluent standards for Class C waters.

A corresponding Environmental Protection and Enhancement Fee shall be collected by the Provincial Treasurer for the issuance of CEC;

xxx

- "9. It shall be unlawful to directly discharge animal wastes in any waterway or body of water, such as, but not limited to, irrigation, canal, creek, and river;
- "10. Commercial Livestock or Poultry Farms are required to plant trees within the perimeter or vicinity of their project site in compliance to the terms and conditions in the ECC and in support to the tree planting program of the Provincial Government."

SECTION 74. REGULATION OF ESTABLISHMENTS. All establishments whose operations entail washing with water, such as, but not limited to, car wash; laundry shop; restaurants and other food establishments; dressing plants and hatcheries; junk shops; hotels; and shopping malls are hereby required to secure an Environmental Clearance from the PG-ENRO. Such issuance from the Provincial Government shall be a requirement for the issuance of Business Permit from the City or Municipality where the establishment is located or operating. A corresponding Environmental Protection and Enhancement fee shall be collected by the Provincial Treasurer in accordance with the Section 75 (f) of this Code;

SECTION 75. IMPOSITION OF FEES. Under Article III Chapter III of this Code, the following schedule of fees is hereby imposed for the issuance of documents by the Provincial Government through the PG-ENRO, for inclusion/amendment in the Bataan Revenue Code;

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a. CEC – Piggery:

Application Fee - ₱100.00

Environmental Protection and Enhancement Fee (EPEF), payable annually:

CLASSIFICATION	POPULATION (Number of Pigs)	EPEF
Small Scale	500 and below	₱ 500.00
Medium Scale	501 to 1,000	₱1,000.00
Large Scale	1,001 and above	₱1,500.00

b. CEC – Poultry (3 years validity):

Application Fee - ₱300.00

Environmental Protection and Enhancement Fee (EPEF), payable annually OR in lump sum:

CLASSIFICATION	POPULATION (Number of Birds)	EPEF (Annual)	EPEF (3-Year Lump Sum)
Small Scale	501 to 10,000	₱ 500.00	₱1,500.00
Medium Scale	10,001 to 50,000	₱1,000.00	₱3,000.00
Large Scale	50,001 and above	₱1,500.00	₱4,500.00

c. Environmental Clearance - Establishment:

Application Fee - ₱100.00

Environmental Protection and Enhancement Fee (EPEF), payable annually:

CLASSIFICATION	CAPITALIZATION (₱)	EPEF
Micro Scale	Up to 3,000,000	₱ 100.00
Small Scale	3,000,001 to 15,000,000	₱ 500.00
Medium Scale	15,000,001 to 100,000,000	₱1,000.00
Large Scale	1,000,000,001 and above	₱1,500.00

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The amount that will be collected from the imposition of EPEF shall be deposited to a Special Trust Fund to be created for the purpose of implementation of programs, projects and activities related to environmental conservation and water quality management, including, but not limited to, greening program; clean-up drive; rehabilitation of polluted river systems, creeks and other waterways; establishment of wastewater treatment facility; and support to city and municipal LGUs in the implementation of their respective initiatives for the said purpose;

SECTION 76. ADOPTION OF AMBIENT AIR QUALITY GUIDELINE VALUES. Cognizant of the major environmental risk of air pollution to human health and the necessity of a greater degree of protection from it, the Provincial Government shall adopt the more stringent thresholds or guideline values available for the following criteria pollutants three (3) years upon the effectivity of this Code;

Pollutant	Unit	Guideline Value	Reference
Particulate Matter (PM)			
PM 2.5	µg/m ³	10 (annual average)	WHO
		25 (24-hour average)	WHO
PM 10	µg/m ³	20 (annual average)	WHO
		50 (24-hour average)	WHO
Sulfur Dioxide (SO ₂)	µg/m ³ Ppb	20 (24-hour average)	WHO
		8 (24-hour average)	WHO
Nitrogen Dioxide (NO ₂)	µg/m ³ Ppb	150 (24-hour average)	RA 8749
		100 (1-hour average)	US EPA
		80 (24-hour average)	RA 8749
		23 (annual average)	WHO
Ozone (O ₃)	µg/m ³ Ppb	60 (8-hour average)	RA 8749
		30 (8-hour average)	RA 8749
Carbon Monoxide (CO)	mg/m ³ Ppm	35 (1-hour average)	RA 8749
		10 (8-hour average)	RA 8749
		30 (1-hour average)	RA 8749
		9 (8-hour average)	RA 8749

The above standards shall be the basis of the Provincial Government in environmental monitoring and compliance monitoring of stationary, area and mobile sources of air pollution.

SECTION 77. INDUSTRIAL POLLUTION CONTROL. The Provincial Government, in close coordination with the DENR-EMB Region III, shall ensure that the industrial firms operating within the province comply with the air and water quality standards as provided in the Clean Air Act (R.A. 8749) Clean Water Act (R.A. 9275) and other internationally-accepted standards or guideline values, particularly monitor the quality of the emission and discharge of industrial firms, and ambient air quality in the vicinity of such firms, and establish adequate capability to respond positively to related citizen complaints on air, water and noise pollution.

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SECTION 78. VEHICLE EMISSION CONTROL. The Provincial Government, in coordination with the Land Transportation Office (LTO) and the DENR, shall establish a permitting system to ensure that the emission of vehicles and industries operating within the province are in accordance with standards provided under the Clean Air Act of 1999 or RA 8749. The Provincial Government shall allocate funds for the acquisition and maintenance of emission testing equipment.

SECTION 79. SMOKING REGULATION. The LGUs shall enforce the prohibition of smoking in public places as provided in Section 5 of RA 9211 and Executive Order No. 26, Series of 2017.

SECTION 80. SEWAGE AND SEPTAGE MANAGEMENT. The Provincial Government shall continue the implementation of sewage and septage management in the province as embodied in Provincial Ordinance No. 01, Series of 2017.

SECTION 81. AMBIENT AND SOURCE MONITORING. Upon effectivity of this Code, there shall be a regular monitoring of the following:

- a. Ambient air quality, and water quality of major water bodies in the province, for the purpose of ensuring attainment and maintenance of air and water quality standards; and
- b. Activities, particularly emission and/or discharge, and facilities of agricultural, commercial and industrial establishments in the province, for the purpose of ensuring compliance with the national standards and provisions stipulated in the permits issued, pursuant to existing laws, rules and regulations.

