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 PROVINCE OF PANGASINAN
MUNICIPALITY OF BAYAMBANG
OFFICE OF THE SANGGUNIANG BAYAN



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MUNICIPAL ORDINANCE NO. 09
 Series of 2021

AN ORDINANCE ENACTING THE ENVIRONMENT CODE OF THE MUNICIPALITY OF BAYAMBANG, PROVINCE OF PANGASINAN.

Authored by: COUNCILOR BENJAMIN FRANCISCO S. DE VERA
Sponsored by: COUNCILOR MYLVIN T. JUNIO

EXPLANATORY NOTE

WHEREAS, the State shall protect and advance the right of the people to a balanced and healthful ecology in accord with rhythm and harmony of nature;

WHEREAS, the Local Government Unit shall share with the national government the responsibility in the management and maintenance of ecological balance within their territorial jurisdiction, subject to the provisions of Republic Act No. 7160, otherwise known as the "Local Government Code of 1991", and other national policies;

WHEREAS, the broad spectrum of environment and the enhancement of ecology has become a matter of vital concern to the government, hence, the necessity fo the enactment and implementation of environmental protection and management law;

WHEREAS, the municipality shall promote, preserve, protect and revive the ecosystem through the prevention, control and abatement of air, water, and land pollution and spread of hazardous diseases in the environment hand-in-hand with the sustained development of the municipality;

WHEREAS, the economic progress and physical development of the municipality through the use of advanced technologies should be in accord with nature, preservation of the environment and enhancement of ecology;

WHEREAS, the Sangguniang Bayan is mandated by the Local Government Code of 1991 to enact and approve ordinances, and adopt laws by the national governeemt to protect the environment and impose appropriate penalties fir acts which endanger the environment;

NOW THEREFORE, on motion of SB Member Mylvin T. Junio, duly seconded;

BE IT ENACTED by the Sangguniang Bayan in session assembled that:

(Handwritten signatures in blue ink)



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CHAPTER I
GENERAL PROVISIONS

ARTICLE I
TITLE, GENERAL POLICIES, AND PRINCIPLES

Section 1. Title. This Ordinance shall be known as the "ENVIRONMENT CODE OF THE MUNICIPALITY OF BAYAMBANG, PROVINCE OF PANGASINAN"

Section 2. Declaration of Policies and Principles. It is the policy of the Municipality of Bayambang to ensure sustainable development of its territorial jurisdiction in conformity to the nations's environmental policies, laws, rules, and regulations.

Section 3. Scope and Application. It covers all policies, rules, and national laws which are relevant to the protection, conservation, utilization and management of the environment as well as provisions from national environmental laws upon which implementation is devolved to the local government units.

Section 4. Authority and Legal Bases - This Code is enacted pursuant to the following authorities or legal bases:

A.1987 Philippine Constitution - particularly:

Article XII, Section. 2 which states that "all lands of the public domain, waters,minerals, coal, petroleum, and other mineral oils, forces of potential energy, fisheries, forests or timber, wildlife, flora and fauna, and othernatural resources are owned by the State."

Article II, Section 15 which states that "the State shall protect and promote theright to health of the people and instill health consciousness among them."

Article II, Section 16 which states that "the State shall protect and advance theright of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature."

B. The Local Government Code of 1991, otherwise known as the Local Government Code of 1991,particularly:

Book 1, Title 1, Chapter 1, Section 3 (i) which states that "local governmentunits shall share with the national government the responsibility in themanagement and maintenance of ecological balance within their territorialjurisdiction, subject to the provisions of this Code and national policies."

Book III, Title III, Chapter 3, Article 1, Section 455, (b) (2) (3) (vii)which states that "it is the power of the municipal mayor to adopt adequate measures tosafeguard and conserve land, mineral, forest and other resourcesof the municipality."



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Section 458 (1) (vi) which states that "the Sangguniang Bayan has the power to approve ordinances and pass resolutions necessary for an efficient and effective municipal government and in this connection shall protect the environment from destructive activities such as dynamite fishing and other forms of destructive fishing, illegal logging and smuggling of logs, smuggling of natural resources products and of endangered species of flora and fauna, slash and burn farming, and such other activities which result in pollution, acceleration of eutrophication of rivers and lakes or of ecological balance."

Section 5. Operative Principle. This Code is enacted pursuant to the underlying vision, mission, goals and objectives of the municipality to attain sustainable development based on the following operative principles:

A. The municipality is bestowed with rich natural resources, conducive to healthful living and progressive businesses. Investors abound in the area bring economic progress and development to the people. These developments can be sustained through judicious management, conservation, development, enhancement and protection of the environment and ecology;

B. There is a need to formulate a comprehensive, extensive and integrated program on environmental protection that will bring about concerted efforts towards the protection of the entire spectrum of the environment;

C. Pursuant to the Goals of Philippine Environment Policy (PD No. 1151), the municipal government shall take responsibility, in cooperation with concerned national agencies and private organizations and entities, to use all practical means, consistent with the other essential considerations of national policy, in promoting the general welfare to the end that the people may (a) recognize, discharge and fulfill the responsibilities of each generation as trustee and guardian of the environment for succeeding generations, (b) assure the safe, decent, healthful, productive and aesthetic environment without degrading it, or endangering human life, health and safety of creating conditions adverse to agriculture, commerce and industry, (d) preserve important and historic and cultural aspects of the Philippines heritage, (e) attain a rational and orderly balance between population and resource use, and (f) improve the utilization of renewable and non-renewable resources;

D. The responsibility of every individual to contribute to the preservation and enhancement of the environment;

E. All developments and activities in the municipality must be consistent with environmental laws, rules and regulations;

F. The municipality will spearhead and encourage the participation of its constituents to a clean, orderly, safe and progressive municipality;

G. Achievement of sustainable development and environmental protection must be considered as integral and indispensable parts of development process;

H. The need for the active participation of all stakeholders to attain sustainable development;



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I. The use of environment-friendly and appropriate technologies in promoting healthy and progressive generation;

J. Climate change is a phenomenon and its impact can be mitigated and can be addressed by intensifying preparedness through access, availability and provision of accurate information and skills to the people of Bayambang;

K. The nature's principle that nothing is for free, polluters shall bear the cost of pollution and, therefore, they must pay; and,

L. The municipality shall protect and promote the right to health of the people and instill health consciousness among them.

Section 6. Basic Principles. The following are the basic principles underlying the enactment of this Code:

A. Adaptation refers to the adjustment in natural or human systems in response to actual or expected climate stimuli or their effects, which moderates harm or exploits beneficial opportunities.

B. Integration refers to the principle behind the mandate for the municipality to implement and translate into its development initiatives national policies, plans and programs.

C. Interdisciplinary refers to the recognition of the need to a diverse field of knowledge to include natural, social and engineering sciences aside from available traditional knowledge.

D. Intergenerational Equity means ensuring equal access to goods and resources for people in the present and future generations.

E. Intergenerational responsibility means the responsibility of the present generation as stewards and trustees to protect and preserve the natural resources and the environment for the future generations.

F. Mitigation in the context of climate change, refers to human intervention to address anthropogenic emissions by sources and removals by sinks of all GHG including ozone-depleting substances and their substitutes.

G. Precautionary Principle refers to the principle that the municipality government shall take immediate preventive action by using the best available knowledge in situations where there is a reason to think that something is causing a potentially severe or irreparable environment harm even in the absence of conclusive scientific evidence establishing a causal link.

H. Principle of Sustainable Development—that Municipality of Bayambang shall efficiently and judiciously utilize the disposition and management of its environment and natural resources in a manner that will enable people and communities to uplift their economic, social and physical well-being subject to the equity considerations pertaining to the environment and natural resources use, protection, and conservation.



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I. Polluter Pay Principle refers to the principle that polluters assume the external costs of pollution with respect to the community and the environment.

J. Resiliency means the capacity to respond to a perturbation or disturbance by resisting damage and recovering quickly.

Section 7. Rules of Interpretation. Rules of construction and interpretation of this Code shall be observed unless inconsistent with the manifest intent of the said provisions, thus;

A. **Words and Phrases** - Words and phrases shall be construed and understood according to their common and approved usages. Words and phrases which may require a technical, peculiar and appropriate meaning under this Code shall be construed and understood according to such technical, peculiar or appropriate meaning.

B. **Gender and Number** - Every word in the Code importing the masculine gender shall extend and apply to both male and female. Every word importing the singular number shall extend and apply to several persons or things as well. Every word importing the plural number shall extend and apply to one person or thing as well.

C. **Computation of Time** - The time within an act is to be done as providing in this Code in any rule or regulation issued pursuant thereto, when expressed in days, shall be computed by excluding the first day and including the last day.

D. **Interpretation of Conflicting Provisions** - If the provisions of this Code conflict with each other, the section which affords greater protection to the environment shall prevail.

E. **Interpretation in Favor of Environmental Protection** - All doubts in the implementation and interpretation of the provisions of this Code including its implementing rules and regulations shall be resolved in favor of environmental management

ARTICLE II
DEFINITION OF TERMS

Section 8. Terms Used in Land Resources Management. The following terms are conceptually and or operationally defined as follows:

1. **Agricultural Lands** - lands of public domain which are neither forest, nor mineral lands and national parks and primarily used for farming or production of crops, livestock or poultry.
2. **Alienation, Disposition or Concession** - any of the modes authorized by the Land Code of the Philippines for the acquisition, lease or use of the lands of the public domain other than forests, mineral lands or national parks.
3. **Buffer Zones** - identified areas outside the boundaries of and immediately adjacent to designated protected areas that need special development control in order to avoid or minimize harm to the protected area.



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4. Chain saw - any portable power saw or similar cutting implement, rendered operative by an electric or internal combustion engine or similar means, that may be used for, but is not limited to, the felling of trees or the cutting of timber.
5. Chain saw dealer - a person, natural or juridical, engaged in the manufacture, importation, distribution, purchase and/or sale of chain saws.
6. Clean and Green Campaign - deals with the massive cleaning of the municipality and the planting and maintenance of trees as well as intensive beautification drive in consonance with the national government's goals and objectives.
7. Commercial Lands - portion of alienable and disposable lands of the public domain classified as sustainable and intended for trading of goods and services by competent authority.
8. Cover Crop Planting - process of conditioning denuded areas which are highly cogonal or rocky by planting erodible calopognium, stylosanthes, desmodium, lablab, bean, psophocarpus, patani, or by planting suitable non-legumes such as morning glory vine, wild sunflower and kikuyu grass, in order to improve soil fertility, organic matter, and water holding capacity prior to or concurrent with the planting of trees and other perennials in such areas.
9. Farm Lands - lands intended for or actually devoted to the production of food, including plantations, except fishponds and other adjoining bodies of water.
10. Industrial Lands - public lands within the zone established by the Municipality for the manufacture and production of large quantities of goods and commodities.
11. Land Classification - assessment, appraisal, and determination of land potentials, which include survey and classification of land resource and the study and mapping of the soil.
12. Land Reclassification - subsequent classification, allocation, and disposition of alienable and disposable lands of the public domain into specific uses.
13. Land Resource - all terrestrial, subterranean, and all geological features and land masses of the public domain and private domain of the State, within the respective geographical jurisdiction of the Municipality, including all flora and fauna, minerals and aquatic resources that dwell or exist upon it.
14. Land Use Planning - act of defining the allocation, utilization, development and management of all lands within a given territory or jurisdiction according to the inherent qualities of the land itself and supportive of economic, demographic, socio-cultural and environmental objectives as in decision-making and legislation.



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15. Population, Resources and Environmental Balance - a condition where there is a harmonious interaction between and among population, resources and environment towards sustainable development. This means that population factors such as size growth, age-sex structure, distribution, as well as their activities do not compromise the replenishment and conservation of resources and the preservation of the environment and vice versa.
16. Population and Development Planning Approach - the development of a mindset to look at all important socio-economic and demographic interrelationships in formulating, implementing, monitoring and evaluating plans and programs.
17. Protected Areas - identified portions of land and water set aside by reason of their unique physical and biological significance, managed to enhance bio-diversity and protected against destructive human exploitation.
18. Public Domain - lands which belong to the State, province and municipality in its proprietary capacity.
19. Residential Lands - public lands intended to or devoted to the construction and establishment of dwellings.
20. Zoning - refers to the delineation or division of a Municipality into a functional zone where only specific land uses are allowed. It directs and regulates the use of all in the community in accordance with an approved or adopted land use plan for the municipality. It regulates land uses and prescribes limitations on structures and infrastructures thereon.
21. Zoning Ordinance - an ordinance which classifies, delineates, defines, and designates different land uses in the municipality, requiring fees and imposing penalties.

Section 9. Terms Used in Solid Waste Management. The following terms are conceptually and or operationally defined as follows:

1. Agricultural waste shall refer to waste generated from planting or harvesting of crops, trimming or pruning of plants and wastes or run-off materials from farms or fields;
2. Bulky wastes shall refer to waste materials which cannot be appropriately placed in separate containers because of either its bulky size, shape or other physical attributes. These include large worn-out or broken household, commercial, and industrial items such as furniture, lamps, bookcases, filing cabinets, and other similar items;
3. Buy-back center shall refer to a recycling center that purchases or otherwise accepts recyclable materials from the public for the purpose of recycling such materials;
4. Collection shall refer to the act of removing solid waste from the source or from a communal storage point;



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5. Composting shall refer to the controlled decomposition of organic matter by micro-organisms, mainly bacteria and fungi, into a humus-like product;
6. Controlled dump shall refer to a disposal site at which solid waste is deposited in accordance with the minimum prescribed standards of site operation;
7. Disposal shall refer to the discharge, deposit, dumping, spilling, leaking or placing of any solid waste into or in any land;
8. Disposal site shall refer to a site where solid waste is finally discharged and deposited;
9. 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;
10. Hazardous waste shall refer to solid waste or combination of solid waste which because of its quantity, concentration, or physical, chemical or infectious characteristics may: (a) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or (b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed;
11. Leachate shall refer to the liquid produced when waste undergo decomposition, and when water percolate through solid waste undergoing decomposition. It is a contaminated liquid that contains dissolved and suspended materials;
12. Materials recovery facility - includes a solid waste transfer station or sorting station, drop-off center, a composting facility, and a recycling facility;
13. Municipal waste shall refer to wastes produced from activities within local government units which include a combination of domestic, commercial, institutional and industrial wastes and street litters;
14. Non-Biodegradable Objects - anything that is not capable of decaying and not absorbed by the environment such as cellophane, plastics, rubber, metal and the likes.
15. Open dump shall refer to a disposal area wherein the solid wastes are indiscriminately thrown or disposed of without due planning and consideration for environmental and health standards;
16. Receptacles shall refer to individual containers used for the source separation and the collection of recyclable materials;



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17. Recyclable material shall refer to any waste material retrieved from the waste stream and free from contamination that can still be converted into suitable beneficial use or for other purposes, including, but not limited to, newspaper, ferrous scrap metal, non-ferrous scrap metal, used oil, corrugated cardboard, aluminum, glass, office paper, tin cans and other materials;
18. Recycling shall refer to the treating of used or waste materials through a process of making them suitable for beneficial use and for other purposes, and includes any process by which solid waste materials are transformed into new products in such a manner that the original products may lose their identity, and which may be used as raw materials for the production of other goods or services: Provided, That the collection, segregation and re-use of previously used packaging material shall be deemed recycling;
19. Sanitary landfill shall refer to a waste disposal site designed, constructed, operated and maintained in a manner that exerts engineering control over significant potential environmental impacts arising from the development and operation of the facility;
20. Segregation at source shall refer to a solid waste management practice of separating, at the point of origin, 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;
21. Solid waste shall refer to all discarded household, commercial waste, non-hazardous institutional and industrial waste, street sweepings, construction debris, agriculture waste, and other non-hazardous/non-toxic solid waste;
22. Solid waste management facility shall refer to any resource recovery system or component thereof; any system, program, or facility for resource conservation; any facility for the collection, source separation, storage, transportation, transfer, processing, treatment, or disposal of solid waste;
23. Special wastes shall refer to household hazardous wastes such as paints, thinners, household batteries, lead-acid batteries, spray canisters and the like. These include wastes from residential and commercial sources that comprise of bulky wastes, consumer electronics, white goods, yard wastes that are collected separately, batteries, oil, and tires. These wastes are usually handled separately from other residential and commercial wastes;
24. Transfer stations shall refer to those facilities utilized to receive solid wastes, temporarily store, separate, convert, or otherwise process the materials in the solid wastes, or to transfer the solid wastes directly from smaller to larger vehicles for transport.



