



# Sangguniang Panlalawigan

BATAAN CAPITOL, BALANGA CITY



## EXCERPT FROM THE MINUTES OF THE 70<sup>TH</sup> REGULAR SESSION OF THE SANGGUNIANG PANLALAWIGAN OF BATAAN ON DECEMBER 11, 2023 HELD AT THE SESSION HALL, THE BUNKER, CAPITOL COMPOUND, BALANGA CITY, BATAAN

**PRESENT:**

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

**FIRST DISTRICT:**

Hon. Antonino B. Roman III, J.D., LL.M., Board Member  
Hon. Benjamin C. Serrano, Jr., Board Member  
Hon. Jomar L. Gaza J.D., Board Member

**SECOND DISTRICT:**

Hon. Maria Margarita R. Roque, Board Member  
Hon. Manuel N. Beltran, Board Member  
Hon. Noel Joseph L. Valdecañas, Board Member

**THIRD DISTRICT:**

Hon. Romano L. Del Rosario, Board Member  
Hon. Jorge S. Estanislao, M.D., Board Member  
Hon. Angelito M. Sunga, Board Member  
Hon. Roman Harold R. Espeleta, Board Member  
  
Hon. Jovy Z. Banzon, Board Member (PCL President)  
Hon. Lovely Joy A. Poblete, Board Member (SKF President)  
Hon. Feliciano G. Magay, Jr., Board Member (IPMR)

**ABSENT:**

None

### PROVINCIAL ORDINANCE NO. 23 SERIES OF 2023

**ORDINANCE PROHIBITING THE PUTTING UP OF POSTERS, STREAMERS, BANNERS, SIGNS, BILLBOARDS AND OTHER ADVERTISING MATERIALS ON TREES AND PROVIDING PENALTIES FOR VIOLATION THEREOF.**

**AUTHORED BY:**

HON. JOMAR L. GAZA J.D

**SPONSORED BY:**

HON. MANUEL N. BELTRAN  
HON. JOMAR L. GAZA J.D.

**WHEREAS**, Article II, Section 16 of the 1987 Constitution declares that, "(t)he State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature";

**WHEREAS**, Section 3 of Presidential Decree No. 953 penalizes "(a)ny person who cuts, destroys, damages or injures, naturally growing or planted trees of any kind, flowering or ornamental plants and shrubs, or plants of scenic,

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Provincial Governor

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aesthetic and ecological values, along public roads, in plazas, parks other than national parks, school premises or in any other public ground or place, or on banks of rivers or creeks, or along roads in land subdivisions or areas therein for the common use of the owners of lots therein”;

**WHEREAS**, Section 3 of Republic Act No. 3571, subject to certain exceptions, prohibits the cutting, destroying or injuring of planted or growing trees, flowering plants and shrubs or plants of scenic value along public roads, in plazas, parks, school premises or in any other public ground;

**WHEREAS**, Section 468 (a)(1)(vi) of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, provides that the Sangguniang Panlalawigan shall enact ordinances that protect the environment and impose appropriate penalties for acts which endanger the same;

**WHEREAS**, the hanging, constructing, erecting or displaying any poster, streamer, banner, sign, billboard and other advertising materials on trees by nailing, screwing, stapling, pasting, tying or otherwise attaching in an intrusive or harmful manner can severely damage the health thereof;

**WHEREAS**, trees should be protected as they provide oxygen and limit carbon in the atmosphere, reduce air pollution, provide food and shelter for wildlife, provide shade, minimize erosion and maintain healthy soil;

**WHEREAS**, under the general welfare clause of Republic Act No. 7160, local government units are mandated to institutionalize policies that will ensure the safety and well-being of its constituents;

**NOW, THEREFORE, BE IT ORDAINED BY THE SANGGUNIANG PANLALAWIGAN OF THE PROVINCE OF BATAAN, IN SESSION ASSEMBLED, THAT:**

**Section 1. Declaration of Policy.** – The Provincial Government of Bataan (PGB) recognizes the vital role that trees play in enhancing the beauty and environmental quality of communities within the province. Given this, the PGB is committed to the responsible stewardship of our trees, with the goal of preserving and protecting them for present and future generations. It is the policy of the PGB, therefore, to uphold the principle of sustainable development and environmental conservation, recognizing that trees play a pivotal role in mitigating the impacts of climate change, improving air quality, and supporting biodiversity. It likewise seeks, through this Ordinance, the utilization of alternative means of promoting events, businesses, and public awareness that do not compromise the health and integrity of trees within the province.

**Section 2. Scope and Applicability.** – This Ordinance shall apply to all trees regardless of age and specie found along public roads, public schools, plazas, parks and other public places within the Province of Bataan.