SECTION 82. PROHIBITED AND PUNISHABLE ACTS. Under Article III of Chapter III of this Code, the following acts shall be prohibited and punishable:

- a. Operation of poultry or livestock farm without an ECC/CNC, and other pertinent permits, certificates, and clearances issued by the DENR-EMB, Provincial Government, City/Municipality and Barangay where the farm is located;
- b. Operation of commercial piggery farms without a functional biogas digester or septic tank for animal waste disposal;
- c. Operation of industries that emit and/or discharge pollutants above the prescribed national standards;
- d. Operation of any vehicle that emit air pollutants above the emission limits provided for in RA 8749 and other internationally accepted guidelines and standards;
- e. Misdeclaration and manipulation of emission test procedure and results;
- f. Smoking in non-designated smoking areas and conveyances;
- g. Burning of industrial, agricultural and hospital wastes;

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- h. Direct discharge of animal wastes into any body of water and/or waterway; and
- i. Discharge of wastewater into any water body, waterway or drainage system without any proper treatment.

SECTION 83. FINES AND PENALTIES.

- a. Violation of Section 82 (a), (b) and (c) shall be penalized accordingly:

First Offense Fine not less than FIVE THOUSAND PESOS (P5,000.00) and FIVE HUNDRED PESOS (P500.00) for each day during which the violation or default continues but not to exceed FIVE THOUSAND PESOS (P5,000.00);

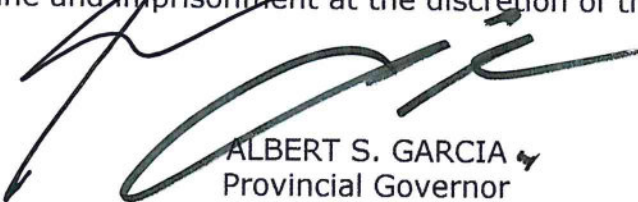
Second Offense Fine of FIVE THOUSAND PESOS (P5,000.00) and FIVE HUNDRED PESOS (P500.00) for each day during which the violation or default continues but not to exceed FIVE THOUSAND PESOS (P5,000.00) and suspension of operations for TEN (10) DAYS but not to exceed THIRTY (30) DAYS;

Third Offense Fine of FIVE THOUSAND PESOS (P5,000.00) and FIVE HUNDRED PESOS (P500.00) for each day during which the violation or default continues but not to exceed FIVE THOUSAND PESOS (P5,000.00) and suspension of operations for not less than THIRTY (30) DAYS but not to exceed SIX (6) MONTHS.

- b. Violation of Section 82 (d) and (e) of this Code shall be penalized and be fined an amount of not less than ONE THOUSAND FIVE HUNDRED PESOS (P1,500.00) but not to exceed FIVE THOUSAND PESOS (P5,000.00) or an imprisonment of not less than FIFTEEN (15) DAYS but not to exceed THIRTY (30) DAYS or both fine and imprisonment service at the discretion of the Court;

- c. Violation of Section 82 (f) of this Code shall be fined an amount of not less than ONE THOUSAND PESOS (P1,000.00) but not to exceed FIVE THOUSAND PESOS (P5,000.00);

- d. Violation of Section 82 (g), (h) and (i) of this Code shall be penalized and be fined an amount of not less than TWO THOUSAND PESOS (P2,000.00) but not to exceed FIVE THOUSAND PESOS (P5,000.00) or an imprisonment of not less than THIRTY (30) DAYS but not to exceed ONE (1) YEAR or both fine and imprisonment at the discretion of the Court.


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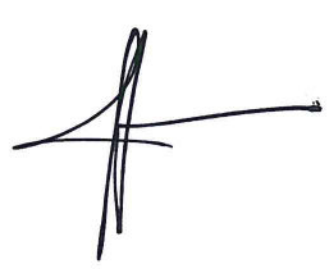












Article IV
Climate Change and Disaster Risk Reduction

SECTION 84. SCOPE OF POWERS. In the exercise of their respective mandates, the Local Government Units shall:

- A. Province: Provide technical assistance, enforcement and information management in support of municipal and city climate change action plans (Sec. 14, RA 9729);
- B. Component City and Municipalities: Consider climate change adaptation as one of their regular functions (Sec. 14, RA 9729);
- C. Barangay: Be directly involved with Municipal and City Governments in prioritizing climate change issues and in identifying best practices and other solutions (Sec. 14, RA 9729);

Pursuant to Sections 14 and 18 of RA 9729, all LGUs shall also:

- 1. Maximize inter-local government unit collaboration in the conduct of climate-related activities;
- 2. Appoint the person responsible for the formulation and implementation of their local action plan;
- 3. Regularly update their respective climate change action plans to reflect changing social, economic and environmental conditions and emerging issues;
- 4. Conduct public awareness campaigns on the effects of climate change and energy-saving solutions to mitigate these effects, and initiatives, through educational and training programs and micro-credit schemes, especially for women in rural areas;
- 5. Mobilize and allocate necessary personnel, resources and logistics to effectively implement their respective action plans; and
- 6. Coordinate with the National Government Agencies concerned in technical and financial assistance to LGUs, in accomplishing Local Climate Change Actions Plans.

SECTION 85. OPERATIVE PRINCIPLES. Cognizant of its share in the country's participation to the United Nations Framework Convention on Climate Change (UNFCCC), the Provincial Government adopts the following:

- a. The ultimate objective of stabilizing greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system;
- b. Precautionary principle shall be the guide of all decision-making in climate risk management;

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- c. Climate change and disaster risk reduction are closely interrelated and effective disaster risk reduction will enhance climate change adaptive capacity; and
- d. The concept of climate change shall be systematically integrated in various phases of local policy formulation, development plans, poverty reduction strategies and other development tools and techniques by all LGUs.

SECTION 86. LOCAL CLIMATE CHANGE ACTION PLAN. The LGUs shall be the frontline agencies in the formulation, planning and implementation of climate change action plans in their respective areas consistent with the provisions of the Local Government Code, the United Nations Framework on Climate Change, and the National Climate Change Action Plan. (Section 14, RA 9729). In the development and implementation of the Local Climate Change Action Plans, the LGUs shall coordinate with the National Government Agencies, Local Disaster Coordinating Councils, Non-Government Organizations (NGOs), civic organizations, academe, People's Organizations, the private and corporate sectors and other concerned stakeholder groups.

Through the Provincial Disaster Risk Reduction and Management Office (PDRRMO), the Province shall formulate and regularly update a Provincial Climate Change Action Plan (PCCAP). The PDRRMO shall monitor the implementation of the policies, programs or projects identified in the PCCAP and submit the same to the Provincial Monitoring Committee through the Provincial Planning and Development Office, and to the Sangguniang Panlalawigan as inputs for policy review.