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Section 10. Terms Used in Regulating Non-biodegradable Plastic and Polystyrene. The following terms are operationally and or conceptually defined:

1. Buy back center refers to a recycling center that purchases or otherwise accepts recyclable materials for the purpose of recycling.
2. Container refers to the material which contains and is in direct contact with the product especially in the cases of liquid products, wet goods, food and beverages, e.g. bottles, trays, plastic or paper wraps, laminated cartons etc.; dry and solid goods do not usually require containers.
3. Eco-bags or re-usable bags containers which are made out of different materials that can withstand several uses as containers and for packaging rendering them "eco"-friendly as they provide an alternative to disposable bags; commonly used eco-bags are made from fabric, recycled or indigenous materials; it may also refer to "thick" plastic bags or any bag made out of plastic provided that the material is strong that will render the bag durable for re-use; bags made from recycled materials such as paper are not necessarily considered eco-bags if not re-usable as stated, e.g. thin paper bags commonly known as "supot" used for "pandesal".
4. Generator shall refer to a person, natural or juridical, who last uses a material and makes it available for disposal or recycling.
5. Packaging material refers to any material which may contain but not necessarily in direct contact with the product especially for purposes of protection, preservation, handling, transport, & marketability e.g. cartons, carrier bags, packaging films, protective foams for electronic products; it shall also refer to any material which acts as a secondary container to a product, i.e., for purposes of containment but not in direct contact with the product, e.g. the box which contains a bottle filled with liquid perfume.
6. Cloth bag [a.k.a. katsa] refers to a reusable packaging material made of cloth [biodegradable] used in the packaging of flour, wheat and other similar goods.
7. Dry goods refers to any product that do not require refrigeration or freezing to maintain freshness such as textiles and clothing.
8. Dry market refers to the store of products that do not require refrigeration or freezing to maintain freshness.
9. Plastic bags which are known as *sando* bags, pouch, plastic shopping bags and plastic firm bags. It is a type of flexible packaging material made of thin, plastic film that is used for containing and transporting food and other products [commercial or industrial]. It also refers to thin-gauge packaging medium that is used as bag or wrap.
10. Styrofoam/styrophor refers to a kind of packaging material used as food containers, disposable cups, plates, etc.



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11. Plastic refers to natural and synthetic materials that are produced by chemically modifying natural substances or are synthesized from inorganic and organic raw materials.
 - i. On the basis of their physical characteristics, plastics are usually divided into thermosets, elastomers and thermoplastics.
12. Primary packaging material refers to those types of packaging for containing wet produce, snack foods, frozen foods, hardware etc..
13. Secondary packaging material refers to those types of packaging materials for wet goods to provide support to any primary packaging and intended for convenience of the handler, as well.
14. Wet foods refers to any product that requires refrigeration or freezing to maintain freshness such as fish, meat, poultry products, fruits, vegetables, beverages and cooked foods in carinderias/eateries.
15. Wet market refers to the store of products that requires refrigeration or freezing to maintain freshness. These include the wet section in public markets, supermarkets, mini marts, restaurants and carinderias or eateries.
16. Woven bags [a.k.a. bayong] refers to biodegradable packaging material made of woven pandan, buli leaves, water lily and other similar materials.
17. Post-consumer materials refer only to those materials or products generated by a business or consumer which have served their intended end use, and which have been separated or diverted from solid waste for the purpose of being collected, processed and used as raw materials in the manufacturing of recycled product, excluding materials and by products generated from, and commonly used within an original manufacturing process.
18. Polystyrene is a synthetic resin that is a polymer of styrene, used chiefly as lightweight rigid foams and films.
19. Recyclable waste refers to any waste material retrieved from the waste stream and free from contamination that can still be converted into suitable beneficial use or for other purposes.
20. Material refers to post-consumer material that has been processed to be used for making a product, e.g. recycled paper.
21. Residual wastes refer to waste materials that are collected, transferred and transported for final disposal as garbage.
22. Reusable bag refers to a washable canvass bag or native bag "bayong" or any shopping bag used for carrying and transporting goods, which bags are made of organic or non-organic materials that can be used for several times.



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23. Semi-conductor and electronic products refer to products containing semiconductor materials and operated by electricity such as communication and information technology gadgets like cellular phones and computers and appliances such as radios & television.

24. Styrofoam- is a trademark of a product made up of light resilient foam of polystyrene. For purposes of this Ordinance, the term shall refer to the Expanded Polystyrene (EPS) Foam used as containers for food and beverages.

Section 11. Terms Used in Water Resource Management. The following terms are operationally and or conceptually defined:

1. Aquatic Pollution. The introduction by man or machine into the grounds or waters, of substance or energy which results or is likely to result in such deleterious effects as to harm living and non-living aquatic resources and posing as hazard to human health. It may be a direct or indirect action, or in or out of particular local government jurisdictions. It includes dumping or disposal of waste or other matter, carbonaceous materials or substances, oil, coal, coal tar, lampblack, aniline, asphalt, bitumen, mining and mill tailings, molasses, garbage, refuse, and other noxious or harmful liquid and gaseous or solid substances. Aquatic Resources. Living resources of the aquatic environment including fishes, aquatic flora and fauna, corals, seals, and mangroves.
2. Fish corral or "baklad". A stationary weir or trap devised to intercept and capture fish consisting of rows of stakes or bamboo, palma brava, or plastic netting and other materials fenced with split bamboo matting or wire matting with one or more enclosures, usually with an easy entrance but with difficult exit, and with or without leaders to direct the fish into a catching chambers or purse.
3. Fishery. All activities relating to the act or business of gathering, taking, culturing, preserving, and marketing of fish and other aquatic products.
4. Illegal Fishing Method refers to fishing with the use of gears that cause damage to ecological processes or habitats or cause a needless depletion of fish stocks directly or indirectly. It includes fishing with the use of dynamite, other explosives or chemical compound that contains combustible elements that upon ignition by friction, concussion, percussion or detonation, of all parts of the compound will kill, stupefy, disable, or render unconscious any fish or aquatic organism. It also refers to the use of any other device, which causes an explosion that is capable of producing the said harmful effects. It also includes electro-fishing method.
5. Municipal Waters. Include streams, lakes, subterranean and tidal water within the territorial jurisdiction of a municipality that are not the subject of private ownership and not included within national parks, public forests, timberland, forest reserves or fishery reserves.



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6. Philippine Waters. All bodies of water within the Philippine territory such as lakes, rivers, creeks, brooks, ponds, swamps, lagoons, gulfs, bays, seas and other bodies of water now existing or which may hereafter exist in the provinces, cities and municipalities, municipal districts, and barangays, and the sea of freshwater around between and connecting each of the islands of the Philippine archipelago irrespective of its depth, breadth, length and dimensions, and all other waters belonging to the Philippines including the territorial sea, exclusive economic zone, and the sea bed, the insular shelves, and other submarine areas over which the Philippines has sovereignty or jurisdiction.
7. Subterranean Waters. Streams, creeks, brooks, springs, and associated ground water not subject to private ownership and not comprised within national parks, forest lands, timberland or forest reserves, that are found beneath the terrestrial features of a municipality irrespective of depth or breadth but extending only up to the limits of the municipality's geographical boundaries.

Section 12. Terms Used in Air Quality Management. The following terms are operationally and or conceptually defined:

- (1) Air Pollutant. Any particle or substance found in the atmosphere other than oxygen, nitrogen, water vapor, carbon dioxide, and the inert gases all in their natural or normal concentrations, that is detrimental to health or the environment, which includes but not limited to smoke, dust, soot, cinder, fly ash, solid particles of any kind, gases, fumes, chemical mists, odors, contaminated steam and radioactive substances.
- (2) Air Pollution. Any alteration of the physical, chemical, and biological properties of the atmosphere, or any discharge thereto of any liquid, gaseous or solid substances that will or is likely to create or to render the air resources harmful, detrimental, or injurious to public health safety or welfare or which will adversely affect their utilization for domestic, commercial, industrial, agricultural, recreational, or other legitimate purpose.
- (3) Airborne Dust or Dust. Minute solid particles released into or carried into the atmosphere by natural forces or by any fuel burning, combustion, or process equipment or device, or by construction works, or by mechanical or industrial processes.
- (4) Airshed. Areas with common weather or meteorological conditions and sources of pollution which affect the interchange and diffusion of pollution in the surrounding atmosphere.
- (5) Ambient Air Quality. The average atmospheric purity in a broad area as distinguished from discharge measurements taken at the source of pollution or the present characteristic or nature of the surrounding atmosphere.



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- (6) Ambient Air Quality Guideline Values. The concentration of air over specified periods classified as short term and/or long term which are intended to serve as goals or objectives for the protection of health and/or public welfare. These values shall be used for air quality management purposes such as determining time trends, evaluating stages of deterioration or enhancement of the air quality. In general, used as a basis for taking positive action in preventing, controlling, or abating health impacts from air pollution.
- (7) Ambient Air Quality Standard. The concentration of an air pollutant which, in order to protect public health and/or public welfare, shall not be exceeded in the breathing zone, at any time. Standards are enforceable and must be complied with by the owner or person in-charge of an industrial operation, process or trade.
- (8) Best Available Control Technology. The approaches, techniques or equipment which when used, result in lower air emission but in a cost-effective manner. BACT results in lower emission rates than those specified in the National Emission Standards for Source Specific Air Pollutants.
- (9) Bio-medical Waste. Pathological wastes, pharmaceutical wastes, chemical wastes and sharps defined as follows:
- Pathological wastes. Includes all human tissue (whether infected or not) such as limbs, organs, fetuses and body fluid; animal carcasses and tissue from laboratories, together with all related swabs and dressings. Pharmaceutical wastes. Includes pharmaceutical products, drugs, and chemicals that have been returned from wards, have been spilled or soiled, are expired or contaminated, or are to be discarded or any reason.
 - Chemical Wastes. Include discarded solid, liquid or gaseous chemicals from housekeeping and disinfecting procedures.
- (10) Emission. Any measureable air contaminant, pollutant, gas stream or unwanted sound from a known source which is passed into the atmosphere.
- (11) Effluent Standards. Restrictions established to limit levels of concentration, physical, chemical and biological constituents, which are discharged from point sources.
- (12) Fuel-Burning Equipment. Any equipment, device, or contrivance, and all appurtenances thereto, including ducts, breechings, fuel-feeding equipment, ash removal equipment, controls, stacks, and chimneys, used primarily, not exclusively, to burn any fuel for the purpose of direct applications or indirect heating such as the production of hot air or hot water.



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- (13) Fugitive Particulate. The particulate matter, which escapes and becomes airborne from unenclosed industrial operation, or that which escapes from incompletely or partially enclosed operation into the outside atmosphere without passing or being conducted through a flue pipe stack or other structure.
- (14) Greenhouse Effect. A warming occurs on the earth's surface when the earth's atmosphere traps the sun's heat. The greenhouse effect received its name because the earth's atmosphere acts much like the glass or plastic roof and walls of a greenhouse. The earth's atmosphere allows most of the sunlight that reaches it to pass through and heat the earth's surface. The earth sends the heat energy back into the atmosphere as infrared radiation. Much of this radiation does not pass freely into space because certain gasses in the atmosphere absorb in.
- (15) Greenhouse Gases. Those gases such as carbon dioxide, methane, and oxides of nitrogen, chlorofluorocarbons, and the others that can potentially or can reasonably be expected to induce global warming.
- (16) Guideline. An official recommendation or guidance on the protection of human beings or receptors in the environment from the adverse effect of air pollutants.
- (17) Hazardous Substances. Those substances which present either: (1) short term acute hazards such as acute toxicity by ingestion, inhalation, or skin absorption, corrosivity or other skin or eye contact hazard or the risk of fire explosion; or (2) long term toxicity upon repeated exposure, including carcinogenicity (which in some cases may result in acute exposure but with a long latent period), resistance to the detoxification process, or the potential to pollute underground or surface water.
- (18) Incinerator. A facility, equipment, furnace or other similar structure which burns municipal, bio-medical, or hazardous wastes, which process emits toxic and poisonous fumes.
- (19) Infectious waste. Surgical dressings, swabs and other contaminated waste from treatment areas; materials which have been in contact with persons or animals suffering from infectious diseases; cultures and stocks of infectious agents from laboratory works; dialysis equipment; apparatus and disposable gowns, aprons, gowns, gloves, towels, etc; waste from dialysis treatment area; waste from patients in isolation wards; all materials which may contain pathogens in sufficient concentration or quality that exposure to could result in disease.
- (20) Installation. Any structure, equipment, facility or appurtenances thereto, operation of which may be a source of pollution or a means to control the same.
- (21) Medical waste. Any solid waste that is generated in the diagnosis, treatment or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals.



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- (22) Mobile source. Any vehicle/machine propelled by or through oxidation or reduction reactions, including combustion of carbon-based or other fuel, constructed or operated principally for the conveyance of persons or the transportation of property or goods, that emit air pollutants as a reaction product.
- (23) Ozone depleting substances. Those substances that significantly deplete or otherwise modify the ozone layer in a manner that is likely to result in adverse effects on human health and the environment such as, but not limited to, chlorofluorocarbons, halons, and the like.
- (24) Particulate Matter or Suspended Particulates. Any material other than uncombined water, which exists in a finely divided form as a liquid or solid.
- (25) Permit. The legal authorization to engage in or conduct any construction, operation, modification or expansion of any installation, operation or activity which will be reasonably be expected to be a source of pollution.
- (26) Permit to Operate. The legal authorization granted by the Environmental Management Bureau of the Department of Environment and Natural Resources to operate or maintain any installation for a specified period of time.
- (27) Permit Condition. A statement or stipulation issued with a permit, compliance with which is necessary for continued validity of the permit.
- (28) Persistent Organic Pollutants (POPs). Organic compounds that persist in the environment, bio-accumulative through the food web, and pose a risk of causing adverse effects to human health and the environments. These compounds resist photolytic, chemical and biological degradation, and include but are not limited to dioxin, furan, Polychlorinated Biphenyls (PCBs), organochlorine pesticides, such as aldrin, dieldrin, DDT, hexachlorobenzene, lindane, toxaphene and chlordane.
- (29) Poisonous and toxic fumes. Any emission and fumes which do not conform to internationally accepted standards, including but not limited to World Health Organization (WHO) guideline values.
- (30) Pollution Control Device. Any device or apparatus that is used to prevent, control, or abate the pollution of air caused by emissions from identified sources at levels within the air pollution standards established by the Department of Environment and Natural Resources.
- (31) Pollution Control Technology. Pollution control devices, production processes, fuel combustion processes or other means that effectively prevent or reduce emissions or effluents.



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- (32) Ringelmann Chart. The chart described in the U.S. Bureau of Mines, information Circular No. 8333 and No. 7718, and used for measuring smoke opacity.
- (33) Siga. The traditional small scale method of burning of wastes resulting from cleaning the backyard such as fallen leaves, twigs, stems, and other similar matter from plants and trees in the backyard where the burning is done.
- (34) Smoke. Gas-borne particulates resulting from incomplete combustion, consisting predominantly, but not exclusively, of carbon, ashes or other combustion material.
- (35) Standard or Limit. The concentration of any air contaminant which, in order to protect the public health and welfare, shall not be exceeded at a particular region or zone, and at a specified period of time. Standards are enforceable and must be complied with by the owner or person in charge of an industrial operation process or trade.
- (36) Stationary Source. Any building or fixed structure, facility or installation that emits or may emit any air pollutant.
- (37) Volatile Organic Compound. Any compound containing carbon and hydrogen in combination with any other element which has an absolute vapor pressure of 0.10 kg. /cm² equivalent to 77.6 mm. Hg. or greater under actual storage conditions. Organic solvents include diluents and thinners and are defined as chemical compounds of carbon which are liquids at standard conditions and which are used as dissolvers viscosity reducers or cleaning agents.

Section 13. Terms Used in Quarry Resources Management. The following terms are operationally and or conceptually defined:

1. Permit is a short-term privilege or authority granted by the State to a person to utilize any limited natural resources or undertake a limited activity within a piece of land/water without any right of occupation or possession therein.
2. Quarry resources refers to any common rock or other mineral substances such as, but not restricted to andesite, basal, conglomerate, coral sand, diatomaceous earth, diorite, decorative stones, gabbro, granite, limestone, marble, marl, red burning clays for potteries and bricks, rhyolite, rock phosphate, sand stone, 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.