**Section 3. Definition of Terms.** - As used in this ordinance, the following terms are defined as follows:

- a. Other Advertising Materials - any notices or announcements that promote a business, profession, service or entertainment, or a commodity sold or offered for public/private use;
- b. Poster - a large sheet made of various materials, with textual and graphic elements, that is placed on a public place to promote something;

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*Handwritten signatures and initials on the left margin, including "TMTW", "Jen", "Mmmmm", and "J".*

*Handwritten signatures and initials on the right margin, including "Jen", "S", "B", "S", "C", "A", "P", "R", "I", "J", and "g".*

- c. Putting up - hanging, constructing, erecting or displaying any poster, streamer, banner, sign, billboard and other advertising materials by nailing, screwing, stapling, pasting, tying or otherwise attaching in an intrusive or harmful manner;
- d. Sign - a piece of paper, wood or other materials, with words or pictures on it that gives direction or information about something;
- e. Streamer or Banner - a long narrow piece of paper, canvass, tarpaulin, textile, plastic or other materials that is displayed to announce an event or promote a product;
- f. Tree - a plant having a permanently woody main stem or trunk, ordinarily growing to a considerable height, and usually developing branches at some distance from the ground; any of various shrubs, bushes, and plants, as the banana, resembling a tree in form and size;

**Section 4. Violations.** - The following shall be considered as violations of this Ordinance:

- a. Putting up of posters, streamers, banners, signs, billboards and other advertising materials on trees;
- b. Ordering or causing the putting up of posters, streamers, banners, signs, billboards and other advertising materials on trees;
- c. Failure or refusal of those responsible in putting up the posters, streamers, banners, signs, billboards and other advertising materials on trees, to remove the same within the period given them.

**Section 5. Presumption.** - For purposes of ascribing liability under this Ordinance, the owner of the business, provider of the service or entertainment, person practicing the profession, or manufacturer or seller of the product being promoted, or who/which is otherwise the subject matter of the poster, streamer, banner, sign, billboard or other advertising materials, shall be presumed to have actually put up or cause the putting up of the same on trees.

**Section 6. Penalties.** - Any individual or in the case of a corporation, partnership or association, its directors, stockholders, partner, manager, officers or employees responsible for the offense, who have committed a violation provided herein above shall be liable as follows:

1 <sup>st</sup> Violation	Fine of PhP2,000.00
2 <sup>nd</sup> Violation	Fine of PhP4,000.00
3 <sup>rd</sup> and Succeeding Violations	Fine of PhP5,000 or imprisonment not exceeding (1) year, or both, at the discretion of the court

The foregoing penalties are without prejudice to other penalties imposed and consequences provided under relevant laws, rules and regulations.

**Section 7. Removal of Materials on Trees.** - Without prejudice to prior proper documentation of the violation, earnest efforts shall be exerted to have the posters, streamers, banners, signs, billboards and other advertising

  
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materials removed by those responsible in putting them up on trees. Upon refusal or failure of those responsible to remove the same within the period given, the posters, streamers, banners, signs, billboards and other advertising materials put up on trees in violation of this Ordinance shall then be removed at the expense of those liable in putting them up. When the circumstances warrant, the said materials may summarily be removed.

**Section 8. Implementing Offices.** - The following shall implement the provisions of this Ordinance:

- a. The Provincial Government - Environment and Natural Resources Office (PG-ENRO), as the PGB representative, in close coordination with the Department of Environment and Natural Resources (DENR), with the assistance of its Municipal/City counterparts, shall be the primary implementing office for this Ordinance. If it deems necessary, the same shall issue implementing guidelines to ensure the proper implementation of this Ordinance;
- b. The Provincial Engineering Office (PEO) and its city/municipal counterparts, shall assist in the monitoring of violations along provincial, city, municipal and other access roads;
- c. The Metro Bataan Development Authority (MBDA) shall monitor violations along the Roman Superhighway and Jose Abad Santos Avenue, and otherwise assist in the implementation of this Ordinance within the bounds of its authority;
- d. Members of the Barangay Peacekeeping Action Teams or the Barangay Tanod who shall monitor violations along barangay roads and otherwise assist in the implementation of this Ordinance.

**Section 9. Separability.** - If, for any reason any part or provision of this ordinance shall be held to be unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

**Section 10. Repealing Clause.** - All any ordinances, rules and regulations found inconsistent with any provision of this Ordinance are hereby repealed and amended accordingly.

**Section 11. Effectivity.** - This Ordinance shall take effect after compliance with the relevant provisions of the Local Government Code on posting and publication.

**UNANIMOUSLY ENACTED** this 11<sup>th</sup> day of December 2023.

**I HEREBY CERTIFY** to the enactment of the foregoing Ordinance.

  
ATTY. MARK LORENZ C. QUEZON  
Secretary to the Sangguniang Panlalawigan

  
JOSE ENRIQUE S. GARCIA III  
Provincial Governor

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ANTONINO B. ROMAN III, J.D., LL.M.  
Board Member

  
MARIA MARGARITA R. ROQUE  
Board Member

  
BENJAMIN C. SERRANO, JR.  
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Board Member

  
ANGELITO M. SUNGA  
Board Member

  
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(PCL President)


  
LOVELY JOYA A. POBLETE  
Board Member  
(SKF President)

  
FELICIANO G. MAGAY, JR.  
Board Member  
(IPMR)

ATTESTED:

  
MA. CRISTINA M. GARCIA  
Vice Governor & Presiding Officer

APPROVED:

  
JOSE ENRIQUE S. GARCIA III  
Provincial Governor  
Date: 12-10-2023