SECTION 87. MAINSTREAMING CLIMATE CHANGE ADAPTATION AND DISASTER RISK REDUCTION IN LOCAL DEVELOPMENT PLANS. All LGUs within the Province of Bataan shall carry out mainstreaming of Climate Change Adaptation (CCA) and Disaster Risk Reduction (DRR) by considering climate and disaster risk issues into (i) the existing LGU database or the ecological profile, (ii) the planning structure and planning process, (iii) development plans and thematic/sectoral plans, and (iv) investment program; and by providing the necessary authority levers such as policies, budget and regulatory measures, among others (DILG Memorandum Circular No. 2015-77);

SECTION 88. GREENHOUSE GAS (GHG) EMISSIONS/CARBON FOOTPRINTS INVENTORY. The Provincial Government in coordination with concerned agencies and stakeholders shall develop and conduct a province-wide inventory of greenhouse gas emissions/carbon footprints, which shall be the basis of local and/or sectoral climate change mitigation programs, projects and activities, and efforts towards making Bataan a Carbon Neutral Province. The inventory shall be conducted within one (1) year upon effectivity of this Code and shall be updated annually thereafter;

SECTION 89. IMPOSITION OF ENVIRONMENTAL PROTECTION AND ENHANCEMENT FEE (EPEF). The Provincial Government in its desire to provide a healthy environment hereby imposes an Environmental Protection and Enhancement Fee (EPEF) that shall be used to finance environment enhancement activities, programs and projects, including those of climate

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change adaptation, mitigation and disaster risk reduction. Two (2) years upon the effectivity of this Code, the EPEF shall be collected annually from all industries and business establishments. The schedule of EPEF shall be computed based on the assessed annual carbon footprint or entity-level GHG emissions of the concerned industry/establishment's operation. For new industries and/or establishments, the EPEF equivalent to one (1) year's operation shall be collected in advance. The carbon footprint or entity-level GHG emissions corresponding to the EPEF shall be assessed and certified by the PG-ENRO. This EPEF certification shall be an additional requirement prior to the issuance/renewal of business permit by the concerned city, municipality and/or barangay. The schedule of fees for the EPEF is as follows:

- a. 10,000 metric tons CO₂ equivalent per year (CO₂e/yr) and below - ₱ 10,000.00
- b. 10,001 to 50,000 metric tons CO₂e/yr - ₱ 50,000.00
- c. 50,001 to 100,000 metric tons CO₂e/yr - ₱ 100,000.00
- d. 100,001 to 500,000 metric tons CO₂e/yr - ₱ 500,000.00
- e. For emissions exceeding 500,000 metric tons CO₂e/yr - ₱1,000,000.00

For the first one million metric tons plus ₱1,000,000.00 for subsequent one million metric tons or part thereof.

SECTION 90. PROHIBITED AND PUNISHABLE ACTS. Under Article IV Chapter III of this Code, the following acts shall be prohibited and punishable:

- a. Refusal to provide documents, data and/or information to the Provincial Government pertinent to the estimation of greenhouse gas emissions and/or carbon footprint and the subsequent computation of EPEF;
- b. Operation of any establishment or industry without securing an EPEF certification from the Provincial Government.

SECTION 91. FINES AND PENALTIES.

- a. Violation of Section 90 (a) of this Code shall be fined an amount of TWO THOUSAND PESOS (₱2,000.00) and FIVE HUNDRED PESOS (₱500.00) for each day during which the violation or default continuous but not to exceed FIVE THOUSAND PESOS (₱5,000.00);
- b. Violation of Section 90 (b) of this Code shall be penalized accordingly:

First Offense Fine not less than TWO THOUSAND PESOS (₱2,000.00);

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Provincial Governor

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Second Offense Fine of FIVE THOUSAND PESOS (P5,000.00) and FIVE HUNDRED PESOS (P500.00) for each day during which the violation or default continues but not to exceed FIVE THOUSAND PESOS (P5,000.00);

Third Offense Suspension of operations for not less than THIRTY (30) DAYS but not to exceed SIX (6) MONTHS.

Article V
Environmental Information and Education

SECTION 92. MANAGEMENT DIRECTION. The underlying purpose of the enactment of measures to protect the environment, seen in its broadest socio-political sense, it to enable people to critically understand the problems and to mobilize local efforts towards the desired objectives of rules and regulations. Environmental legislation should not be limited to the direct curtailment of activities and processes that are inimical to the preservation of the environment, but more importantly, it should educate the people and enable them to react to and comply with the purpose of the legislative measures;

Prior to its implementation, it is therefore necessary that the Code be promoted to the general public. Such a community informational campaign should focus on the environmental issues being addressed by the Code, their cause and effect relationship, and the measures being applied in order to avert further deterioration of the environment. More importantly, informing the citizens about environmental laws and local rehabilitation programs fosters legitimacy of the actions being undertaken as community members can accept accountability for measures that they can consider intrinsic to their civil responsibilities;

SECTION 93. INFORMATION DISSEMINATION. The Provincial Government is hereby tasked to:

- a. Disseminate information on the state of the environment and the impacts of human activities on their sustainability as part of its local environmental education program through various media such as print, radio, TV, cultural shows, and public dialogues;
- b. Establish Environment Information Center;
- c. Conduct seminars on subjects such as Coastal Resources Management, Fisheries Management, Community-based Fishery Law Enforcement, Air Pollution, the Red Tide Phenomenon, Sustainable Agriculture and Safe Use of Pesticides, Tourism Management, Water Management Program, and other pertinent topics on the effects of the use of hazardous substances on the environment;
- d. Seek the services of NGOs, POs and other advocacy groups on the dissemination of information and the conduct of lectures;

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Provincial Governor

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- e. Coordinate with the Department of Education to develop a concise curriculum on environment highlighting the unique features of Bataan's ecosystem;
- f. Tap the services of specialists in government agencies such as the DOST, DENR and DA as well as those in the academe for the conduct of more comprehensive seminars on the environment; and
- g. Establish a network for information collection and feedback linking NGOs, government agencies and people's organizations for reporting violations, outbreaks, destructive resource-use practices and conduct systematic observation on pollution and environmental impacts of human activities.

To this end, investments in radio communication equipment, computers and other tools for surveillance shall be facilitated.

SECTION 94. HUMAN RESOURCE DEVELOPMENT AND CAPACITY BUILDING. The LGUs, through inter-government cooperation, and with the support of national agencies, shall embark on a human resources development and capacity building program to:

- a. Expand multidisciplinary education, training and research on sustainable management of land, water and air resources;
- b. Create training opportunities for members of the community, NGOs, POs and the industry to encourage environment-friendly lifestyles; and
- c. Development and strengthen, where the need arises, institutions capable of conducting research, monitoring and implementing the objectives and activities related to environmental legislation and resources conservation.