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CHAPTER II
INSTITUTIONAL MECHANISMS

ARTICLE III
LOCAL IMPLEMENTING UNITS

Section 1. *Municipal Mayor.* The Municipal Mayor as the chief executive of the municipal government in consonance with the local government code shall:

- (1) exercise general supervision and control over all environment and natural resources programs, projects, services, and activities of the municipality, and in this connection, shall:
 - a. determine the guidelines of municipal policies and be responsible to the Sangguniang Bayan for the program of government vis a vis management of the municipality's environment and natural resources;
 - b. may appoint a Municipal Environment and Natural Resources Officer (MENRO) satisfying the minimum requirements set forth in the Local Government Code; establish as one of the regular departments in the municipality a Municipal Environment and Natural Resources Office with support staff and employees; and allocate to the said office required resources necessary to implement the code including institutional strengthening and capacity building;
 - c. shall refer to the Local Finance Committee the allowable number of staff and employees to be deployed at MENRO pursuant to Section 325 of RA 7160. All actions and decisions of the Code's implementing units are subject to review *moto proprio* by the Municipal Mayor or upon appeal of any person on which the decision of the Municipal Mayor shall be final and executory;
 - d. carry out such emergency measures as may be necessary during and in the aftermath of man-made and natural disasters and calamities
- (2) enforce the code and other environmental ordinances thru the MENRO and the Task Force Kalikasan and shall:
 - a. ensure that the acts of the municipality's barangays and of their officials and employees are within the scope of their powers, functions, duties and responsibilities as provided for by the Code and laws on environment and natural resources and corresponding rules and regulations;
 - b. issue executive orders necessary for the proper enforcement and execution of the code;
 - c. to call upon the Philippine National Police and other law enforcement agencies to apprehend violators and execute other actions deemed necessary to enforce the code; and



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- d. ensure that incentives are provided to apprehending officer/s and concerned citizen/s as provided by the Code;
- (3) initiate and maximize the generation of resources and revenues and apply the same to implement the code and corresponding programs, projects, services, activities and necessary facilities and capacity building of the implementing units and relative thereto shall:
- a. ensure that the environment and natural resource taxes and revenues such as environmental protection fee, registration of hazardous waste transporter, fines and penalties among others are collected and funds are applied to include payment of expenses and settlement of obligations of the municipality to ensure environmental services in accordance with the code and other environmental ordinances;
- b. issue licenses and permits with due regard to environmental protection, pollution prevention and conservation of natural resources and suspend or revoke the same for any violation of the conditions upon which such licenses or permits were issued; and
- c. adopt adequate measures to safeguard and conserve the natural resources of the municipality.
- (4) ensure the delivery of environmental services and the provision of adequate facilities and equipment consistent with the local autonomy and decentralization such as:
- a. implementation of water and soil resource utilization and conservation projects;
- b. establishment of tree parks, greenbelts, and other applicable forest development projects;
- c. provision of waste management or environmental management systems and services or facilities related to general hygiene and sanitation;
- d. construction and maintenance of infrastructure facilities funded by the municipality to serve the needs of the residents including but not limited to: (1) artesian wells, spring development, rainwater collectors, and water supply systems; (2) dikes, drainage and sewerage and flood control (3) waste management facilities such as ecology center, composting facilities, transfer stations, sanitary landfill, material recovery facilities, etc.;
- (5) exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

Section 2. Sangguniang Bayan. The Sangguniang Bayan as the legislative body of the municipality shall enact ordinances, approve resolutions and appropriate funds to manage the municipality's environment and natural resources and relative thereto shall:



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- (1) maintain as a permanent committee within the Sangguniang Bayan, the Environment Committee, composed of a Chairman and at least two members. The committee shall be responsible to spearhead on all matters concerning environment and natural resources management that requires action by the sangguniang bayan;
- (2) approve ordinances and pass resolutions necessary to strengthen the implementation of the Code or when the code or portions thereof requires amendment or addendum;
- (3) when the finances of the municipality allow, provide for additional allowances and other benefits to national government officials stationed in or assigned to the municipality in the performance of functions and responsibilities as required by the Code such as but not limited to the Philippine National Police; and
- (4) adopt a comprehensive land use plan and enact an integrated zoning ordinance for the municipality with utmost regard on environmental considerations such as environmental hazards, pollution, ecological balance etc..

The Sangguniang Bayan shall also initiate "mandatory review of the Code" every five years. It shall create an Oversight Committee who shall consolidate all proposed amendments and new provisions for consideration in the mandatory review of this Code, without prejudice to individual amendments for exigency purposes. The committee shall be composed of:

- Head: Chairperson, Committee on Environment and Natural Resources
 Members: Chairperson, Committee on Health
 Chairperson, Committee on Trade and Industry
 Chairperson, Committee on Housing and Land-Use
 Chairperson, Committee on Ways and Means
 Chairperson, Committee on Agriculture
 Liga ng mga Barangay President

Section 3. Municipal Environment and Natural Resources Officer. The MENRO shall be the Municipality's chief operations officer on all matters concerning the Municipality's environment and natural resources and will take the lead to implement the Code, and related ordinances as well as other environment and natural resources laws rules and regulations and relative thereto shall:

- (1) take charge of the office on environment and natural resources;
- (2) provide technical assistance to the mayor in carrying out measures to ensure delivery of basic services and provision of adequate facilities relative to environment and natural resources services;
- (3) develop plans and strategies on environment and natural resources consistent with the provisions of the Code and implement them upon the approval of the mayor;



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- (4) formulate measures for the consideration of the Sangguniang Bayan necessary to strengthen the implementation of the Code or when the code or portions thereof requires amendment or addendum and all matters relative to the protection, conservation, utilization, application of appropriate technology and other matters related to environment and natural resources;
- (5) provide technical assistance to the Sangguniang Bayan in enacting ordinances and passing resolutions that requires environmental considerations such as but not limited to adoption of a comprehensive land use plan and enactment of an integrated zoning ordinance for the municipality;
- (6) coordinate with government agencies and NGOs in the implementation of measures to prevent and control land, air and water pollution with the assistance of the DENR;
- (7) be in the frontline of the delivery of services concerning 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;
- (8) inspect, monitor and evaluate compliance of establishments, issue notice of non-compliance and recommend to the Mayor revocation or non-renewal of their municipal permit/s and cessation of their activities on the basis of their failure to comply;
- (9) Create and implement the issuance of Bayambang Environment Citation Ticket to be imposed against persons and establishment violating any part of this Code;
- (10) Issue recommendation to cut trees as long as the office has inspected and verified that the cutter has Tree Replacement scheme;
- (11) exercise such other powers and perform such other duties and functions as prescribed by the law or ordinance.

The Municipal Environment and Natural Resources Office (MENRO) shall allocate budget for activities envisioned in this Code.

Section 4. Bayambang Task Force Kalikasan. The task force is hereby created. It shall serve as the enforcement arm of the Code and shall be composed of the following:

Chairman: MENRO

Co-chairmen: Chief of Police, Traffic Management Officer &
Liga ng mga President

Members: Bayambang PNP, MENRO Staff & Inspectors,
Brgy. Captains, Brgy Tanods, others as may be identified
later by the chairman,
Volunteers - Selected individuals/ organizations
Representative from NGO's or CSO's



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The Task force shall convene at least once every quarter. The Task Force shall be responsible to file necessary legal actions or initiate judicial proceedings thru the Sangguniang Bayan for grave offenses or gross violations.

Such violations includes but not limited to charge sheets/ complaints against erring individuals/companies/organizations that have violated one or more provisions of this code or such offense or violation is so grave that the penal provisions of the Code is insufficient to the deterrent of the violation committed or the violator does not comply with the penalties or sanctions imposed by the Municipal Government of Bayambang and thus has to be elevated to proper courts or authorities for appropriate sanctions.

Section 5. *Bayambang Environmental Citation Ticket.* Any person or establishment found violating any parts of this Code shall be issued a citation ticket in a manner indicating the violator's name, address and other personal circumstances of the offender, the nature, date and time of the offense.

Section 6. *Sangguniang Kabataan.* The sangguniang kabataan with the assistance of the MENRO shall spearhead the awareness campaign on environmental issues in celebration of the "Linggo ng Kabataan" as mandated by the Local Government Code of 1991 and other environmental programs of Bayambang which require the active participation of the youth sector.

Section 7. *Schools with their School-based Environmental Organizations and Student Government.* Schools, together with their Environmental Organizations and Supreme Student or Pupil Government shall lead in implementing this Code within their community. They are also tasked to create policies and penalties for students who will be caught violating this Code.

ARTICLE IV
NATIONAL- LOCAL GOVERNMENTS RELATIONS

Section 8. *Compliance and Cooperation with National Government Agencies and Government Owned and Controlled Corporations.* The Local Government Unit of Bayambang as required by laws on environment and natural resources shall comply and cooperate with National Government Agencies mandated to implement the law. The LGU of Bayambang shall also cooperate with Government Owned and Controlled Corporations in the efforts to protect the environment and manage the municipality's natural resources.

Section 9. *Devolution/Decentralization.* All NGAs and other government instrumentalities including government owned and controlled corporation (GOCCs) to the extent provided in the Local Government Code shall gradually devolve to the LGUs the authority to administer some aspects of environment and natural resource management and regulations, including, but not limited to, permit issuance, monitoring and imposition of administrative penalties, whenever the LGU has demonstrated readiness and technical capability to undertake such functions.



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In cases where such authority is not devolved to the LGU of Bayambang, there shall be no permit/clearances issued to any project by any NGA or GOCC such as but not limited to Environmental Compliance Certificates, Quarry Permit etc. without any certificate of no objection from the host barangay/s and from the Municipality of Bayambang as proof of social acceptability of the project be it existing or proposed.

Section 10. *Mandatory Consultations and Coordination with LGUs.* All NGAs or GOCCs authorizing or involved in planning or with implementation functions of any project or program shall conduct periodic consultations with the LGU, peoples' organizations, NGOs and other concerned sectors before any program or project is implemented.

Section 11. *Bayambang Water District.* The BAYWAD as mandated by the Provincial Water Utilities Act of 1973 shall:

- 1) acquire, install, improve, maintain and operate water supply and distribution systems for domestic, industrial, municipal, and agricultural uses for residents and lands within the boundaries of Bayambang;
- 2) provide, maintain and operate wastewater collection, treatment and disposal facilities;
- 3) conduct such other functions and operations incidental to water resource development, utilization and disposal within Bayambang, as are necessary or incidental to abovementioned purpose.

The BAYWAD shall at all times exercise mandatory consultation and coordination with local government of Bayambang, peoples' organizations, NGOs and other concerned sectors of the community before any project or program is implemented. The CWD shall explain the goals and the objectives of the project or program, its impact upon the people and the community in terms of environmental or ecological balance, and the measures that will be undertaken to prevent or minimize the adverse effects thereof.

The Water District shall work closely with the MENRO to address groundwater mining scenario at Bayambang, ensure availability of groundwater for the future and other matters concerning sustainability of water supply for Bayambang such as:

- 1) to optimize the use of rainwater more than the surface waters; the surface water more than the groundwater or any other alternative source for conjunctive use with the existing groundwater;
- 2) discontinue issuance of water permits and initiate measures for existing wells to reduce extraction rates down to the minimum;
- 3) close or relocate one or more wells that are located near to each other (clustered production wells).



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ARTICLE V
RELATIONS WITH PEOPLES' ORGANIZATION,
NON-GOVERNMENTAL ORGANIZATIONS AND
THE PRIVATE SECTOR

Section 12. *International Cooperation on Environmental Protection.* The Municipality of Bayambang shall commit its available resources, technical expertise, and manpower to compliment and cooperate with various international institutions.

Section 13. *Emphasis on The Role of The Private Sector.* The participation of the private sector in local governance, particularly in the implementation of environment projects and programs, shall be encouraged to ensure the visibility of local autonomy as an alternative strategy for sustainable development.

The Municipal Government, in consultation with the business and industrial sectors including commerce, shall formulate appropriate incentives for the adoption procedures that will preserve and protect environment through the introduction of innovative equipment and processes that reduce if totally eliminate discharge of pollutants unto the environment.

Section 14. *The Role of Citizens, Non-Governmental Organizations and Peoples' Organizations.* Municipal residents and organized groups shall take an active role in the planning and implementation of public information, education and communication projects and activities as well as enforcement of relevant provisions of this Code pertaining to environmental stewardship.

Section 15. *Establishment of Multi-Purpose Environment Cooperatives or Associations.* Multi-purpose cooperatives and associations that shall undertake activities to promote the implementation and/or directly undertake projects in compliance with the provisions of this Code shall be encouraged, promoted and supported by the LGU of Bayambang.

CHAPTER III
LAND RESOURCE MANAGEMENT

ARTICLE VI
GENERAL PROVISIONS

Section 1. *Statement of Policy and Management Directions.* It is the policy of the Municipality to provide a rational, orderly and efficient acquisition, utilization and management of land resources for the attainment of a better quality of life.

Section 2. *Comprehensive Land Use Plan and Municipal Zoning Ordinance.* The Comprehensive Land Use Plan and its accompanying Zoning Ordinance which were prepared before the enactment of this Code is hereby adopted as part of the implementing guidelines of this Code. Its publication is a separate document that does not affect its effectivity in relation to this Code. In the event of development of a new comprehensive land use plan and municipal zoning ordinance, such plan and ordinance should give utmost consideration to environmental issues and concerns at Bayambang.



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Section 3. *Reclassification of Agricultural Lands.* Bayambang, being a fast-growing municipality, shall limit the reclassification of agricultural lands into other uses to 10 percent (10%) pursuant to Section 20 of RA 7160. Such reclassification shall only be permitted provided that: a) the subject of reclassification is not a prime agricultural land; b) provided that the Department of Agriculture issues a certification as to the agricultural marginability of the land; and c) the Committee on Land Use of the Sangguniang Bayan endorses a favorable recommendation on the matter.

Section 4. *Parks for Tourism.* The Municipal Land Use and Zoning Ordinance shall designate park areas for tourism development. Measures shall be instituted to maintain the ecological asset as the basis of the tourism industry. Littering in tourism areas and any public areas shall be strictly prohibited.

Section 5. *Prohibited Acts on Parks.* No person shall destroy to include but not limited to the picking of flowers, cutting of trees, vandalistic and other detrimental acts in order to preserve the aesthetic beauty and structures of parks as well as the general serenity.

Section 6. *Tourism Areas.* Identified eco-tourism areas shall be properly declared by the Sangguniang Bayan in consultation with the Department of Environment and Natural Resources (DENR). Such areas include tree parks necessary to maintain the quality of watershed areas and improve water recharging potential of underground aquifers.

Designated areas for tourism development shall become part of the land use plan and zoning ordinance of the Municipality. In developing these areas, a policy of ecological awareness and maintenance of ecological assets shall be promulgated by the Municipality of Bayambang. It shall vigorously enforce the anti-littering policy.

Section 7. *Beautification and Greening Projects.* All barangays shall implement beautification and greening projects in their respective jurisdictions to include but not limited to the planting of green grasses, ornamental plants along the highways and flower plants in front of residential and commercial houses as long as the designated area wont be a cause of obstruction and unnecessary waste.

The Clean and Green Program shall be institutionalized and shall have the following purpose:

- a) Promoting and maintaining the good health of the people and sanitation of the community;
- b) Instilling values of sanitation, cooperation, environmental stewardship, and concern for the welfare of all;
- c) Instituting sustainable development, environmental protection and regeneration.



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The Clean and Green Program shall cover regular programs such as inspection of household drainages, toilets and waste disposal system, market places, planting of vegetables and trees, and special programs on the Search for the Cleanest and Greenest Barangay. It shall be a regular year-round program. The MENRO may create other categories of competitions under the special program.

The Clean and Green Program of the Municipality of Bayambang shall incorporate other matters contained in the guidelines of the national Search for Cleanest and Greenest Municipalities. Urban gardening and natural farming in coordination with the Municipal Agricultural Officer may also be considered as an alternative project.

Section 8. Land Uses. It shall be the policy of the Municipality to restrict activities, development or establishments detrimental to the quality of the environment in the area for all land uses adopted through the Comprehensive Land Use Plan. Measures shall be taken to minimize environmental impacts of any land use in the agricultural, industrial, commercial, residential and institutional zones.

Section 9. Green, open and other land uses for environmental enhancement. "Green Areas" shall be established as essential measures to reduce pollution, absorb excessive carbon dioxide and areas for human resource and cultural endeavors. Greenbelt areas normally designated as parks should be situated between industrial and commercial areas and human settlements in order to serve as buffer zone and as noise breaker.

The Municipality of Bayambang shall adhere to the National Building Code and Urban Development and Housing Act of 1992 that require proposed subdivision to reserve an area to be designated as open space. The area to be designated as open space shall be in conformity with the existing land use plan. Other land uses promoting ecological protection shall be encouraged.

**ARTICLE VII
MUNICIPAL PERMITS**

Section 10. Issuance of Development, Business or Mayor's Permit. The issuance of a Development Permit for any proposed project or land use shall require an Initial Environmental Examination (IEE) or Environmental Impact Assessment (EIA) or any appropriate environmental study whichever is suitable for the type and nature of project and corresponding environmental permits such as an Environmental Compliance Certificate and Clearance from the DENR.

It shall be the policy of the Municipal Government to require business proprietors to secure a Certificate of Non-Coverage or Environmental Compliance Certificate from the DENR, locational clearance from the Deputized Zoning Administrator, Certificate of No Objection from the host barangay. No business shall be allowed to operate without passing through the usual licensing procedure whereby environmental concerns through the MENRO, among others, shall be assessed and addressed prior to approval by the Municipal Mayor. Industrial estates are also required to secure business permits.



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Section 11. *Renewal of Business Permits.* The inspection/audit conducted by MENRO shall serve as the basis for renewal of business permits, pending commitments/agreements required by MENRO may be used to deny renewal of business permit.

Section 12. *Revocation/Denial of Business Permit,* The Mayor upon the recommendation of the MENRO may revoke or cancel a business permit should the permittee failed to comply with the checklist of requirements set forth in Section 10 of Article VII, Chapter III of this ordinance and in the event that allowing the permittee to continue its operation may lead to adverse effect on the environment; the MHO may also recommend cancellation of a business permit should the permittee's operation poses a grave health hazard to its workers or to the general public.

Section 13. *Building and Occupancy Permits.* No permit of occupancy shall be issued by the Municipal Government for buildings and the like unless there are provisions for planting of trees and flowers and installation of plant boxes in the development plan duly implemented with the exemption for meritorious cases when there is no area available for such requirements.

ARTICLE VIII
SPECIAL AREAS OF CONCERN

Section 14. *Abandoned Buildings and Idle Lands.* Owners or administrators of old and abandoned buildings and idle lands are required to maintain their cleanliness and free them from squatters or totally demolish them to eliminate eye sores and to safeguard against accidents and other hazards. The owners and administrators of idle lands shall be required to plant trees and vegetables in order to make these green and productive.

With strict and proper observation on the provisions of RA 7279 or the Urban Development and housing Act. In particular, Sec. 28 of the implementing rules and regulations,

"In the execution of eviction or demolition orders involving underprivileged and homeless citizens, the following shall be mandatory:

- (1) Notice upon the effected persons or entities at least thirty (30) days prior to the date of eviction or demolition;
- (2) Adequate consultations on the matter of settlement with the duly designated representatives of the families to be resettled and the affected communities in the areas where they are to be relocated;
- (3) Presence of local government officials or their representatives during eviction or demolition;
- (4) Proper identification of all persons taking part in the demolition;
- (5) Execution of eviction or demolition only during regular office hours from Mondays to Fridays and during good weather, unless the affected families consent otherwise;
- (6) No use of heavy equipment for demolition except for structures that are permanent and of concrete materials;



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(7) Proper uniforms for members of the Philippine National Police who shall occupy the first line of law enforcement and observe proper disturbance control procedures; and

(8) Adequate relocation, whether temporary or permanent: Provided, however, That in cases of eviction and demolition pursuant to a court order involving underprivileged and homeless citizens, relocation shall be undertaken by the local government unit concerned and the National Housing Authority with the assistance of other government agencies within forty-five (45) days from service of notice of final judgment by the court, after which period the said order shall be executed: Provided, further, That should relocation not be possible within the said period, financial assistance in the amount equivalent to the prevailing minimum daily wage multiplied by sixty (60) days shall be extended to the affected families by the local government unit concerned"

Section 15. Prevention of Soil Erosion. Infrastructure support in the form of "riprapping" or the construction of creek, river, and shore protection walls shall be implemented to prevent soil erosion. For projects requiring such infrastructure support, these should be included in their development plans.

Section 16. Banning of Open Burning. The slash-and-burn system of farming shall be banned. Any other form of open burning of wastes and garbage, including agricultural such as "dayami" and the like shall be banned within the jurisdiction of the Municipality of Bayambang, Pangasinan.

Section 17. Squatting. The Municipal Government while recognizing its role in the alleviation of poverty, equitable and sustainable land use, further recognizes its social and moral responsibility towards maintaining a sanitary and hygienic condition in human settlements in order to achieve effective environmental management. It shall be the policy of the Municipality to contain and prevent the aggravation of squatter settlements within the Municipality. The squatting in roadsides, flood prone waterways and similar areas such as riverbanks, excess lots and easements is banned. The Barangay Officials shall be primarily responsible to implement this provision.

Section 18. Municipal Canals and Drainage Systems. The canals and drainage systems within the Municipality should be properly maintained to allow efficient flow of water and effluent for sanitation purposes. The canals and drainage systems should be regularly desilted, de-clogged and dredged. Dumping of solid wastes and garbage is punishable. Any person causing the obstruction of flow shall be penalized.

Section 19. Piggeries & Poultry Farms. All piggery and poultry farms operating within Bayambang shall be subjected to the usual business permitting procedures, particularly the securing of locational clearance and environmental permits.

The structure of a piggery or poultry farm shall be situated with an area of good drainage system. Flood prone areas and other environmentally critical areas shall be avoided. The structure of a piggery or poultry shall be at least 500 to 1000 meters away from the built-up areas and 200 meters away from major roads or highways. Piggery and poultry farms must be certified as to the level of their effluent by the DENR for it to be classified according to its level of pollution.



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Backyard piggery shall be regulated in the rural residential area with a maximum of three (3) heads but totally banned in the urban areas. Any person who wanted to or has already established a piggery or poultry farm and the like in an area of two (2) hectares and above are required to allot 10% of his or her total land area for growing trees and fruit bearing trees.

The Office of the Mayor through the MENRO shall be in charge of fulfilling the provisions of this Section. Any piggery or poultry farm, be it in a backyard, shall be subjected to inspection by the MENRO at any time it deems necessary.

Section 20. Commercial - Backyard Scale Hog Farms. Existing and still to be established commercial-backyard scale piggeries/hog farms shall be required to submit mitigating measures or waste treatment options before Sanitary and Business Permits can be issued by the Municipal Health Office and the Office of the Mayor respectively, identified herein:

- (1) Waste water reduction/minimization such as: use of drums or storage water tanks during cleaning operation; installation of mechanical drinkers to minimize consumption and wastage of water; Feed and water trough modification;
- (2) Waste treatment options such as: installation of biogas digester, lagoon system, drying of manure, establishment of a pelleting plant (organic fertilizer) and/or common treatment facilities.

ARTICLE IX
TREE AND OTHER ORNAMENTAL PLANT PROTECTION

Section 21. Recommendation to Cut and/or Prune Trees. No person is allowed to cut and/or prune trees unless with a recommendation of the MENRO, ensuring that Tree Replacement Scheme is presented to the said office. The local government unit through the MENRO shall issue a recommendation to cut trees within the jurisdiction of the municipality.

Section 22. Tree Planting. The months from May to July shall be declared as Tree Planting Months in the Municipality of Bayambang. Commercial, industrial, institutional establishments and residential subdivisions including the barangays shall have a yearly tree planting activity in areas either inside or outside their jurisdiction as approved by the MENRO and shall submit a monitoring report of surviving trees/plants to the same office.

There shall be an urban architectural design that seeks to recommend the trees and other planting materials to be planted along major roads and highways and in public places. The planting of timber and fruit-bearing trees shall be encouraged to get returns on investment.

No development permit or any favorable endorsement shall be issued by the Municipality for subdivisions or housing projects and business establishments unless there are provisions for the planting of trees in their development plan.



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Section 23. Prohibiting the Unauthorized Cutting, Gathering or Removing of Trees for Firewood and Charcoal Making and for Other Purposes Within the Territorial Jurisdiction of the Municipality. In consonance with the program and thrust of the National Government, it shall be the policy of the Municipal Government of Bayambang, Pangasinan to preserve and protect the trees, forest land, watershed areas, alienable and disposable lands, and private lands to ensure the prevention of floods, drought, hot weather condition, drying up of water sources and control of pollution.

The Municipality, through the MENRO, shall have the power to implement the rules and regulations issued by the Director of Parks and Wildlife under the provisions of R.A. 3571, an Act which, "prohibit the cutting, destroying or injuring of planted or growing trees, flowering plants and shrubs or plants of scenic value along public roads, in plazas, parks, school premises or in any other public ground" and DENR Administrative Order No. 79-90, "Prescribing Rules on the Deregulation of Tree Harvesting, Transporting and Sale of Firewood, Pulpwood or Timber Planted in Private Lands".

No cutting, destroying, or injuring or planted or growing trees, flowering plants and shrubs, or plants of scenic value along public roads, in plazas, parks, school premises, or in any other public ground shall be permitted save when the cutting, destroying, or injuring of same is necessary for public safety, or such pruning of same is necessary to enhance its beauty and only upon the recommendation of the MENRO and the Engineering Office. A recommendation to cut, Destroy or Injure Trees shall be issued by the MENRO prior to the activity, only after an inspection was made.

Any person who shall cut, gather or remove trees from any forest land, watershed areas, alienable and disposable lands, without any authority under a license agreement, lease, license or permit, shall be guilty of qualified theft as defined and punished under article 309 and 310 of the Revised Penal Code.

Any person who shall engage in cutting, gathering or removing of trees from his own land, for firewood and charcoal making, and other purposes for sale shall secure recommendation from the office of the Mayor through the MENRO before applying for permit from the Department of Environment and Natural Resources.

Firewood or charcoal obtained in violation of the above provisions shall be confiscated in favor of the government. Any person given the authority to cut, destroy or injure a tree shall plant no less than five (5) tree seedlings for every single tree cut, destroyed or injured in a watershed or area designated.

Section 24. Prohibiting Nailing on Trees. Nailing or posting anything on trees using nails shall be prohibited. This is to prevent any damage on trees.

Section 25. Tree Replacement Scheme. Upon the recommendation of the MENRO and approval of the DENR to cut trees, a Tree Replacement Scheme shall be presented by the cutter. If the tree to be cut is planted by the cutter, 50 seedlings should replace the said tree. Meanwhile, if the tree to be cut just grew on the said land and is not planted by the cutter such as Acacia or Sampaloc, it shall be replaced with 100 seedlings.



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MENRO shall recommend an area where these seedlings shall be planted and should not be along roads or in an area where it could still be utilized for future development.

Section 26. Chain Saw Registration. All persons who own or are otherwise in possession of chain saws must register the same with DENR, through MENRO, which shall issue the corresponding registration certificate or permit if it finds such persons to be qualified hereunder.

Every permit to possess and/or use a chain saw for legitimate purpose shall be valid for two (2) years upon issuance: Provided, that permits to possess and use chainsaw issued to non-commercial orchard and fruit tree farmers shall be valid for a period of five (5) years upon issuance. For this purpose, the MENRO shall be allowed to collect 500.00 pesos only per transaction or per registration as fees for the effective implementation of this Code. Payment shall be made at the Cashier located at the Municipal Treasury Office.

However, second-hand or assembled chain saw shall not be allowed to register as per DENR technical bulletin.

Section 27. Persons Authorized to Possess and use of Chain Saw. The DENR, through a recommendation of MENRO, is hereby authorized to issue permits to possess and/or use a chain saw for the felling land/or cutting of trees, timber and other forest or agro-forest products to any applicant who:

- (a) has a subsisting timber license agreement, production sharing agreement, or similar agreements, or a private land timber permit;
- (b) is an orchard and fruit tree farmer;
- (c) is an industrial tree farmer;
- (d) is a licensed wood processor and the chain saw shall be used for the cutting of timber that has been legally sold to said applicant; or
- (e) shall use the chain saw for a legal purpose.

Agencies of the government that use chain saws in some aspects of their functions must likewise secure the necessary permit from the Department before operating the same.

CHAPTER IV
SOLID WASTE MANAGEMENT

ARTICLE X
GENERAL PROVISIONS

Section 1. Statement of Policies. Consistent with Department of Environment and Natural Resources (DENR) framework of promoting a sustainable urban environment, the Municipal Government hereby adopts a systematic, comprehensive and ecological solid waste management program as provided in R.A. 9003, otherwise known as "Ecological Solid Waste Management Act of 2000":



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- 1) Ensure the protection of public health and environment;
- 2) Utilize environmentally-sound methods that maximize the utilization of valuable resources and encourage resources conservation and recovery;
- 3) Set guidelines and targets for solid waste avoidance and volume reduction through source reduction and waste minimization measures, including composting, recycling, re-use, recovery, green charcoal process, and others, before collection, treatment and disposal in appropriate and environmentally-sound solid waste management facilities in accordance with ecologically sustainable development principles;
- 4) Ensure the proper segregation, collection, transport, storage, treatment and disposal of solid waste through the formulation and adoption of the best environmental practices in ecological waste management excluding incineration;
- 5) Encourage greater private sector participation in solid waste management;
- 6) Encourage cooperation and self-regulation among waste generators through the application of market-based instruments;
- 7) Institutionalize public participation in the development and implementation of national and local integrated, comprehensive and ecological waste management programs; and
- 8) Strengthen the integration of ecological solid waste management and resource conservation and recovery topics into the academic curricula of formal and non-formal education in order to promote environmental awareness and action among the citizenry.

Section 2. Bayambang Solid Waste Management Board. The Municipal Government shall create a Municipal Solid Waste Management Board (MSWMB) that shall prepare, submit and implement a plan for the safe and sanitary management of solid waste generated within the territorial jurisdiction of the Municipality of Bayambang.

Section 3. Composition of Bayambang Solid Waste Management Board. The Municipal Solid Waste Management Board of Bayambang shall be composed of the following:

Chairman	- Municipal Mayor
Vice-Chairman	- Chairman, SB Committee on Health and Sanitation - Chairman, SB Committee on Environment and Natural Resources
Members	- Municipal Health Officer - Municipal Planning Development Officer - Municipal Engineer - President, Liga ng mga Barangay - Chairman, SB Committee on Barangay Affairs - MENRO

Section 4. Duties and Responsibilities of the MSWMB. The MSWMB shall have the following duties and responsibilities:

- a) Develop the Bayambang Solid Waste Management Plan that shall ensure the long-term management of solid waste, as well as integrate the various solid waste management plans and strategies of the Barangay in its area of jurisdiction. In the development of the Solid Waste Management Plan, it shall conduct consultations with the various sectors of the community;



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- b) Adopt measures to promote and ensure the viability and effective implementation of solid waste management programs in the Barangay;
- c) Monitor the implementation of the Bayambang Solid Waste Management Plan through its various political sub Offices and in cooperation with the private sector and the NGOs;
- d) Adopt specific revenue-generating measures to promote the viability of its Solid Waste Management Plan;
- e) Convene regular meeting for purposes of planning and coordinating the implementation of the solid waste management plans of the Barangay;
- f) Oversee the implementation of the Bayambang Solid Waste Management Plan;
- g) Review every three (3) years or as need arises the Bayambang Solid Waste Management Plan for purposes of ensuring its sustainability, viability, effectiveness and relevance in relation to local and international developments in the field of solid waste management.
- h) Develop the specific mechanisms and guidelines for the implementation of the Bayambang Solid Waste Management Plan;
- i) Recommended to appropriate local government authorities' specific measures or proposals for franchise or build-operate-transfer agreements with duly recognized institutions, pursuant to R.A. 6957, to provide either exclusive or non-exclusive authority for the collection, transfer, storage, processing, recycling or disposal of solid waste. The proposals shall take into consideration appropriate government rules and regulations on contracts, franchises and build-operate-transfer agreements;
- j) Recommend measures and safeguards against pollution and for the preservation of the natural ecosystem;
- k) Coordinate the efforts of the Barangay in the implementation of the Bayambang Solid Waste Management Plan;
- l) Recommend to the Sangguniang Bayan appropriate of the needed funds for the implementation of this ordinance;
- m) From time to time, call on any concerned agencies or sectors, as it may deem necessary for the proper implementation of this ordinance.

Section 5. Membership of the Barangay Solid Waste Management Committee. The barangay government may create the same Solid Waste Management Board in their respective jurisdictions as it deems necessary. The Barangay SWM Committee shall be composed of the Barangay Captain as Chairman with the following members:

- 1) One (1) Kagawad
- 2) SK Chairman;



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- 3) Presidents of Home Owners Association;
- 4) Public/Private School Principals or representative;
- 5) One (1) Parents and Teachers Association President or representative;
- 6) One (1) Religious organization representative;
- 7) One (1) Business Community Representative;
- 8) One (1) Environmental NGO representative;
- 9) President of Market Vendors Association; One (1) representative from junkshop owners' association.

Section 6. Functions of Barangay Solid Waste Management Committee. The Barangay SWM Committee shall have the following functions and responsibilities:

- 1) Formulate solid waste management program consistent with municipality plan;
- 2) Segregation and collection of biodegradable, compostable, reusable wastes;
- 3) Establish materials recovery facility;
- 4) Allocate Barangay funds; look for sources of funds;
- 5) Organize core coordinators;
- 6) Submit monthly report to the municipality.

Section 7. Solid Waste Management Plan. The Municipal Government through its Solid Waste Management Board shall prepare its 10-year solid waste management plan consistent with the national solid waste management framework and components of which are provided in R.A. 9003.