SECTION 95. INTERNATIONAL AND REGIONAL COOPERATION. In recognition of the role of the United Nations and other international organizations in the pursuit of sustainable development, the Provincial local government shall maintain liaison with organizations of the UN or those with whom the Philippines has signed bilateral or regional cooperation, for the purpose of environmental information exchange, financial assistance, technical cooperation and for the implementation of recognized action programs for environmental management;

CHAPTER IV. OTHER SUSTAINABLE DEVELOPMENT AREAS

Article I Ecotourism

SECTION 96. SCOPE OF POWERS. In addition to the powers, duties and functions of the Municipal, City Mayor and Provincial Governor to adopt adequate measures to safeguard and conserve land, mineral, marine, forest and other resources as provided under RA 7160, Sections 389(b)(9), 444(b)(3)(vii), 455(b)(3)(v) and 465(b)(3)(V), respectively, the local governments shall also provide the following ecotourism services and facilities:


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Provincial Governor

2/11/19

- A. Province: Formulate plans pursuant to Section 17(b)(3)(xii) RA 7160 relating to tourism development and promotion programs and undertake activities relative thereto;
- B. Municipality/City: Regulate tourism facilities and other tourist attractions as well as holding of tourism activities, including the acquisition of equipment, regulation and supervision of business concession, and security for such services pursuant to Section 17(b)(2)(xi), RA 7160; and
- C. Barangay: Endorse tourism projects or tourism-related activities for approval by the Sangguniang Bayan/Panlungsod concerned, subject to other requirements and regulations imposed by this Code and by other relevant national laws and local ordinances including: Section 16, Article II and Section I, Article I of the 1987 Philippine Constitution as to the declaration of State policy and principles for the protection and advancement of the people to a balanced and healthful ecology; Republic Act No. 7160 (Local Government Code of 1991) as applicable to the functions and powers of each Local Government Unit in terms of ecotourism management; Presidential Executive Order No. 120 as to the formulation of strategies for biological diversity; Executive Order No. 111 as to the adoption of ecotourism as the developmental model for sensitive natural and cultural areas; Executive Order No. 247, Series of 1995; Presidential Decree No. 1152, as to wildlife and forestry protection and soil conservation, and other applicable laws and administrative orders that are promulgated or will be promulgated as necessary and relevant to proper ecotourism management purposes.

SECTION 97. OPERATIVE PRINCIPLES. Pursuant to Article II, Section 16 and Article XII, Section I of the Constitution and Presidential Executive Order No. 120; the Provincial Government, in coordination with the Municipal/City Governments, shall adopt and pursue ecological and sustainable tourism as a major strategy for the conservation of biological diversity and preservation of unique natural and cultural heritage of the People of Bataan, creation of local employment opportunities and generation of revenues. It shall be the priority of the Provincial Government to ensure equitable distribution of benefits from the utilization of our heritage and, as such, there is hereby established a system of local community entrepreneurship in the operation and management of tourism sites. All tourism development in the Province of Bataan shall be conceptualized and implemented founded on the principles of sustainable ecotourism.

SECTION 98. ECOTOURISM DEVELOPMENT AND BUSINESS PLAN. Upon the effectivity of this Code, the Provincial Governor through the Provincial Tourism Office, together with the Sangguniang Panlalawigan, and in coordination with the Municipal/City Mayors, NGAs, NGOs and private sector representatives, shall formulate the Provincial Ecotourism Development and Business Framework to ensure that local communities within tourism zones are not deprived of opportunities for gainful and sustainable livelihood, generation of municipal revenues and job opportunities while maintaining the carrying capacity for ecological growth.


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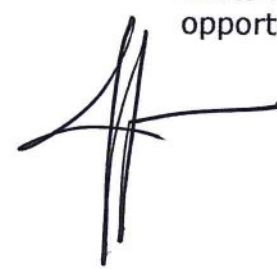












In view thereof, the Provincial Governor and the Municipal/City Mayors shall:

- a. Determine the carrying capacity for every tourism area by making inventories of physical, biological, social and tourism resources such as existing and potential tourism sites as the baseline data for environmental and socio-cultural assessments and management in tourism measures;
- b. Preserve places, sites or areas of archaeological, cultural and/or historical value or importance;
- c. Regulate and control the growth of ecotourism activities in the Province through the formulation and implementation of framework plans;
- d. Identify and prioritize tourism zones and areas for development in consideration of the ecology, market potential, infrastructure investment requirement, economic viability, strategic position for expansion, and community participation. Determination of such areas shall be subject to the recommendation of the Sangguniang Bayan concerned, after consultation with the affected barangay, and approval of the Governor, who, in turn, shall issue directive for the purpose;
- e. Establish on-site pollution control mechanisms and make provisions for adequate setbacks to let natural processes grow uninterrupted and, at the same time, to allow visual access to tourism sites;
- f. Develop, rehabilitate, conserve and monitor operations of beaches, coastal forests and sanctuary parks for fish and migratory and/or indigenous birds, including the native flora and fauna;
- g. Solicit people and community participation in the tourism industry through conduct of public hearing/consultation prior to approval of any tourism-related facility and activity;
- h. Establish a government-friendly tourism business atmosphere in order to further encourage tourism investments such as, but not limited to, granting of fiscal incentives, awards for delivery of excellent hospitality services, and encouragement or subsidy for small-scale enterprises in support of ecotourism;
- i. Encourage educational awareness as to the importance of ecology and sustainable development with reference to tourism development and undertakings through information drive, study tours and in-bound and out-bound tourism mission; provided, that in the case of the out-bound tourism mission, said activity shall be subject to the recommendation of the Tourism Department of the Provincial Government and approval by the Sangguniang Panlalawigan;

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Provincial Governor

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- j. Establish and maintain Visitors Information and Assistance Center(s);
- k. Encourage holding of tourism activities provided that said activities shall be environment-friendly and economically sustainable; and
- l. Encourage use of indigenous materials and Philippine architectural design to harmonize design of exterior buildings or edifices with the architectural style of site and to enhance natural asset and ambiance; provided, that the Ecotourism Development and Business Framework shall be integrated into the Provincial Development and Physical Framework Plan (PDPFP) in consonance with the provisions of this Code.