The waste management plan shall be for re-use, recycling, and composting of wastes, generated in the municipality. The solid waste management plan shall place primary emphasis on implementation of all feasible re-use, recycling and composting while identifying the amount of landfill and transformation capacity that will be needed for solid waste which cannot be re-used, recycled, or composted. The municipal solid waste management plan shall be reviewed and updated every year by the MSWMB.

Section 8. Institutional Roles in Solid Waste Management. Pursuant to the relevant provisions of R.A. 7160, otherwise known as the Local Government Code of 1991, the LGUs shall be primarily responsible for the implementation and enforcement of the provisions of R.A. 9003 and this Code within their respective jurisdictions.

Specifically, cooperation from the following institutions shall be encouraged in undertaking certain roles:

- 1) The church shall be used as venue for public campaigns focusing on moral obligations to protect the ecological assets of their respective communities;
- 2) The schools shall be required to devote at least thirty minutes (30 minutes) each week to touch-base on the concepts of Ecological Waste Management through various strategies such as inclusion in the local curricula, setting-up of material recovery facilities for practical applications to the learning process and implementing school-wide waste recycling program.
- 3) The MENRO shall devote at least one day in a week to conduct public campaigns on waste segregation in various forms such as focused-group discussions, sectoral consultations, site visitations and other organized fora until such time that compliance to segregation reaches substantial level of at least 80%.



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- 4) The non-government organizations shall be mobilized to participate in partnership programs with either the barangay or municipal government in the implementation of ecological waste management.

ARTICLE XI
IMPLEMENTATION

Section 9. Mandatory Segregation of Solid Wastes. Mandatory segregation of wastes shall primarily be conducted at the source. Waste generated at residential houses, commercial establishments, institutions, industrial and agricultural areas shall be segregated into:

- (1) biodegradable wastes classified as:
 - a. leftovers and
 - b. compostables and
- (2) non-biodegradable wastes classified as:
 - a. recyclables and
 - b. residual wastes.

Recycle Bins shall be used to store waste awaiting collection to ensure the sanitary and efficient handling, storage, collection, and transport of the segregated waste. This must be kept in designated location inside the premise and will only be moved out during the schedule of collection.

Color scheme shall also be used for recycle bin to be used. Red for residual wastes, yellow for recyclable wastes, green for biodegradable wastes, and black for toxic wastes. There shall be a separate containers for wet wastes.

Public thoroughfares and grounds in front of the vicinity of commercial establishments and residential houses. Said areas shall be kept clean and tidy by the owner/operator/lessee of the establishments (shops, stalls, stores, restaurants, eateries, carinderias, barber shops, beauty parlors, recreational and entertainment facilities like theaters, billiard halls, folk houses, beer gardens, discos, cocktail lounges, dancing halls, cabarets, bistros, etc.) and the owner/lessee of the house or building, at all times. Trees, shrubs and other vegetation within the vicinity or residences must be regularly cared for and maintained to minimize generated wastes and unpleasant sight.

Section 10. Collection and Transport of Solid Wastes. There shall be a system of proper collection and transportation of solid wastes in the following manner:

Biodegradable wastes shall be brought out from the premises for pick-up or collection only during the period from 4:00 o'clock in the morning to 11:00 o'clock in the morning during Mondays, Wednesdays and Fridays. Residual / recyclable materials shall be collected only during Tuesdays and Thursdays from 4:00 o'clock in the morning to 11:00 o'clock in the morning. Special waste shall be collected only during Sundays from 4:00 o'clock in the morning to 11:00 o'clock in the morning.



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Barangays with their own garbage truck/s shall coordinate with the Bayambang Solid Waste Management Board their schedule of collection. Collection services shall be contracted out to Barangay with collection units without prejudice to allowing the municipal garbage truck engaged in garbage collection within its territorial jurisdiction.

Collection of biodegradable wastes generated at the Wet Market. Collection of waste materials at the Public Market, shall be collected daily during the period from 4:00 o'clock in the morning to 8:00 o'clock in the morning and 4:00 o'clock in the afternoon to 10:00 in the evening.

The upper mentioned responsibilities enumerated in this section is given to the garbage collection team of the local government unit duly appointed by the Local Chief Executive.

Garbage not properly segregated or brought out at the appointed collection time shall not be collected. The garbage collector shall prepare a written report to the Municipal Solid Waste Management Board which shall act on the latter, to determine whether such act is a violation of the ordinance.

Section 11. *Barangay MRFs Fees.* The barangay may impose minimal fees on the barangay MRFs, through a Barangay Ordinance, for the collection and transportation of non-recyclables and special wastes for the disposal to the sanitary landfill, the fees to be based on the current fees collected at the municipal dumpsite.

Unless otherwise provided by law, the fees and charges to be imposed by the component barangays in this municipality shall in no case exceeds the similar fees or charges imposed under Tax Code No. 02, Series of 2017 of the municipality of Bayambang, Pangasinan.

Section 12. *Responsibilities of Solid Waste Personnel.* The solid waste personnel shall include the street sweepers, garbage collectors and transporters, garbage processors and workers at the Integrated Solid Waste Management Facility under the supervision of the MENRO.

These personnel shall ensure that:

- (1) Collection of solid waste shall be done in a manner which prevents damage to the container and spillage or scattering of solid waste within the collection vicinity;
- (2) Proper segregation of solid wastes is done at the source;
- (3) The work places or area of assignments are kept sanitary as possible.

Section 13. *Health Care of Solid Waste Personnel.* All personnel directly dealing with collection of solid waste shall be equipped with personal protective equipment to protect them from the hazards of handling solid waste. Necessary training shall be given to the collectors and personnel to ensure that the solid wastes are handled properly. These personnel shall be subjected to periodical medical tests.



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Section 14. *Transport of Wastes.* In order to prevent any health and environmental hazards on the community, the garbage trucks shall undergo deodorization and disinfection in a wash bay area to be set-up in the transfer station and waste disposal facility. These processes shall be done before and after filling up the trucks with garbage both during collection and transferring to the bigger dump trucks intended for disposal.

The waste compartment of transport vehicles shall have a durable cover to ensure the containment of solid wastes while in transit. Vehicles shall be designed to consider road size, condition and capacity to ensure the safe and efficient collection and transport of solid wastes.

Section 15. *Establishment of Material Recovery Facilities.* There shall be established a Materials Recovery Facility (MRF) in every Barangay or cluster of barangays. The facility shall be established in a Barangay-owned or leased land or any suitable open space to be determined by the Barangay through its Sanggunian.

For this purpose, the Barangay or cluster of Barangay shall allocate a certain parcel of land for the MRF. The determination of site and actual establishment of the facility shall likewise be subject to the guidelines and criteria set by the GSO pursuant to this Ordinance. The MRF shall receive mixed waste for final sorting, segregation, composting, and recycling. The resulting residual wastes shall be transferred to a long-term storage or disposal facility or sanitary landfill.

Sorting center, otherwise called Materials Recovery Facilities, has been constructed by the Municipal Government of Bayambang starting year 2009. A memorandum of Agreement (MOA) shall cover the contract to all Barangays who wanted to bring their segregated garbage at the materials recovery facility and pay the amount of 900.00 pesos per ton for the maintenance and operation of the facility.

Garbage collectors from Barangays shall not be allowed to unload/dispose garbage at the materials recovery facilities unless such garbage has been properly sorted out/segregated.

Section 16. *Composting.* Composting of agricultural wastes and other compostable materials including but not limited to garden wastes, shall be encouraged. Residential houses with available yards shall be required to make their compost pits within their lots for biodegradable wastes. Households with no spaces available for the above-cited pits shall deposit such wastes in covered leak-proof containers for pick-up and transport to a designated area for such type of wastes.

Section 17. *Guidelines for Compost Quality.* The compost products shall conform with the standards for organic fertilizers set by the DA. The DA shall assist the compost producers to ensure that the compost products conform to such standards. The compost products shall be either used to grow organic crops by the municipal or barangay governments or sold to farmers and horticulture enthusiasts.

Section 18. *Destination of Collected Wastes.* There shall be facilities set-up for the different types of wastes collected. A waste stream or flow duly approved by the MSWMB shall be strictly followed:



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- (1) Biodegradable wastes shall be brought to a composting facility to be set-up within the Integrated Solid Waste Management Facility. These wastes shall be processed to produce organic fertilizers;
- (2) Recyclable wastes shall be brought to the different MRFs installed in different areas within Bayambang;
- (3) Non-recyclable wastes or residual wastes shall be picked up by municipal garbage trucks and brought to the transfer station for second handling and transferred to bigger dump trucks which will, in turn, dump the same to a designated controlled or sanitary landfill.

Section 19. *Illegal Dumping and Throwing of Wastes.* Dumping or throwing or placing of wastes in areas not designated for such purpose is strictly prohibited. For illegal dumping on waterbodies, the household/s, lot owner or operator of a business establishment adjacent or nearest to the dump waste shall be held liable for illegal dumping.

Section 20. *Garbage Fees.* Garbage fees shall be charged for all commercial, industrial and institutional establishments. The garbage fees shall be placed in a trust fund.

For micro business or those business establishment which will earn less than 500,000.00 pesos of annual gross sales as per Income Tax Return, shall be charged 300.00 pesos monthly as garbage fee.

For small-scale enterprise or those business establishment which will earn 500,000.00 to 1,000,000.00 pesos of annual gross sales as per Income Tax Return, shall pay 500.00 pesos monthly.

For medium-scale enterprise or those business establishment which will earn 1,000,001.00 to 2,000,000.00 pesos of annual gross sales as per Income Tax Return, shall pay 800.00 pesos monthly.

For large-scale enterprise or those business establishment which will earn more than 2,000,000.00 pesos of annual gross sales as per Income Tax Return, shall pay 1,000.00 pesos monthly.

For household, the Barangay Council shall enact an Ordinance within their jurisdiction on the amount that shall be collectible to every household. The said ordinance shall undergo public hearing among their constituents and shall also be reviewed by the *Sangguniang Bayan* as per Local Government Code.

Section 21. *Method of Collection of Garbage Fees.* The Municipal Treasury Office shall commission persons to act as garbage fee collectors to be paid in an honorarium basis. The sticker system shall be designed by the MENRO as guide in fee collection. This system shall be subjected to the approval of the MSWMB. It can also be the option of the Municipal Treasury Office to incorporate the Garbage Fee in the assessment of the Mayor's Permit of business establishment.

Section 22. *Guidelines for Solid Waste Disposal.* The collection and disposal of non-recyclable materials and special wastes shall be the responsibility of the Municipal Government of Bayambang. In undertaking these tasks, the following conditions shall be taken into consideration:



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- (1) No open or controlled dump facility shall be established and operated within Bayambang whether private or public in compliance to RA 9003.
- (2) Prior to commencing operation, including site preparation and construction of a new solid waste management facility or the expansion of an existing facility, the LGU of Bayambang shall first secure an Environmental Compliance Certificate from the Department of Environment and Natural Resources (DENR) pursuant to P.D. 1586 and other permits and clearances from concerned agencies.
- (3) There shall be an Integrated Solid Waste Management Facility (ISWMF) to be established which shall basically include a composting facility, a material recovery facility, a livelihood center, and a sanitary landfill for deposition of residual wastes.
- (4) The design of the ISWMF, particularly the sanitary landfill shall not detrimentally affect environmentally sensitive resources such as aquifer, groundwater reservoir or watershed area. The important components of a sanitary landfill must be present in the design, to wit: liners, leachate collection and treatment system, gas control recovery system, groundwater monitoring well system, cover consisting of soil and geo synthetic materials, daily cover, and final cover or cap over a completed landfill.
- (5) The ISWMF and its operation shall be designed to accommodate the municipality's waste for a minimum period of ten (10) years.
- (6) If possible, there shall be a separate containment area in the ISWMF for household and clinical hazardous wastes.
- (7) Proper closure and post-closure care procedure shall be prepared to ensure post-use sanitary condition and minimal environmental and health risks.

The minimum operating requirements for the operation of a sanitary landfill pursuant to Section 42 of R.A. 9003 shall be strictly followed.

Section 23. Operation of the Integrated Solid Waste Management Facility. The use of the facility shall be limited to the municipal solid wastes of Bayambang.

Section 24. Handling of Industrial Wastes. All manufacturing and industrial establishments and similar business firms and institutions shall install acceptable solid waste storage facilities prior to collection and disposal in accordance with national standards. Such facilities shall be inspected by the MENRO to ensure compliance to sanitary and hygiene rules. Special wastes shall be required special storage, handling and transport. The containers for such special waste shall be properly and appropriately labeled.

Section 25. Prohibited Acts on Solid Waste Management. The following acts are prohibited:

- (1) 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;



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- (2) Undertaking activities or operating, collecting or transporting equipment in violation of sanitation operation and other requirements or permits set forth in or established pursuant to R.A.9003;
- (3) The open burning of solid waste;
- (4) Causing or permitting the collection of non-segregated or unsorted waste;
- (5) Squatting in landfills;
- (6) Open dumping, burying of biodegradable or non-biodegradable materials in flood-prone areas;
- (7) Unauthorized removal of recyclable material intended for collection by authorized persons;
- (8) The mixing of source-separated recyclable material with other solid waste in any vehicle, box, container or receptacle used in solid waste collection or disposal;
- (9) The construction of any establishment within two hundred (200) meters from sanitary landfills; and
- (10) The construction or operation of landfills or any waste disposal facility on any aquifer, groundwater reservoir or watershed area and or any portions thereof.

Section 26. *Alternative Technologies.* The MENRO may adopt alternative technologies to address the solid waste of Bayambang in coordination with the National Solid Waste Management Commission and provided that such technologies are verified by the Department of Science and Technology. The MENRO in cooperation with academic and technology providers may also explore emerging technologies that may be suitable to the needs of Bayambang.

**ARTICLE XII
WASTE TRANSPORTERS**

Section 27. *Registration of Waste Transporters.* All industrial waste transporters or waste collectors and waste transport vehicles shall be required to register annually with the MENRO. A registered company shall receive a registration certificate, each registered vehicle shall be provided with a sticker and every trip shall be covered by a ticket. Properly sorted or segregated and labeled recyclables and absence of mixed waste may be exempted from a trip ticket.

"Passer-by" transporter or waste transporter that does not collect/haul waste from Bayambang nor bring waste to Bayambang for processing, recycling, treatment or other purposes allowed by law and with valid documents to support the same shall be exempted from the registration process. Any person or vehicle passing by Bayambang that is not engaged in the business of waste transportation is not allowed to carry/possess waste regardless of source, type and volume.



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Frequent passer by transporter may register on a voluntary basis. They shall submit minimum requirements and will be provided with a sticker. Waste transporter regardless of business address whether within or outside Bayambang and collect/haul waste from Bayambang or bring waste to Bayambang for processing, recycling, treatment or other purposes allowed by law shall be covered by the registration process.

Companies or establishments located at Bayambang especially those in the recycling business such as but not limited to junkshops who owns and manage waste transport vehicle/s shall also be covered by the registration process.

Section 28. Allowable Waste Materials for Waste Transporters. There will be different restriction codes and waste transporter shall only be allowed to transport the type/s of waste specified as follows:

- 1) recyclable waste or scrap materials;
- 2) biodegradable waste (including sewage, septage agricultural and other agro-industrial waste);
- 3) garbage or residual waste;
- 4) toxic or hazardous waste.

A waste transporter may apply for one or more restriction codes provided that the requirements shall be complied accordingly. The minimum registration requirements for all restriction codes shall be as follows:

- a) Duly accomplished Registration & Assessment Forms;
- b) Certificate from Company/ies as their authorized Waste Hauler/Transporter;
- c) Certificate of Non-coverage (CNC) or Environmental Compliance Certificate (ECC);
- d) Certificate/s of No Objection from the Barangays of Bayambang where waste transport vehicles are passing by;
- e) Mayor's Permit from Bayambang.

Waste Transporter hauling waste from Bayambang shall also submit the CNC/ECC and Mayor's or Business Permit of the facilities where the wastes are brought per restriction code applied for as follows:

- 1) recycling facility/ies (export documents if recycled abroad)
- 2) composting or other bio-waste processing/treatment facility/ies
- 3) sanitary landfill or residual waste processing or disposal facility/ies
- 4) Hazardous Waste Transporter Certificate Treatment, Storage & Disposal (TSD) Facility/ies (export documents if treated abroad)

Waste Recycling Facilities at Bayambang registering as waste transporter shall also submit the ECC and Business Permit where their residual waste is brought such as the sanitary landfill or residual waste processing or disposal facility/ies regardless of the restriction code/s applied for.

The plates of unregistered waste vehicles shall be confiscated by the environmental inspectors/apprehending officers and shall only be released upon registration and payment of penalty. First time offenders who are not aware of the ordinance may be given consideration on payment of penalty provided they comply with the registration requirements.