SECTION 99. PROHIBITED AND PUNISHABLE ACTS. Under Article I of Chapter IV of this Code, the following acts shall be prohibited and punishable:

- a. Developing ecological tourism sites, such as streams, lakes, marshlands, ponds, caves, mountain trails, hot springs, camp sites, springs, sanctuaries and waterfalls and other eco-tourism potential resources for recreational or commercial purposes, without appropriate permit from the agencies concerned;
- b. Construction/Expansion of facilities and infrastructures and holding of activities in non-designated or preserved areas that will destroy, alter or expose fragile habitats to human encroachment;
- c. Unlicensed and unaccredited tourist guides, drivers, escorts, promoters, service providers, coaches, conveyances and other tourism-related services;
- d. Mutilating, vandalizing, defacing or destroying objects of nature beauty, or burial grounds, objects belonging to religious and cultural groups, as well as monuments, landmarks and other objects or artifacts of archaeological importance; and
- e. Deliberate and unauthorized entering and/or visiting restricted areas and preserved areas, except for access/activities which are conducted in pursuant of scientific or legal study or researches.

SECTION 100. FINES AND PENALTIES.

- a. Violation of Section 99 (a) and (b) of this Code shall be fined an amount of FIVE THOUSAND PESOS (P5,000.00) and FIVE HUNDRED PESOS (P500.00) for each day during which the violation or default continuous but not to exceed FIVE THOUSAND PESOS (P5,000.00);


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Provincial Governor







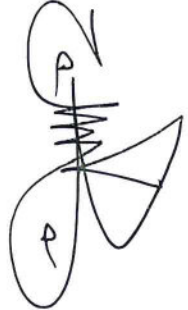














- b. Violation of Section 99 (c) of this Code shall be penalized and be fined an amount not less than TWO THOUSAND PESOS (P2,000.00) but not to exceed FIVE THOUSAND PESOS (P5,000.00) or an imprisonment of not less than FIFTEEN (15) DAYS but not to exceed THREE (3) MONTHS or both fine and imprisonment at the discretion of the Court;
- c. Violation of Section 99 (d) and (e) of this Code shall be penalized and be fined an amount of not less than ONE THOUSAND PESOS (P1,000.00) but not to exceed FIVE THOUSAND PESOS (P5,000.00) or an imprisonment of not less than ONE (1) DAY but not to exceed FIFTEEN (15) DAYS or both fine and imprisonment at the discretion of the Court.

Article II
Energy

SECTION 101. SCOPE OF POWERS. In the exercise of their powers, duties and functions, the Provincial Governor, City/Municipal Mayors and Punong Barangays shall adopt measures to safeguard and conserve the environment in relation to the development and generation of electric power from indigenous and renewable resources such as wind, solar, hydro and other natural sources;

SECTION 102. OPERATIVE PRINCIPLES. The Provincial Government recognizes the fact that is has varied renewable energy sources such as solar, wind, hydroelectric and other natural sources, and that unless appropriate proactive measures are put in place, energy development in the province will have irreparable damage to the environment and to the socio-cultural well-being of the people. It shall be the policy of the Provincial Government of Bataan to prioritize the development and utilization of renewable energy resources and shall not allow the operation of non-renewable sources, especially nuclear powered energy sources, that brings threats to the well-being of the people. The Province shall encourage the development of renewable energy sources and discourage the expansion of existing and new construction and operation of non-renewable energy production. Thus, energy utilization and management in the Province of Bataan shall be guided by the following:

- a. Transition from dominantly fossil fuel-based energy sources to diversified provincial/city/municipal energy mix by increasing installations and power distribution of renewable energy sources;
- b. Promotion of energy savings through energy and transport efficiency and conservation in Local Government Units and agencies, private sector especially industrial and/or economic zones; and residential areas within the Province of Bataan;
- c. In partnership with relevant agencies and stakeholders, energy development for off-grid, remote, underserved and/or unserved communities in the province; and

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- d. Environmental laws, rules and regulations shall always govern the generation, distribution and transmission activities of power producers in the province. This includes strict compliance of existing power plants in the province with the conditions of their ECCs.

SECTION 103. RESOURCE UTILIZATION. The Provincial Government shall encourage the development and utilization of indigenous and renewable energy sources such as solar, natural gas, hydro and biomass for immediate and future applications. Renewable energy developers in the province shall be entitled to special realty tax rates as provided under Section 13 of the Implementing Rules and Regulations of Republic Act 9513 (DOE Circular No. DC2009-05-0008). Within one (1) year upon effectivity of this Code, the Provincial Government shall revisit the Provincial Revenue Code and develop appropriate guidelines for the provision of tax relief and/or incentives to renewable energy end-users such as business establishments and residential areas;

Article III
Land Use

SECTION 104. SCOPE OF POWERS. In the exercise of its inherent powers, duties and functions, the Province and its component City and Municipalities shall adopt adequate measures to safeguard and conserve land, mineral, fresh water, forest and other resources pursuant to Republic Act No. 7160 and other related laws and issuances.

SECTION 105. OPERATIVE PRINCIPLES. Land use planning shall be based on the principles of the Rationalized Planning System, which includes the following:

- a. Compliance with the applicable provisions of the RA 7160, otherwise known as the Local Government Code;
- b. Integration of the sectoral requirements of the National Government Agencies (NGAs), including disaster risk reduction and management, climate change, and conflict affectation concerns into the CLUP and CDP;
- c. Harmonization and complementation of goals and development directions of the Province and its component cities and municipalities; and
- d. Multi-stakeholder participation and consultation.

SECTION 106. This Code shall uphold the existing CLUPs and Zoning Ordinances of the component city and municipalities in the Province of Bataan.

CHAPTER V - ORGANIZATION

Provincial Government - Environment and Natural Resources Office
(PG-ENRO)

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Provincial Governor

SECTION 107. JURISDICTION. The Provincial Government - Environment and Natural Resources Office (PG-ENRO) shall be the main arm of the Provincial Government in the administration and management of the environment and natural resources towards attaining the long-term vision of the Province: "By 2020, Bataan Province will have the lowest poverty incidence resulting from quality growth, attaining top level Human Development Index in the Philippines," subject to the provisions of the Local Government Code of 1991 and other pertinent national laws, rules and regulations;

SECTION 108. FUNCTIONS. The PG-ENRO shall:

1. Formulate measures for the consideration of the Sanggunian and provide technical assistance and support to the Governor, as the case may be, in carrying out measures to ensure the delivery of basic services and provision of adequate facilities relative to environment and natural resources as provided for under Section 17 of the Local Government Code (RA 7160);
2. Develop plans and strategies and upon approval thereof by the Governor, as the case may be, implement the same, particularly those which have to do with environment and natural resources programs and projects which the Governor is empowered to provide for under R.A. 7160;
3. Be in the frontline of the delivery of services concerning the environment and natural resources, particularly in the renewal and rehabilitation of the environment during and in the aftermath of man-made and natural calamities and disasters;
4. Recommend to the Sanggunian and advise the Governor, as the case may be, on all matters relative to the protection, conservation, maximum utilization, application of appropriate technology and other matters related to the environment and natural resources;
5. Act as the Bataan Environment Safety and Sustainability (BESS) Center of the Province, a one-stop shop that will provide assistance to the existing and potential investors regarding their environmental concerns with the national agencies and at the local level;
6. Issue necessary permits, clearances and certifications, provided that the requirements for such issuances are complied with by the applicant;
7. In addition to the foregoing duties and functions, the environment and natural resources office shall:
 - a. Establish, maintain, protect and preserve communal forests, watersheds, tree parks, mangroves, greenbelts and similar forest projects and commercial forest, like industrial tree farms and agroforestry projects;

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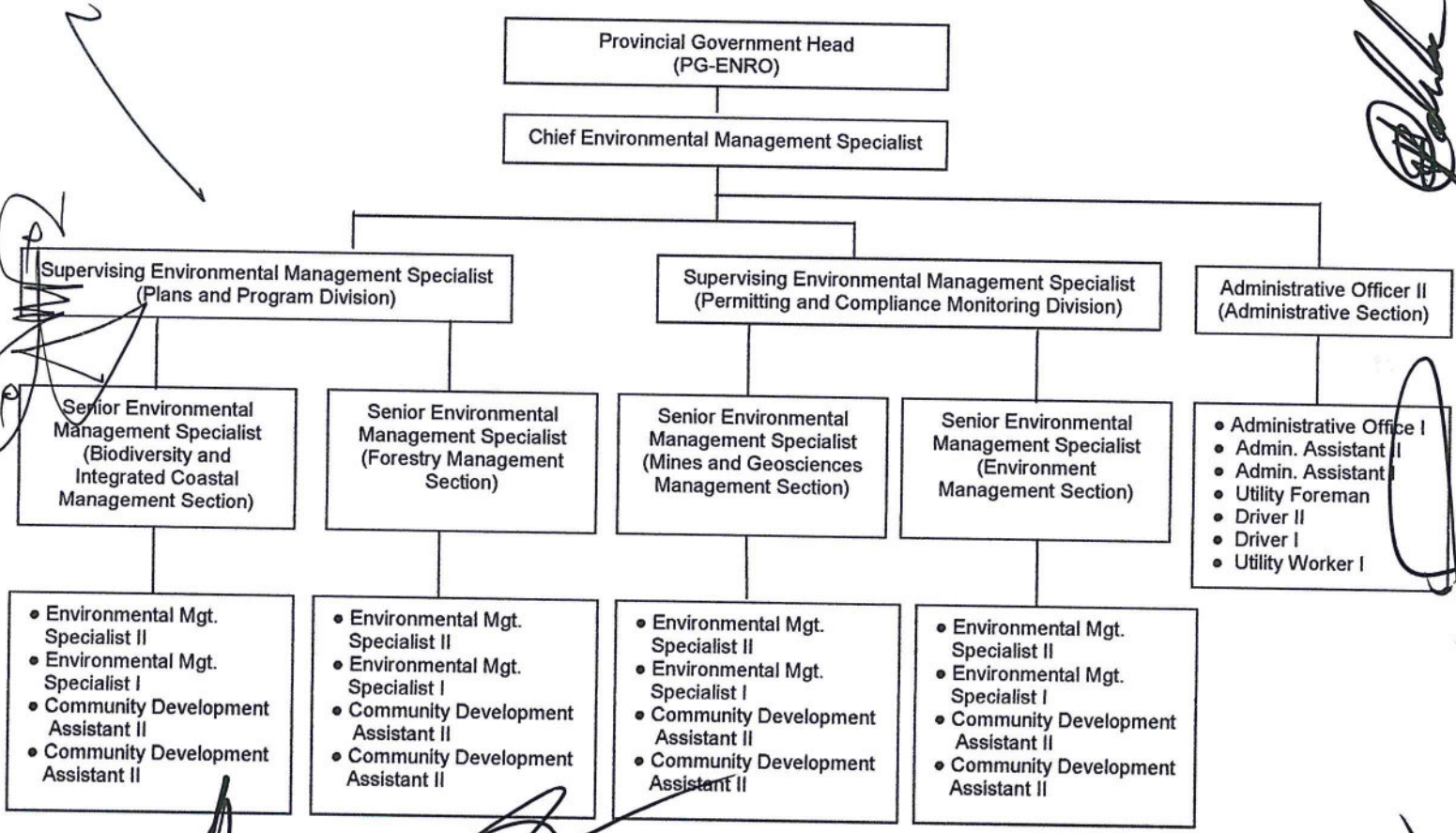
- b. Provide extension services to beneficiaries of forest development projects and technical, financial and infrastructure assistance;
 - c. Manage and maintain seed banks and produce seedlings for forests and tree parks;
 - d. Provide extension services to beneficiaries of forest development projects and render assistance for natural resources-related conservation and utilization activities consistent with ecological balance;
 - e. Promote the small-scale mining and utilization of mineral resources, particularly mining of gold; and
 - f. Coordinate with government agencies and Non-Governmental Organizations in the implementation of measures to prevent and control land, air and water pollution with the assistance of the Department of Environment and Natural Resources; and
8. Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

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SECTION 109. ORGANIZATIONAL STRUCTURE. The PG-ENRO shall be headed by a Provincial Government Department Head (PG-Environment and Natural Resources Officer) with a permanent plantilla position. A sufficient number of support staff with permanent plantilla position shall be appointed by the Governor to assist the PG - Environment and Natural Resources Officer in the performance of the office's mandates and functions.