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Section 29. Responsibilities of Waste Transporters. The waste transporters shall ensure that:

- 1) They are allowed to transport only the type of wastes as per restriction code identified in their Municipal Registration Certificate and/or Environmental Compliance Certificate;
- 2) No transport of hazardous waste is allowed unless prior permit, with manifest form accompanied by a spill response plan, is secured from the DENR and the MENRO properly informed for compliance monitoring;
- 3) Waste transporters must avoid densely populated areas, watershed or catchment areas and other environmentally sensitive areas;
- 4) All wastes transported should be contained either by covering the top of an open vehicle or enclosed in a van. Hazardous wastes should always be transported in a closed van. Vehicles should have warning signs and markings and symbols on the conveyances;
- 5) The waste transporter shall ensure that hazardous wastes of different sub- category should not be mixed during transport and there should never be any spillage in any circumstance;
- 6) The waste transporters shall secure trip tickets from the MENRO. Properly sorted/segregated and labeled recyclable wastes are exempted from securing trip tickets. Transport of mixed recyclables shall be covered by a trip ticket. Other types of waste shall be strictly covered by a trip ticket to prevent illegal dumping or inappropriate form of disposal.

Trip tickets (complete set = 4 copies each) should be properly filled up to be considered valid and "all" copies should be available at all times during transport; failure to present properly filled up complete set of trip ticket during inspection constitutes a violation. The MENRO may set additional guidelines for the proper handling/ transporting different types of waste.

Section 30. Revocation of Registration Permit and Permanent Disqualification on Waste Transporters. Two violations of an unregistered waste transporter shall be ground for permanent disqualification to register as waste transporter.

For registered waste transporters:

- (1) two (2) violations in a year shall be ground for revocation of registration for the remaining validity of the permit;
- (2) two (2) revocations or a total of five violations shall be ground for permanent disqualification.

A formal complaint on a waste transporter depending on the merit/s of the complaint as determined by the MENRO can be used as a sufficient ground for revocation or permanently disqualification. Waste Transporters that has been penalized for illegal dumping shall be permanently disqualified to register.



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CHAPTER V
REGULATING NON-BIODEGRADABLE PLASTIC AND STYROFOAM

ARTICLE XIII
GENERAL PROVISIONS

Section 1. Legal Basis. Section 16 of Article II of the 1987 Philippine Constitution provides that the state shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature.

Sub-section I of Section 3 of Republic Act Number 7160 or the Local Government Code provides that the Local Government Unit shall share with the national government the responsibility in the management and maintenance of ecological balance within their territorial jurisdiction.

Moreover, sub-section vi of Section 447 of the Local Government Code also empowers the *Sangguniang Bayan* to protect the environment and impose appropriate penalties for acts which endanger the environment including such activities which results in pollution and acceleration of rivers and lakes or ecological imbalance.

Section 57 of Republic Act Number 9003 or the Ecological Solid Waste Management Act, provides the business sector to initiate, participate, and invest in integrated ecological solid waste management projects, to manufacture environment-friendly products, to introduce, develop, and adopt innovative processes that shall recycle and re-use materials, conserve raw materials and energy, reduce waste and prevent pollution, and to undertake community activities, promote and propagate effective solid waste management practices.

Section 2. Scope and Application. This Ordinance shall cover all types of plastic and polystyrene that end as residual wastes. However, biodegradable plastic bags are re-usable and can decompose, shall not be covered by this Ordinance.

Plastic products and plastics that form part of a product such as from semiconductor and electronic products except as container or packaging material shall not be covered.

This provision shall be applicable to and be observed in all household, industrial, commercial or business establishments, and all persons, whether living or sojourning in the municipality. However, scrap collectors and junk dealers are not covered since they help reduce plastic and polystyrene in the municipality by collecting and selling these materials in other shops outside the municipality.

ARTICLE XIV
PROHIBITED USE OF PLASTIC AND POLYSTYRENE

Section 3. Prohibited uses of plastic bags and polystyrene for goods and commodities. Listed below are the prohibited uses of plastic bags and polystyrene for good and commodities:



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- a) To use plastic wares for food as containers and packaging material such as Styrofoam for food and drinks.
- b) Use of plastic pouch (commonly used for making ice) and drinking straw for beverages such as soft drinks, juices and other cold drinks like "palamig" and "gulaman";
- c) Use of plastic bag as garbage bag; and
- d) Re-use of plastics as flaglets and "banderitas" during "fiestas".

Alternative Containers - the use of reusable and/or paper-based containers for food and/or beverage and other alternative containers are encouraged and promoted as per Municipal Ordinance No. 19, Series of 2017.

Section 4. Prohibited Usage and Selling of Plastic bags and Styrofoam in any Business Establishments. Listed below are the prohibited usage and selling of plastic bags and Styrofoam in any business establishments in this municipality:

- a) No business establishment shall utilize plastic bags and Styrofoam as packaging materials on dry and wet goods;
- b) No business establishment dealing on wet goods shall use plastic bags as primary packaging material;
- c) No business establishment shall use Styrofoam/ styrophor and other similar container for food, produce and other products; and
- d) No business establishment shall offer or sell plastic and other plastic materials to be used as packaging material on dry and wet goods.
- e) Selling and providing Styrofoam/ styrophor as container; and
- f) Disposing plastic waste on streets, canals, body of waters and public places.

**ARTICLE XV
ALTERNATIVE CONTAINERS AND PACKAGING MATERIALS**

Section 5. Uses and Advantages of Eco-Bag. The use of eco-bags whenever one person goes to the market or any shop to buy products can greatly reduce the number of plastic used per person. Aside from being stronger material for carrying products, is also recyclable and could be used for more than one time.

Section 6. Used or Old Tarpaulin as Eco-bags. Used or old tarpaulin can be recycled and made into an eco-bag. Aside from being environmental-friendly because of recycling, it also has commercial feasibility.



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Tarpaulins and streamers shall be recovered after their intended use; the Municipal Engineering Office shall recover tarpaulins and streamers posted within the municipality after expiration of their permits; the Municipal Recovery Facilities shall recover all the tarpaulins and streamers used by the Municipality. Barangay officials shall take the lead in their respective barangays to ensure recovery of recyclable materials that may be used for making Eco-bags.

Section 7. Mandatory Use of Eco-Bag. Reusable Eco-bags can be used for carrying heavy groceries or products instead of large plastic bags. It can also be used for other purposes such as carrying files or documents and even as a bag for everyday use. Use of Eco-bags shall be mandatory for the Municipality of Bayambang; use of Eco-bags made from National Food Authority rice sack shall be made a requirement for the availment of NFA rice at NFA "Tindahan Natin" and any Eco-bag for the availment of any commodity; similar mechanics shall apply to other programs that may require use of Eco-bags.

Section 8. Uses of Biodegradable Plastic. In packaging food and other materials, this material may be used for hygienic purposes. This can also be used for packaging groceries in malls or in the dry section of the public market, and fish and meat in the wet section of the public market.

Section 9. Uses of Paper Bags and Old Newspapers. These materials can be used for packaging purposes particularly smoked fish and other smoked and dried products. Paper bags can be used for packaging gifts and other carriage purposes.

Section 10. Uses of Banana Leaves. This can be used for packaging delicacies, fish, vegetables, and other fresh and/or raw materials or products sold at any business establishment in the municipality.

Section 11. Uses and Advantages of Bayong or Hand-woven Native Bag. Bayong is made by weaving dried leaves of local plants- in Visayas Islands, they use Buri leaves while in Luzon, some uses grasses, Pandan leaves, or Buri. Aside from being environmental-friendly since they are made of grasses or of leaves, these bags are also designed and weaved into different styles. These bags are also strong enough to carry heavy products or groceries.

Section 12. Use of Recyclable Materials as Containers and Packaging Materials. The use of Recyclable Materials as Containers and Packaging Materials shall be allowed provided that these materials shall be disposed accordingly for recycling purposes. Provided further that these recyclable materials shall be used for more than once, ensuring its cleanliness and sanitation of users.

ARTICLE XVI
ALTERNATIVE CONTAINERS FOR FOOD AND BEVERAGE

Section 13. Use of Eco-Bags and Other Environment-Friendly Practices as Alternatives. All sectors are strictly enjoined to use eco bags and observe the following environment friendly practices:



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- a) Posting of Information, Education, and Communication Campaign (IECC) materials shall be mandatory on all commercial establishments such as sari-sari stores, convenient stores, grocery stores, market stalls, food establishments like eateries, fast-food chains, restaurants, bar and grills, general merchandisers like school supplies, hardware stores or any trading business establishment that will require containers and packaging materials for the product they trade. Educational institutions shall also be provided with campaign material for stakeholder's information.
- b) Proprietors, managers and operations officer of business establishments shall brief or train their respective personnel that will be in the frontline to implement this ordinance.
- c) All sectors are enjoined to use Eco-bags in all aspects of its business transactions whenever applicable and the general public shall bring appropriate containers whenever they are going to the market.
- d) Business establishments are encouraged to give discounts and freebies to users of Eco-bags.
- e) Business establishments and non-governmental organizations are enjoined to promote the use of Eco-bags or paper bags, by developing their own IEC materials such as posters, pins, tarpaulins, streamers etc..
- f) Recovery of tetra packs or doy packs of juice drinks shall be made during occasions and wake.
- g) Tarpaulins and streamers shall be recovered after their intended use; the Municipal Engineering Office shall recover tarpaulins and streamers posted within the municipality after expiration of their permits; the Municipal Recovery Facilities shall recover all the tarpaulins and streamers used by the Municipality.
- h) Barangay officials shall take the lead in their respective barangays to ensure recovery of recyclable materials that may be used for making Eco-bags.
- i) Recyclable materials that may be used for making Eco-bags shall be brought to the Materials Recovery Facilities.
- j) Use of Eco-bags shall be mandatory for the Municipality of Bayambang; use of Eco-bags made from National Food Authority rice sack shall be made a requirement for the availment of NFA rice at NFA "Tindahan Natin" and any Eco-bag for the availment of any commodity; similar mechanics shall apply to other programs that may require use of Eco-bags.
- k) Recycled and recyclable plastic bags are recommended as second best thing to Eco-bags.
- l) Business establishments shall provide their own re-usable container for wet goods and/or require customers to bring their own re-usable container for the same.



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- m) Business establishments shall use cardboard boxes to pack groceries and other dry goods.
- n) Food establishment such as canteens should promote the use of recycling materials, especially for students or commuters who will buy cold drinks or *palamig*. If in case students or commuters failed to bring their own "*baunan or lalagyan ng tubig*", the canteen owner/establishment shall be prohibited from selling to them.
- o) The use of cardboard food boxes, paper cups, glass wares, metal spoon and fork shall also be an alternative for food establishments which also sell drinks.

ARTICLE XVII
LOCAL GOVERNMENT UNIT ASSISTANCE

Section 14. The Local Government Unit of Bayambang shall ensure the enforcement of this Ordinance shall endeavor to extend assistance and subsidies, to wit:

- a) Conduct/sponsor free seminars and trainings for the production of woven bags and Eco-bags as an alternative to the use of plastics.
- b) Give certificate of appreciation and commendation to individuals, associations, and business establishments which will promote the observance of this ordinance.
- c) Give incentive to those persons/associations/organizations who reported the violation of this Ordinance to the Apprehending Officer.

ARTICLE XVIII
**INCENTIVES FOR USING REUSABLE ECO-BAGS,
 BIODEGRADABLE PLASTIC**

Section 15. *Point system scheme.* For business establishment implementing the point system scheme to their regular customers, additional points may be given to those who are using "*reusable eco-bag or shopping bag*" and/ or redeeming "*used plastic bags*".

Section 16. *Green Lane.* All business establishments shall provide special counters or express lanes to be called as "*Green Lanes*" to cater to customers using reusable eco-bags and/or those redeeming used plastic bags to encourage greater number of stakeholders in the observance of this Ordinance. This will also serve as an information and advocacy measure in caring for the environment.

CHAPTER VI
HAZARDOUS AND TOXIC MATERIALS

ARTICLE XIX
REGULATED ACTS

Section 1. *Operation of Motor Repair Shops, Public Utility Vehicle Terminals, Car Wash Centers and Gasoline Stations.*



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- (1) All business establishments under this classification in the Municipality of Bayambang shall install oil and water separation facility including facilities in the storage of used oil and grease into sealed receptacles. These are mandatory pre-conditions for the issuance of business permits by the Municipal Government;
- (2) Gasoline stations shall ensure that their underground storage tanks are always in good condition by undertaking periodic maintenance and monitoring of fugitive effluents;
- (3) All operators of these businesses shall ensure safety from fire and explosion hazards of their respective facilities by installing appropriate signages for the general public and by attaching proper gadgets and devices to prevent gaseous or fume emissions;
- (4) They shall provide for an easement or buffer zone of at least fifty meters (50m) from actual or potential ground water resources, banks of rivers or other bodies of water traversing or adjoining their gasoline stations;
- (5) Adequate drainage system should be provided for liquid run-off;
- (6) Shrubs and trees should be planted around the site, on open space and on buffer strip to preserve ecological balance;
- (7) They shall not adversely affect the appropriate or profitable uses of the other properties in the area.

Section 2. Fuel Gas Retail Operation. The owner of the fuel gas retail stall shall provide safe storage for flammable substances for sale. No retailing shall be allowed in congested areas.

Section 3. Toxic Substances and Hazardous Waste Control. The Municipal Government shall require all persons and entities dealing with toxic substances and hazardous materials to comply with full disclosure procedures in the following manner:

- (1) Manufacturers are required to present material fact sheet, which should explain or describe the quantity, toxicity, ignitability, flammability and leaching potentials of the chemicals manufactured;
- (2) Transporters are required to submit to the Municipal Government ahead of time a manifest, which will contain the material fact sheet, the origin and destination of the material in transport, the transit time and the route where the hazardous or toxic material will traverse;
- (3) Primary users of waste transporters or those establishment which own waste transporters are required to present to the Municipal Government and maintain for periodic inspection by competent authorities, a disclosure document which will contain the quantity of the chemicals, type of use, storage facilities and safety measures;



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- (4) Secondary users or those establishments which rent or lease waste transporter shall likewise be required to submit to the Municipal Government and maintain for periodic inspection by competent authorities, a disclosure document similar to that required of the primary users.

Section 4. *Manufacturer of Toxic and Other Chemical Substances.* All industrial establishments engaged in the manufacture, processing, and utilization of chemical substances shall submit to Municipal authorities a comprehensive occupational safety and hazard mitigation program, which consider conditions within its complex and immediate vicinities. The Municipal Government through the Municipal Environment and Natural Resources Office shall promulgate the necessary procedural guidelines and regulations in chemical handling within the Municipality.

Section 5. *Ban on Extremely Toxic Chemicals.* It shall ban the employment or utilization of extremely toxic and dangerous chemicals in any operational phase of factories, processing plants and agro-chemical establishments including transport or transshipment within the borders of the Municipality taking into account the provisions of R.A. 6969 otherwise known as the Toxic Substances and Hazardous and Nuclear Waste Control Act of 1990 and its implementing rules and regulations in DENR Department Administrative Order No. 29.

Section 6. *Quarterly Inspection of Entities Engaged in Chemical Manufacturing.* All businesses engaged in chemical use and manufacturing shall be subjected to a quarterly inspection by the Municipal Environment and Natural Resources Office to ensure compliance of safety measures and appropriate procedures. However, if public safety so requires, the Municipal authorities shall conduct unscheduled inspection.

Section 7. *Fire Extinguisher.* The manufacture, sale, refilling and repair, and distribution of yellow fire extinguishers containing halon is banned in the municipality. The municipality hereby encourages the use of environment friendly fire extinguisher such as those which use dry powder of CO₂.

Section 8. *Sludge and Effluent Disposal.* All industrial sludges shall be handled and treated as special wastes and all industrial effluents shall undergo proper treatment until such time that these conform with the new water standards set by the Department of Environment and Natural Resources (DENR). Proper disposal of sludge and discharge of treated effluent shall be done accordingly. Indiscriminate dumping of sludge in any area not designated for such type of wastes shall be punishable. Discharge of untreated effluent shall likewise be punishable.

CHAPTER VII
OTHER HEALTH AND SANITATION RELATED PROVISIONS

ARTICLE XX
REGULATED ACTS

Section 1. *Public Market.* The Municipal Government of Bayambang shall maintain the cleanliness and sanitation of the public market. A set of guidelines shall be formulated to support the sanitation drive within the premises of this establishment.



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The Market supervisors Office is in-charge in scheduling the collection of garbage within the premises of the public market.

Section 2. Operation of Slaughterhouse and Poultry Dressing Plant. Slaughterhouses shall be equipped with appropriate and adequate treatment and disposal facilities for solid discards and wastewater, as well as, disinfection system for the maintenance of hygienic conditions within the premises. There shall be a separate area for holding pens and slaughtering operations as well as separate entry for live animals and exit of carcass.

The Municipal Government of Bayambang, pursuant to the provisions of Republic Act 7160 otherwise known as the Local Government Code and Executive Order No. 137, shall regulate the construction, management and operation of slaughterhouses, meat inspection, meat transport and post-abattoir control, monitor and evaluate and collect fees and charges in accordance with the national policies, procedures, guidelines, rules and regulations and quality and safety standards as promulgated in R.A. 9296 or the "Meat Inspection Code".

The guidelines for operating a poultry dressing plant shall likewise follow the national standards. There shall also be a centralized poultry dressing plant whose franchise shall be granted by the Sangguniang Bayan based on rules set by the national government.

Section 3. Operation of Funeral Parlors. All funeral parlors performing embalming shall follow these guidelines:

- (1) The parlors should be constructed with concrete or semi-concrete materials with sufficient space to accommodate more than one body at one time;
- (2) The floors and walls should be made of concrete or other durable impervious materials;
- (3) Ventilation and lighting should be adequately provided; Embalming shall be performed on a table made of a single marble slab or other equally impervious materials. It shall be constructed in such a way that all washings and body fluids shall flow to a drain connected to the waste piping system of the building;
- (4) Embalmers and assistants shall observe proper occupational hygiene such as use of rubber gloves when working;
- (5) Washing facilities with soaps, detergents and germicidal solutions shall be provided for the use of the working personnel;
- (6) Clinical wastes resulting from the embalming process shall be disposed through cremation in an accredited facility.

Section 4. Cemeteries and Memorial Parks. The public cemetery/ memorial park is one of the basic facilities to be established for the general welfare of the communities in Bayambang and the inhabitants thereof. The following guidelines shall be followed in establishing and operating this facility:



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- (1) Adequate drainage system should be provided for liquid run off from decaying or degrading matter;
- (2) Pesticide and germicide control measures should be applied to prevent contamination of burial grounds and the surrounding areas;
- (3) Shrubs and trees shall be planted around the site and on an open space as buffer strip to preserve ecological balance;
- (4) Sanitary requirements of the Sanitation Code and other existing laws, particularly those referring to final procedures in case of the incidence of epidemic or communicable disease should be complied with;
- (5) It shall be unlawful for any person to bury remains in places other than those legally authorized;
- (6) A burial ground shall be at least 25 meters distant from any dwelling house and no house shall be constructed within the same distance from any burial ground;
- (7) No burial ground shall be located within 50 meters from either side of a river or within 50 meters from any source of water supply;
- (8) They shall comply with other sanitary requirements prescribed by existing laws.

Section 5. Radio Transmitting Stations.

- (1) They shall be located within commercial or institutional utility zones;
- (2) Their surrounding maintenance shall be the exclusive responsibility of the applicant and or persons running them;
- (3) Where the public welfare demands, however, they may be located in some residential zones provided the proceeding conditions is complied with; provided, however, that powerful or high voltage transmitter and antennae which may cause electric interference or excessive electromagnetic radiation, which would be hazardous to health, shall not be allowed.

**CHAPTER VIII
WATER RESOURCE MANAGEMENT**

**ARTICLE XXI
WATER RESOURCES**

Section 1. Policy Statements on Water Utilization. In line with the provision of the Constitution and as embodied in the Water Code of the Philippines, all water belongs to the State. The ownership of water by the State means that water cannot be subjected to acquisitive prescription, however the State allows the use and development of water by administrative concession. The Government, through the National Water Board, exercises control and regulation of the water resource pertaining to its utilization, exploitation, development, conservation and protection.



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In the observance of the above-mentioned principle, the Municipality of Bayambang shall ensure an equitable appropriation of water resources to its constituents consistent with the order of preference adopted by the State as follows:

- (1) Domestic and municipal use;
- (2) Irrigation;
- (3) Power generation;
- (4) Fisheries;
- (5) Livestock raising;
- (6) Industrial use;
- (7) Recreational; and
- (8) Other purposes.

Section 2. Basis for Action. With increasing population and intensification of economic activities, the use of water has overtaken its replenishment in the direction where, in some instances, the basic needs would no longer be satisfied. Timely preventive measures shall be taken to prevent water crisis. These concerns call for appropriate actions at the Municipal level, complementing the national effort of ensuring sustainable utilization of water resources.

Section 3. Water Sources. With the growing population and the expansion of economic activities the need of water has been increasing at a faster rate. This has brought a serious imbalance between supply and demand of potable and usable water. Cognizant of this condition it becomes imperative for the Municipal Government to provide and secure water for the current and future generations living in its territorial boundaries. To wit:

- (1) It shall be the responsibility of the Municipal Government to identify existing and potential water sources for domestic and municipal use within the territory of the Municipality to ensure that there shall be sources of water to satisfy the needs of the present and future. This calls for complete inventory of surface river, creek, stream and spring sources along with subsurface aquifer systems; Databases shall be established for these water sources with adequate information on quantity and quality. Interim plans should be established on how these water sources shall be accessed, tapped and developed.
- (2) A data inventory of the water resources to include their physical characteristics, locations and types shall be maintained and updated by the Municipality for future assessment. These data inventory shall be the basis of municipal water resource policy and water resource system analysis. These data shall be stored and collated for easy access and updating through dynamic information system;
- (3) The Municipal Government shall likewise determine the contaminated water resource in the municipality such as the salt-intruded areas and chemical contaminated areas as part of the environmentally affected areas. These areas shall be restrained from utilization and exploitation and the Municipality shall provide an advisory notice to this effect. In the overall strategy, these areas shall be targeted for rehabilitation;



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- (4) The Municipal Government shall regulate water consumption on a periodic basis to optimize its use. The approach shall be holistic enough to include all the major users of water and comprehensive enough to determine possible cause and effect scenario of the water utilization;
- (5) The Municipal Government shall identify the watersheds within its own territorial limits and incorporate them in its zoning plans. As a water unit, the municipality shall adopt important strategies of protection, conservation, utilization and enhancement in view of sustainable development. Land uses which threaten watersheds shall be minimized by instituting measures to curb human activities that damage the pristine nature of the water resources;
- (6) Apart from satisfying the immediate demand, the Municipal Government shall adopt long range planning for the water resources development to come up with adequate supply to meet increasing demand.

Section 4. Water Consumption, Distribution and Monitoring.

- (1) It shall be the responsibility of the Municipality to ensure that the quality of water shall be within the limits of the National Standard for Drinking

Water (NSDW) conforming to physical, chemical, biological and radiological requirements. The Bayambang Water District and any other distribution agencies operating within Bayambang, Pangasinan may be summoned anytime should drinking water quality is in question.

- (2) Water for direct consumption shall conform to acceptable requirements of bacteriological quality. To this end, the Bayambang Water District and any other distribution agencies shall be directed to employ appropriate disinfection or chlorination to ensure that the water shall be free from harmful bacteria or any micro-organisms.
- (3) The general public shall be notified in advance and shall be advised accordingly if water of sub-standard quality has entered the supply system. Remedial measures shall be instituted at once to correct any defect or damage in the system.
- (4) Since poor distribution systems can be a prime cause of water contamination, it shall be the priority of the Municipality to direct concerned agencies to maintain and perform repairs on the distribution system given such circumstances.
- (5) The Municipality shall come up with a program of monitoring wastewater in the community. Likewise, the Municipality shall institute measures to compel the private sectors to come up with treatment programs for domestic and industrial effluent before discharging to the environment.
- (6) The discharge of wastewater to the environment either by land spreading, injection or dilution in natural bodies of water shall be regulated by the Municipality of Bayambang.



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- (7) The use of nitrogenous fertilizers in farms, fields and golf courses have been pointed out as one of the sources of contamination for groundwater. In areas where important aquifers are located, the use of such fertilizers shall be limited if not prohibited by the Municipality.
- (8) Important point source pollution such as gas stations and petroleum product reservoirs should be identified and their locations mapped out in relation with the existing water resource. The Municipality shall come up with monitoring program for fugitive effluents and require business operators to submit mitigating measures in the event of accidental release of chemicals.
- (9) Along all natural watercourses such as streams, brooks, and rivers, the respect for easement shall be in accordance with the established easements of the National Water Resources Board (NWRB) and shall be adopted and enforced by the Municipality.
- (10) Intensive efforts shall be employed to avert water crisis. In extreme cases where the said occurrence is already inevitable, the Municipality shall dictate water appropriation based on order of preference stated above.
- (11) All rules on water sanitation provided in Chapter II - "Water Supply" of the Code on Sanitation of the Philippines (P.D. 856) pertaining to water supply shall apply in this Code.

Section 5. Water Demand.

- (1) Water Utilization. In reference to the Water Code of the Philippines, the development of water resources shall consider the security of the state, multiple use, beneficial use, adverse effects and cost of development. The Municipality shall adhere to this provision in the utilization of water resources within the Municipality.

Section 5 (2) of Article XXII is deleted.

Section 6. Role of LGU in Water Quality Management. The Municipal Government of Bayambang shall share the responsibility in the management and improvement of water quality within its territorial jurisdictions.

It shall prepare a compliance scheme in accordance with the Water Quality Management Area Plan subject to review and approval of the governing board. It shall also prepare and implement contingency plans and other measures including relocation when necessary.

The LGU of Bayambang shall actively take part in the National Sewerage and Septage Management Program. It shall appropriate the necessary land, including the required rights-of-way/road access to the land for the construction of the sewage and/or septage treatment facilities. It shall also raise funds to subsidize necessary expenses for the operation and maintenance of sewerage treatment or septage facility servicing their area of jurisdiction through local property taxes and enforcement of a service fee system.



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Through the MENRO, the Municipal Government shall undertake:

- (1) Monitoring of water quality;
- (2) Emergency response;
- (3) Compliance with the framework of the Water Quality Management Action Plan;
- (4) To take active participation in all efforts concerning water quality protection and rehabilitation; and
- (5) Coordination with other government agencies and civil society and the concerned sectors in the implementation of measures to prevent and control water pollution.

Section 7. *Illegal Construction Along Waterways.* No person shall construct any building or introduce any improvement within 3 meters from the creek sides inside the municipal proper and residential areas and within 20 meters from riverbanks and creek sides and similar waterways in agricultural areas.

Section 8. *Well Drilling.* No person shall commence or start drilling without clearance from the MENRO and certification from the CWD. Certificates of no objection from host barangays and appropriate permit from the National Water Resources Board or its deputized agency shall have to be secured first. Barangay officials shall take the lead to prevent well drilling without the necessary permits.

Section 9. *Aquatic Resource Management.* All rivers, streams, aquifers and municipal waters including plants and animals living in these bodies of water within the Municipality are considered aquatic resources.

Section 10. *Measures to Mitigate Aquatic Pollution.* The following precautionary measures are hereby adopted:

- (1) Establishment of monitoring and regulatory system to control effluent discharges from the point sources;
- (2) Formulation of community-based anti-littering programs;
- (3) Application of safety practices in the use of fertilizers in agricultural areas;
- (4) Riverbank stabilization and establishment of riparian vegetation to control soil erosion and minimize excessive sediment discharge from development activities.

Section 11. *Buffer Strips Easement.* In the utilization, development, conservation and protection of aquatic resources, the following setback and/or easement along the entire length of the banks of the rivers and creeks shall be observed:

- (1) Three (3) meter setback for all urban uses;
- (2) Twenty (20) meter easement for all agricultural uses; and
- (3) Forty (40) meter easement for all forest uses such as forest and ecological parks.



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The above setbacks or easements shall be subject for public use such as for recreation and other similar activities.

ARTICLE XXII
EFFLUENT AND DISCHARGES

Section 12. Discharge of Wastewater. Wastewater from manufacturing plants, industries, community, or domestic sources shall be treated either physically, biologically or chemically prior to disposal in accordance with the rules and regulations promulgated by LLDA. The owners or operators of facilities that discharge regulated effluents pursuant to the Clean Water Act shall be required to secure a permit to discharge.

As part of the permitting procedure, the Municipal Government shall encourage the adoption of waste minimization and waste treatment technologies when such technologies are deemed cost effective.

Section 13. Illegal Dumping of Solid Wastes. The dumping or disposal of solid wastes into the rivers and creeks and any body of water in the Municipality including shore-lines and river banks, where the wastes are likely to be washed into the water is strictly prohibited. The offender shall be penalized according to the provisions in Chapter IV of this Code.

Section 14. Prohibited Acts. The following acts are prohibited:

- (1) Discharging, depositing or causing to be deposited material of any kind directly or indirectly into the water bodies or along the margins of any surface water including sewage sludge or solid wastes, prohibited chemicals, substances or pollutants, potentially infectious medical wastes, where, the same shall be liable to be washed into such surface water, either by tide action or by storm, floods or otherwise, which could cause water pollution or impede natural flow in the water body;
- (2) Discharging, injecting or allowing to seep into the soil or sub-soil any substance in any form that would pollute groundwater;
- (3) Undertaking activities or development and expansion of projects, or operating wastewater/sewerage facilities and operating facilities that discharge regulated water pollutants without the valid required permits or after the permit was revoked for any violation of any condition therein;
- (4) Discharging regulated water pollutants without the valid required discharge permit pursuant to this Act or after the permit was revoked for any violation of conditions therein.



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CHAPTER IX
AIR QUALITY MANAGEMENT

ARTICLE XXIII
GENERAL PROVISIONS

Section 1. Policy Statement. The basic intention of the Municipal Government of Bayambang is to undertake the necessary precautionary and preventive measures to ensure the prevalence of ambient quality air.

Given the complexity of clean air management and the insufficient technology and resource available for the conduct of atmospheric monitoring and evaluation, the Municipal Government of Bayambang shall prevent to the greatest extent permissible, the continued degradation of air quality within its territorial jurisdiction.

As a general approach, the Municipality of Bayambang's effort shall be guided by Ambient Air Quality Guideline Values and Standards set under the Clean Air Act and the air quality indices set under DENR Administrative Order No. 14 and shall undertake the necessary precautionary and preventive measures to ensure that the maintenance of said indices are pursued. Any provision of the Clean Air Act of 1999 which is applicable to the Municipality of Bayambang shall form part of this code.

Section 2. Role of LGUs in Air Quality Management. The Municipal Government of Bayambang shall share the responsibility in the management and improvement of air quality within its territorial jurisdiction. Among other functions and responsibilities of the LGU:

- (1) It shall actively participate in the protection of health and welfare of the residents within potentially polluted areas. It shall implement air quality standards set by national laws in areas within the jurisdiction of the municipality;
- (2) It shall prepare and develop an action plan consistent with the Integrated Air Quality Improvement Framework to attain and maintain the ambient air quality standards within the airshed;
- (3) It shall prepare a compliance scheme in accordance with the Air Quality Management Area Plan subject to review and approval of the Provincial Environment and Natural Resources Office. It shall also prepare and implement contingency plans and other measures including relocation when necessary;
- (4) It shall develop and submit to the DENR a procedure for carrying out the action plan for their jurisdiction. A multi-sectoral monitoring team from the Municipality of Bayambang with broad public representation shall be convened by the DENR to conduct periodic inspections of air pollution sources to assess compliance with emission limitations contained in their permits.



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ARTICLE XXIV
IMPLEMENTATION

Section 3. Industrial Location. No industries or factories shall be constructed within 1 kilometer radius from the town proper. Industrial location shall be governed by the existing ordinance on Comprehensive Land Use and Zoning. For industries already established prior to this Code, strict compliance monitoring shall be undertaken.

Section 4. Industrial Air Pollution. The levels of air quality for suspended particulates, sulfur dioxide, photochemical oxidants or ozone, and carbon monoxide and the indices to compare whether such atmospheric parameters are within acceptable levels have been established by the DENR, (Administrative Order No. 14) for all areas. It shall be the duty of the Municipality of Bayambang to ensure compliance to these standards by:

- (1) Coordinating with the DENR to conduct inspection of all industrial facilities, including all equipment emitting potentials air pollutants, to ensure that such establishments are complying with established standards;
- (2) Requiring all holders of business permit using fossil fuel on any part of their business operations to submit environmental compliance certificate and permit to operate issued by DENR - EMB as pre-requisite for the renewal of their business license permits;
- (3) Informing all other establishments of the Municipality's policy in adhering to the air quality standards.
- (4) Enforcing or implementing the environmental inspection, control and banning as may be appropriate, the erection, use, installation or operation of any article, machinery, or any contrivance which will release air pollutants into the atmosphere which, together with the concentrations of existing air pollutants in the Municipality, will result to ambient air concentration greater than the quality standards set by the DENR.

To enforce such regulation, the Local Government shall periodically seek the assistance of the DENR in conducting emission tests for all such devices, equipment or plants.