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 ALBERT S. GARCIA
 Provincial Governor

There shall be two (2) functional divisions under the PG-ENRO, to wit:

1. **PLANS AND PROGRAMS DIVISION.** This division is tasked to develop plans and strategies on environment and natural resources programs and projects and implement them upon approval thereof by the Governor. Under the Plans and Programs Division, there are two (2) sections:

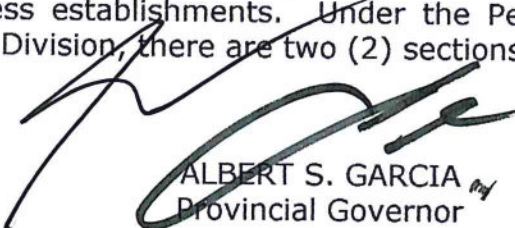
a. **BIODIVERSITY AND INTEGRATED COASTAL MANAGEMENT SECTION,** which is tasked to:



- i. Establish, protect, manage and conserve protected areas such as tree parks, marine parks, mangrove forest reserves, communal and critical watersheds, greenbelts, and other tourist attractions;
- ii. Ensure the protection and conservation of wildlife (flora and fauna) and other endangered species and their habitat;
- iii. Safeguard and conserve land, coastal and marine resources;
- iv. Formulate and implement plans, programs and strategies for the sustainable development of coastal and marine resources; and
- v. Provide supporting mechanisms and activities for biodiversity enhancement.

b. **FOREST MANAGEMENT SECTION,** which is tasked to:

- i. Implement certain activities of the ISF and CBFM Programs;
- ii. Monitor and evaluate Certificate of Stewardship Contract (CSC) holders as to their performance in developing their farm lots as stipulated in the contract;
- iii. Provide technical assistance and services to upland farmers like agroforestry development, training programs, extension and community organizing and infrastructure, livelihood and other program assistance; and
- iv. Maintain forest nursery to raise forest and fruit-bearing tree seedlings purposely for distribution to interested individuals, NGOs, schools/colleges/universities, barangays and upland farmers for their tree planting activities.

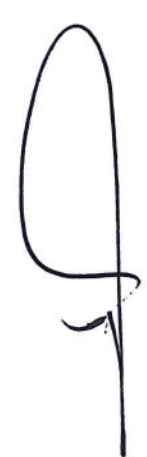
2. **PERMITTING AND COMPLIANCE MONITORING DIVISION.** This division is tasked to provide permitting assistance and conduct compliance monitoring and audit on quarry and small-scale mining sites, industries and business establishments. Under the Permitting and Compliance Monitoring Division, there are two (2) sections:


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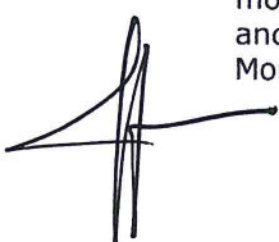












- a. ENVIRONMENTAL MANAGEMENT SECTION, which is tasked to:
- i. Ensure compliance of projects with pollution control and environmental protection laws, rules and regulations;
 - ii. Monitor the implementation of the Ecological Solid Waste Management (ESWM) System of the city and municipalities within the province as well as other environmental management systems and services related to general hygiene and sanitation such as sewage and household waste disposal;
 - iii. Act on complaints and monitor environmental compliance of small and large scale poultries, piggeries and other livestock;
 - iv. Provide assistance to clients in their application for permits, certification and other issuances from the DENR-EMB;
 - v. Provide technical assistance to piggery farms in the construction and operation of biogas digester;
 - vi. Formulate and implement plans, programs and projects related to solid waste management, air quality management, and water quality management;
 - vii. Conduct ambient air and water quality monitoring;
 - viii. Formulate and implement climate change related projects and programs;
 - ix. Conduct IEC campaign on relevant environmental technologies and practices, environmental laws, rules and regulations to different stakeholders; and
 - x. Conduct GIS mapping.

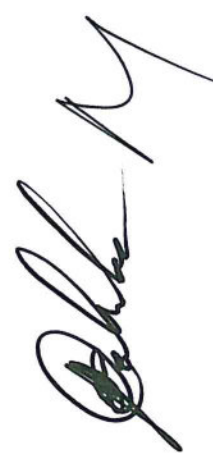
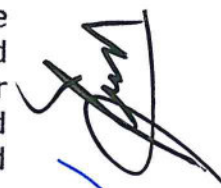
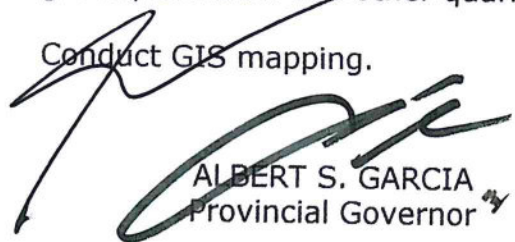
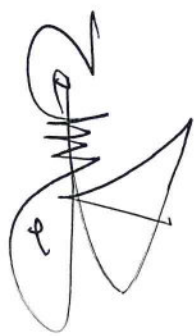
b. MINES AND GEOSCIENCES SECTION, which is tasked to:

- i. Ensure compliance of mining and quarrying projects with small-scale mining laws subject to policies, standards and guidelines of the DENR;
- ii. Inspect proposed quarry sites;
- iii. Issue permit and/or certification for the extraction of sand and gravel, boulders and other quarry resources and verify and adjudicate conflicts;
- iv. Compute fees and charges for the extraction of sand, gravel, boulders and other quarry resources; and
- v. Conduct GIS mapping.

ALBERT S. GARCIA
Provincial Governor

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There shall also be an ADMINISTRATIVE SECTION, which is tasked to:

- a. Perform administrative works;
- b. Prepare voucher of telephone bills, newspaper bills and other reimbursements;
- c. Prepare payroll attachment;
- d. Receive documents coursed by other offices and other agencies;
- e. Follow-up pertinent office documents for approval by proper signatories;
- f. Provide logistical support in the conduct of on-site/field activities and solid waste management activities within the Provincial Capitol.

CHAPTER VI. PENAL AND MISCELLANEOUS PROVISIONS

Article I
Penal Provisions

SECTION 110. Violation of any provision of this Code to which no specific penalty is imposed or commission of any prohibited acts which do not carry a specific penalty shall be penalized by a fine of not less than FIVE HUNDRED PESOS (P500.00) but not more than FIVE THOUSAND PESOS (P5,000.00);

SECTION 111. The penalty provided in this Code shall be in addition to the penalty that may be provided by any other law or ordinances. PROVIDED however, in the case that a single act appears to be punishable by two or more laws or ordinances with different penalties, the law providing heavier penalties shall be applied to the violator/s or offender/s to avoid for any reason the commission of double jeopardy;

Article II
Miscellaneous Provisions

SECTION 112. SEPARABILITY CLAUSE. In the event that any part or provision of this Ordinance is held unconstitutional or invalid, other parts or provisions not otherwise affected shall remain in full force and effect.

SECTION 113. REPEALING CLAUSE. All Ordinances or provisions thereof inconsistent herewith are hereby repealed or modified accordingly.

SECTION 114. EFFECTIVITY. This Code shall take effect fifteen (15) days after its publication in newspaper of local circular.

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Provincial Governor

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ANNEX
RELATED LAWS AND ISSUANCES

Republic Act (RA):

- RA 6969 (1990) Toxic Substances and Hazardous and Nuclear Waste Control Act
- RA 7076 (1991) People's Small-Scale Mining Act
- RA 7160 (1991) Local Government Code
- RA 7586 (1992) National Integrated Protected Areas System Act
- RA 7942 (1995) Philippine Mining Act
- RA 8371 (1997) Indigenous Peoples' Rights Act
- RA 8435 (1997) Agriculture and Fisheries Modernization Act
- RA 8550 (1998) Philippine Fisheries Code
- RA 8749 (1999) Philippine Clean Air Act
- RA 9003 (2000) Ecological Solid Waste Management Act
- RA 9211 (2003) Tobacco Regulation Act
- RA 9275 (2004) Philippine Clean Water Act
- RA 9513 (2008) Renewable Energy Act
- RA 9514 (2008) Revised Fire Code of the Philippines
- RA 9729 (2009) Climate Change Act
- RA 10068 (2010) Organic Agriculture Act
- RA 10121 (2010) Philippine Disaster Risk Reduction and Management Act
- RA 11038 (2018) Expanded NIPAS Act

Presidential Decree (PD):

- PD 705 (1975) Revised Forestry Code of the Philippines
- PD 1067 (1976) Water Code of the Philippines
- PD 1152 (1977) Philippine Environment Code
- PD 1586 (1978) Establishing the Philippine Environmental Impact Statement System

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Provincial Governor

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Presidential Proclamation (PP):

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

Presidential Executive Order (EO):

- EO No. 120, Series of 1987 Reorganizing the Ministry of Tourism, Defining its Powers and Functions, and Other Purposes
- EO No. 192, Series of 1987 Providing for the Reorganization of The Department of Environment, Energy and Natural Resources, Renaming it as The Department of Environment and Natural Resources, And for Other Purposes
- EO No. 247, Series of 1995 Prescribing Guidelines and Establishing a Regulatory Framework for The Prospecting of Biological and Genetic Resources, Their Byproducts and Derivatives, For Scientific and Commercial Purposes; And for Other Purposes
- EO No. 111, Series of 1999 Establishing the Guidelines for Ecotourism Development in the Philippines
- EO No. 533, Series of 2006 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
- EO No. 23, Series of 2011 Declaring a Moratorium on the Cutting and Harvesting of Timber in the Natural and Residual Forests and Creating the Anti-Illegal Logging Task Force
- EO No. 26, Series of 2017 Providing for the Establishment of Smoke-Free Environments in Public and Enclosed Places

DENR Administrative Order (DAO):

- DAO No. 1992-29 Implementing Rules and Regulations of RA 6969
- DAO No. 1992-30 Guidelines for the Transfer and Implementation of DENR Functions Devolved to the Local Government Units
- DAO No. 1996-29 Rules and Regulations for the Implementation of Executive Order 263, Otherwise Known as the Community-Based Forest Management Strategy (CBFM)
- DAO No. 1996-40 Revised Implementing Rules and Regulations of Republic Act No. 7942, Otherwise Known as the "Philippine Mining Act of 1995"
- DAO No. 1998-45 Guidelines Governing the Issuance and Transfer of Certificate of Stewardship (CS) Within CBFM Areas

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Provincial Governor

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- DAO No. 2000-81 Implementing Rules and Regulations of RA 8749
- DAO No. 2001-34 Implementing Rules and Regulations of Republic Act 9003
- DAO No. 2003-30 Implementing Rules and Regulations of Presidential Decree 1586, Establishing the Philippine Environmental Impact Statement System
- DAO No. 2004-16 Prescribing the Revised Schedule of Forestry Administrative Fees
- DAO No. 2004-29 Revised Rules and Regulations for the Implementation of Executive Order 263, otherwise known as the Community Based Forest Management Strategy
- DAO No. 2005-10 Implementing Rules and Regulations of the Philippine Clean Water Act of 2004 (Republic Act No. 9275)
- DAO 2013-19
- DAO No. 2016-08 Water Quality Guidelines and General Effluent Standards of 2016
- DAO 2017-15 Guidelines on Public Participation under the Philippine Environmental Impact Statement System

DOE Circular (DC):

- DC No. DC2009-05-0008 Rules and Regulations Implementing Republic Act No. 9513

Memorandum Circular (MC):

- DENR-DILG Joint MC No. 98-01 Manual of Procedures for DENR-DILG-LGU Partnership on Devolved and Other Forest Management Functions
- DENR MC No. 2014-005 Revised Guidelines for Coverage Screening and Standardized Requirements Under the Philippine EIS System
- DILG MC No. 2015-77 Guidelines on Mainstreaming Climate Change Adaptation and Disaster Risk Reduction in Local Development Planning
- DILG MC No. 2016-102 Guidelines on the Preparation or Updating of Local Plans

Provincial Ordinance:

- Ordinance No. 03-S-2014 (2014) An Ordinance Regulating the Operation of Livestock and Poultry Raising
- Ordinance No. 01 (2017) An Ordinance Establishing a Proper Sewage Treatment and Septage Management System in the Province of Bataan Prescribing Penalties for Violation Thereof and for Other Purposes

ALBERT S. GARCIA
Provincial Governor

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Provincial Executive Order (EO):

- EO No. 14, Series of 2017 Reorganizing and Updating the Composition of the Provincial Solid Waste Management Board (PSWMB) of the Province of Bataan

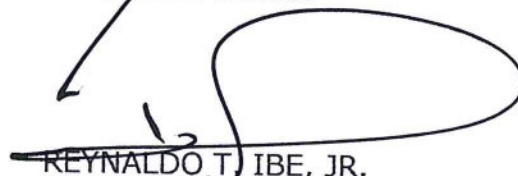
APPROVED UNANIMOUSLY".


SEVERINO P. SALAZAR
Secretary to the SP


BENJAMIN C. SERRANO, JR.
Board Member


ARISTOTLE J. GAZA
Board Member


ROLANDO Z. TIGAS
Board Member


REYNALDO T. IBE, JR.
Board Member


JOVY Z. BANZON
Board Member


MANUEL N. BELTRAN
Board Member


EDGARDO P. CALIMBAS
Board Member


DANTE R. MANALAYSAY
Board Member


JOSE C. VILLAPANDO, SR.
Board Member


NOEL JOSEPH L. VALDECAÑAS
Board Member
(PCL President)

ATTESTED:

APPROVED:


MA. CRISTINA M. GARCIA
Vice Governor
(Presiding Officer)


ALBERT S. GARCIA
Provincial Governor
Date: 3-7-19