Section 5. Fugitive Particles. No person shall allow the emission of fugitive particulate from any source whatsoever, including, but not limited to, vehicular movement, transportation of materials, construction, alteration, demolition or wrecking, or industry-related activities such as loading, storing or handling without taking reasonable precautions to prevent such emissions. In line with such precautions, the following are hereby adopted.

- (1) Covering of open loaded trucks transporting materials likely to give rise to airborne dust, odor and other fugitive particles;
- (2) Treatment or removal of all air pollutants e.g., dust, fumes, gases, mists, odorous matters or vapors or any combination thereof prior to discharge into the open air;



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- (3) In case of building construction or demolition, quarrying operations or clearing of land, precautions shall be carried out to ensure that fugitive dusts remain within the premises of the activity conducted.

The emission of dust, dirt or fly ash from any source or activity which shall pollute the air and render it unclean, detrimental, unhealthful or hazardous or cause visibility to be impaired, shall not be permitted.

Section 6. Reduction of Emissions of Carbon Dioxide (CO₂) and Other Greenhouse Gases. The Municipal Government of Bayambang shall exert major efforts to contribute towards the minimization of global warming. As such, in coordination with the Environmental Management Bureau (EMB) of the DENR, the Municipal Government shall regulate the use of chemical fertilizers and burning of fossil fuels and crop residues within its territorial limits.

Section 7. Reduction of Emissions of Substances That Depletes the Ozone Layer. The depletion of the ozone layer (in the earth's atmosphere) caused by the use of chlorofluorocarbon (CFC) halon and other hydrochlorofluorocarbons poses extreme health hazards to mankind such as exposure to harmful ultraviolet rays of the sun.

Pursuant to the Montreal Protocol where the Philippines is a signatory, the Municipality of Bayambang hereby adopts some of its relevant provisions:

- (1) All citizens in the Municipality are discouraged to use aerosols with CFC content e.g., spray nets, pesticides, fertilizers, etc..
- (2) Refrigeration and air-conditioning shops, including factories and manufacturing entities shall be required to institute measures to avoid the release of CFC's directly into the atmosphere;
- (3) The use of yellow fire extinguishers containing halons will not be allowed in the Municipality of Bayambang.

Section 8. Odors & Gases. The emission of foul odors and gases harmful to public health, safety and general welfare shall not be permitted.

Section 9. Smoke Belching. It shall be the policy of the state to ensure that precautions are undertaken to prevent the emission of excessive carbon monoxide, particulates and sulfur dioxide from motor vehicles. Some primary considerations are the enforcement of the Anti-Smoke Belching Program, the intensification of coordination among concerned agencies on the use of unleaded gasoline and reduced number of vehicles to ensure the smooth flow of vehicles and the promotion of mass transport system.

A periodical road-side (on-site) anti-smoke belching test shall be conducted in cooperation with the Land Transportation Office. Exhaust emission limits shall be based on the provisions of the Clean Air Act.

Section 10. No Smoking. It is strictly prohibited for any person to smoke in all public places, enclosed and air conditioned rooms in all public buildings and offices, public transport vehicles including buses, passenger jeeps and tricycles or in any enclosed area outside of one's private residence or private place of work in the Municipality of Bayambang, Pangasinan. However, smoking area may be allowed in specific and designated places as maybe determined by persons and/or authorities concerned.



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Section 11. *Open Burning.* Open burning adds to global warming and poses hazards to health, properties and natural resources. Therefore, no person shall ignite, cause to be ignited or build any open fires except on the following activities: 1) open fire cooking of food for human consumption; 2) fires for recreational or ceremonial purposes; 3) fires for the prevention and control of diseases and pests; and 4) fires for training personnel in the methods of firefighting.

Section 12. *Glare and Heat.* Glare and heat from any operation or activity shall not be allowed to be radiated, seen or felt at any point beyond limit of the property.

Section 13. *Noise and Vibration.* To protect public health and welfare against nuisance caused by excessive noise, the Municipality of Bayambang in coordination with the DENR and various sectors within the Municipal Government shall set standard for noise reduction at the sources which include but not limited to:

1. Construction;
2. Vehicles, mufflers, stereo system;
3. Pub houses, restaurants and karaoke bars; and
4. Public gatherings such as concerts, rallies, etc..

All noise and vibration-producing machineries shall be enclosed by a building and shall be provided with effective noise-absorbing materials, noise silencers and mufflers and an open yard of not less than twenty (20) meters from the nearest adjoining property planted to dense trees as buffers. To minimize vibrations, machineries should be mounted on shock-absorbing materials.

Section 14. *Tolerable Decibel Levels.* The Municipal Government shall limit sound within its territorial jurisdiction to only up to 60 decibels or as prescribed in the clean air act.

CHAPTER X
QUARRY RESOURCES MANAGEMENT

ARTICLE XXV
GENERAL PROVISION

Section 1. *Scope of Powers.* In addition to the powers, duties and functions of the Municipal Mayor to adopt adequate measures to safeguard and conserve land, mineral, marine, and other resources, the powers of the municipal governments with respect to the management of mineral resources, the Municipality shall:

- a) Enforce Batas Pambansa No. 265 (An Act Prohibiting the Extraction of Gravel and Sand from Beaches and Providing Penalties Thereof);
- b) Issue the following mining permits for: Quarry, Commercial Sand and Gravel, Industrial Sand and Gravel, Exclusive Sand and Gravel, Government Gratuitous, Private Gratuitous, Guano, Gemstone Gathering and Small-Scale Mining pursuant to Sections 71-73, 81 and 88 of DENR Administrative Order No. 40 Series of 1996, as amended and Section 3.4 of DAO 30, Series of 1992;



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- c) Verify and adjudicate conflicts;
- d) Collect fees and charges for the mining permits.

Section 2. Operative Principles. The revenue generation and livelihood functions of mineral resources notwithstanding, but because of the increasing domestic and external demands for the utilization of minerals for infrastructure development and industrial raw materials, and the losses in public welfare associated with unregulated quarrying particularly from the adverse effects of soil erosion, water pollution, destruction of heritage items and unique landscapes and diminution of biological diversity, the Municipal Environment and Natural Resources Management Office (MENRMO) shall regulate the quarrying and utilization of mineral resources in the Municipality.

Section 3. Regulatory Provisions. It shall be unlawful for any person, natural or juridical, to undertake quarrying of minerals without a permit duly issued by the Municipal Mayor; provided that quarrying activities within the Municipality of Bayambang shall be subjected to Environmental Impact Study (EIS) as provided under the Philippine Environmental Impact Assessment System for quarry, commercial/industrial sand and gravel, government gratuitous, guano, gemstone gathering and small-scale mining permits.

The proponent shall secure clearance from the Department of Environment and Natural Resources, Department of Public Works and Highways and/or concerned government agencies and submit to the MENRO copies of Environmental Compliance Certificate, Environmental Impact Study or Initial Environmental Examination, whichever is applicable, for the corresponding permit to be issued.

Section 4. Reversion/rehabilitation of quarry areas. All individuals, partnerships or corporations engaged in exploration, development and exploitation of natural resources or in the construction of infrastructure projects shall be required to restore or rehabilitate disturbed areas to their original condition, if possible or to other beneficial land use acceptable to land owner and/or to the community, pursuant to Section 167 (b) of DENR Administrative Order No. 40, as amended.

CHAPTER XI
MISCELLANEOUS PROVISIONS

Section 1. Municipal Environmental Master Plan. The Local Environment Code of Bayambang shall be translated into an action plan through the Bayambang Environmental Master Plan that will lay the ground work for the appropriate agencies to execute the provisions defined hereof.

Section 2. Restatement of Municipal Ordinances. The provisions and regulatory measures contained in various municipal ordinances are hereby restated, amplified and made part of this code.

Section 3. Effective Evaluation. There shall be installed in every level of responsibility a formal or informal monitoring scheme to determine the extent of accomplishment vis-à-vis the set goals.



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Section 4. *Rights and Obligations Prior to Effectivity of This Code.* Rights and obligations existing on the date of effectivity of this Code and arising of contracts shall be governed by the original terms and conditions of said contracts or the law in force at the time such rights were vested.

Section 5. *Conflict Resolution.* In the resolution of controversies that may arise as a result of the implementation of this Code where no legal or codal provision or jurisprudence applies, resort may be had to the mediation principles under the *Katarungang Pambarangay* Law if applicable or to the traditions in the place where the controversies take place.

Section 6. *Liberal Interpretation of Code.* Any provision of this Code shall be liberally interpreted in favor of the Municipality in the exercise of devolved powers and the general welfare clause under Section 16 of the Local Government Code.

Section 7. *Barangay Environment Codes.* All barangays shall be required to formulate their respective barangay environment codes consistent with the provisions of this Code and other laws pertaining to the protection, conservation, maintenance of the environment. In that respect, barangays may group themselves, consolidate or coordinate their efforts, services and resources for purposes commonly beneficial to them. Further, the Municipality shall extend more adequate technical and material assistance to less developed and deserving barangays.

Section 8. *Rules and Regulations.* Whenever necessary, the Municipal Mayor may create an Implementing Rules and Regulations (IRR) Committee, in consultation with the *Sangguniang Bayan* and upon recommendation of the MENRO Officer, to promulgate rules and regulations to implement more effectively certain provisions of the Code.

Absence of rules and regulations should not in any case cause delay in implementing the code or portions thereof.

Section 9. *Responsibility for Information, Education and Communication.* The MENRO shall take primary responsibility in designing and implementing an Information, Education and Communication Program for public dissemination of all provisions of this Code.

Section 10. *Augmentation Scheme.* The Municipal Government may augment basic environmental services and facilities assigned to barangays where such service/s are not available or inadequate.

CHAPTER XII
FINAL PROVISIONS

Section 1. *Clean-Up Operations.* It shall be the responsibility of the polluter and every person privy to cause pollution to land, air, water and to people be it solid, liquid, toxic or hazardous material or waste to contain, remove and clean-up the affected areas at his own expense to restore said area to condition prior to the incident or better.



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In the event of the polluter's failure to undertake the emergency clean-up operations, the Municipal Government shall undertake containment, removal and clean-up operations and expenses incurred in said operations shall be charged against the persons and/or entities responsible for such pollution.

Section 2. Penal Provisions. Unless otherwise provided in any Section in this Ordinance:

a) Any person who shall violate, disobey, refuse, omit or neglect to comply with any of the provisions or rules and regulations promulgated under this Ordinance shall, *upon conviction by a competent court in this municipality*, be punished with:

- a) First Offense - Five Hundred Pesos (Php500.00) or imprisonment of not more than one (1) month but not less than 20 days or both, at the discretion of the court.
- b) Second Offense - One Thousand Pesos (Php1,000.00) or imprisonment of not more than two (2) months but not less than one (1) month or both, at the discretion of the court.
- c) Third Offense - Two Thousand Five Hundred Pesos (Php2,500.00) or imprisonment of not more than three (3) months but not less than six (6) months or both, at the discretion of the court.

The following shall be imposed to a business establishment for any violation of this Code **upon conviction by a competent court**:

- 1) First Offense - One Thousand Five Hundred Pesos (Php1,500.00) or imprisonment of not less than one (1) month or both, at the discretion of the court.
- 2) Second Offense - Two Thousand Pesos (Php2,000.00) or imprisonment of not less than two (2) months or both, at the discretion of the court.
- 3) Third Offense - Two Thousand Five Hundred Pesos (Php2,500.00) or imprisonment of not less than three (3) months or both, at the discretion of the court and cancellation of business permit.

If the violation is by a business entity, the owner, president, manager, or the most senior officer thereof shall be held liable for the offense.

If the offender is a corporation, partnership or association, the same shall be liable under the proceeding section, as a business establishment or an industry, as the case maybe, which the owner, president, manager, or the most senior officer thereof shall be held liable for the offense.

Section 3. ISSUANCE OF VIOLATION CITATION RECEIPT. Any person who is cited for violation of any provision of this Ordinance shall be issued an Violation Citation Receipt.



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Exempted is a child, who is referred to as a person under the age of eighteen (18) years.

If the offender is a corporation or a partnership, organization or any similar entity, the VCR shall be issued to its President and/or General Manager or Managing Partner and/or General, or such other Officer-in Charge with the management of the business.

Section 4. DEPUTIZATION OF ENFORCEMENT AGENTS. Barangay Officials, including Barangay Tanods are hereby deputized as agents in the enforcement of this Ordinance.

To assist Municipal Law Enforcers, the Municipal Mayor may deputize the members of the Philippine National Police (PNP) assigned in the area of Bayambang as additional agents in the enforcement of this Ordinance.

Section 5. PROCEDURE IN THE ISSUANCE OF VIOLATION CITATION RECEIPT (VCR).

The following procedures shall be observed by any law enforcer in the apprehension of any person who violates any provision of this Ordinance:

- a) Inform the violator of his/her violation;
- b) Issue the VCR, indicating therein the name, address (should be verified) and other pertinent data of the person apprehended, as may be required in the VCR, including the violation;
- c) Inform the violator of his/her right to avail of the No Contest Provision, as provided in Section 6, thereof.

Section 6. No Contest Provision. Persons liable who have been apprehended or cited for violation of any of the prohibited acts of this Ordinance, and who do not wish to contest the violation, and is willing to pay voluntarily the administrative penalty imposed upon him/her for the first and second offenses enumerated in Section 2 prior to the filing of formal charges with the proper court shall be allowed to pay the penalty with the Municipal Treasurer's Office, within five (5) regular business days from apprehension, to avoid being criminally prosecuted. The "No Contest Provision" can no longer be availed for third and subsequent offenses. The Office the Municipal Mayor, through the Municipal Legal Office, shall file the necessary case/s before the proper court in the municipality.

Section 7. Incentive Scheme. The Municipal Government shall give rewards, monetary or otherwise to individuals, private organizations and entities, including non-government organizations, that have undertaken outstanding and innovative projects, technologies, processes and techniques or activities in re-use, recycling and reduction. The purpose of which is to encourage concerned sectors to develop or undertake effective solid waste management, or actively participate in any program geared towards the promotion of better solid waste management.

The MENRO may come up with other incentive scheme to enhance enforcement of the Code.



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Section 8. Applicability Clause. Provisions of such other laws and regulations as they pertain to the subject matters included in this Code, applicable in the Municipality are made integral parts of this Code.

Section 9. Separability Clause. It is the Sanggunian's intent if any section, subsection, clause or provision of this ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, such portion will become a separate provision and will not affect the remaining provisions of this ordinance. The Sanggunian further declares its intent that these provisions of this ordinance would have been adopted if unconditional provision was not included..

Section 10. Repealing Clause. All ordinances, executive orders, proclamations and administrative regulations, or parts thereof, which are inconsistent with any provisions of this Code, are hereby repealed or modified accordingly.


Section 11. Effectivity. This Ordinance shall take effect immediately after approval and upon compliance with the posting and publication requirements.

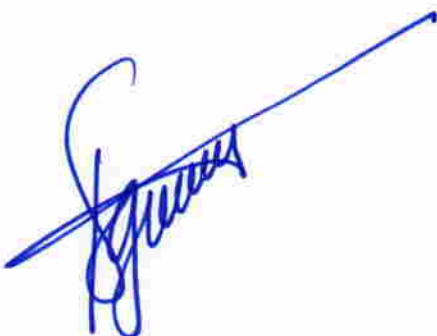
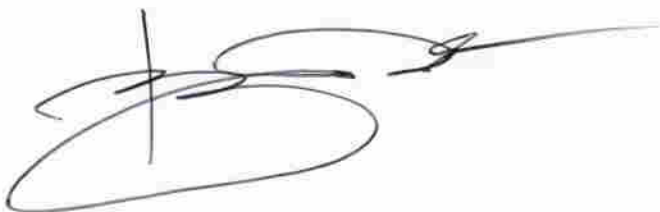
ENACTED this 26th of July 2021.

Certified to be duly adopted and approved:

JOEL V. CAMACHO
Secretary to the Sanggunian

ATTESTED:


HON. RAUL R. SABANGAN
Municipal Vice Mayor &
Presiding Officer





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"AN ORDINANCE ENACTING THE ENVIRONMENT CODE OF THE MUNICIPALITY OF BAYAMBANG, PROVINCE OF PANGASINAN"

WE CONCUR:
SANGGUNIANG BAYAN MEMBERS

HON. MYLVIN T. JUNIO

HON. PHILIP R. DUMALANTA

HON. JOSEPH VINCENT E. RAMOS

HON. BENJAMIN FRANCISCO S. DE VERA

HON. GERARDO DC. FLORES

(absent)
 HON. MARTIN E. TERRADO II

HON. AMORY M. JUNIO

HON. LEVINSON NESSUS M. UY

HON. RODELITO F. BAUTISTA
 Pangulo, Liga ng mga Barangay

HON. GABRIEL TRISTAN P. FERNANDEZ
 President, SK Federation

APPROVED:

HON. CEZAR T. QUIAMBAO
 Municipal Mayor

