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Republic of the Philippines
PROVINCE OF BENGUET
La Trinidad
OFFICE OF THE SANGGUNIANG PANLALAWIGAN

REGULAR MEETING - JUNE 9, 2004

PRESENT: HON. EDNA C. TABANDA, Vice Governor, Presiding Officer
HON. CRESCENCIO C. PACALSO, Board Member
HON. MARVIN D. ATOS, Board Member
HON. MARCIANO T. INSO, SR., Board Member
HON. LISO L. AGPAS, Board Member
HON. JOSEPH A. COSENTE, Board Member
HON. WASING D. SACLA, Board Member
HON. BENJAMIN C. SAGUID, Board Member
HON. JOHNNY S. UY, Board Member
HON. SARIO M. COPAS, Board Member
HON. DANIO L. BOLISLIS, Board Member
HON. EDDIE P. AMUASEN, Liga ng mga Brgy. President, Member
HON. KRISTINE GRACE D. YUBOS, SKF President, Member
HON. WILLIAM H. ESTEBAN, PCL President, Member

ABSENT: NONE

PROVINCIAL ORDINANCE NO. 04-91

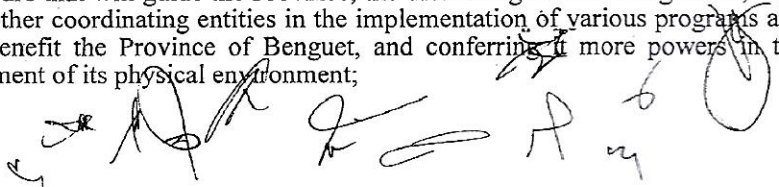
**AN ORDINANCE ENACTING THE LOCAL ENVIRONMENTAL CODE FOR THE
PROVINCE OF BENGUET**

EXPLANATORY NOTE

“WHEREAS, the Provincial Governor of Benguet Province issued Administrative Order No. 2002-42, captioned as: “Reorganizing the Steering Committee and the Technical Working Group tasked to Draft the Environment Code for the Province of Benguet”, reiterating Administrative Order No. 75-2000 and No. 97, earlier issued primarily creating a Technical Committee to prepare a draft of the environment code for the province of Benguet;

WHEREAS, the Local Government Code of 1991, otherwise known as Republic Act 7160, as amended, in consonance with Philippine Agenda 21, or the so called Rio Declaration on Environment and Development, as adopted by several government of the United Nations, devolved some of the responsibilities of the national government to Local Government Units, particularly those pertaining to the management of the environment;

WHEREAS, the enactment of a Local Environment Code for the Province of Benguet, is a necessary and fundamental measure that will guide the Province, the different government agencies, non-government organizations, and other coordinating entities in the implementation of various programs and policies intended or that will benefit the Province of Benguet, and conferring it more powers in the regulation and effective management of its physical environment;



WHEREAS, a draft of the Environment Code for the Province of Benguet was presented by the Technical Working Group and was overwhelmingly accepted by the august Body under Resolution No. 03-306 dated December 12, 2003, considering its importance and timely application in the prevention of environmental catastrophe and degradation; and

WHEREAS, it is of paramount interest that the Province of Benguet charts and manages its own destiny and determines the underlying principles in the implementation of its environmental programs and policies;

NOW THEREFORE,

BE IT ORDAINED BY THE SANGGUNIANG PANLALAWIGAN, IN SESSION ASSEMBLED THAT:

ARTICLE I

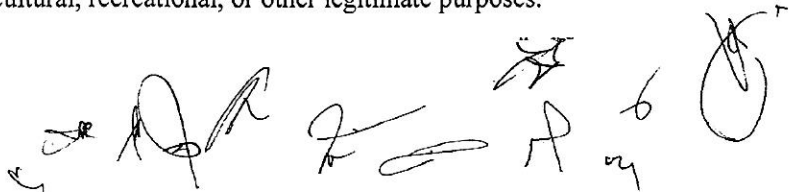
TITLE OF THE ORDINANCE

Section 1. **Title of the Ordinance.** This Ordinance shall be known as the Local Environment Code of the Provincial Government of Benguet and shall be hereinafter referred to as the Code.

Section 1.1 Definition of Terms.

As used in and for purposes of these rules and regulations, the following terms shall mean:

- a. "ACT" refers to RA No. 7160 otherwise known as the Local Government Code of 1991, as amended;
- b. "Ancestral Lands" refers to all lands exclusively and actually possessed, occupied or utilized by Indigenous Cultural Communities by themselves or through their ancestors in accordance with their customs and traditions since time immemorial, and as may be defined and delineated by law.
- c. "Annual Environmental Protection & Enhancement Program" refers to a yearly environmental management work plan based on the approved Environmental Protection & Enhancement Strategy.
- d. "Air Pollutant" means any matter found in the atmosphere either oxygen, nitrogen, water vapor, carbon dioxide and the inert gases in their natural or normal concentrations, that is detrimental to health or the environment, which includes but is not limited to smoke, dust, soot, cinders, fly ash, solid particles of any kind, gases, fumes, chemical mists, steam and radio-active substances.
- e. "Air Pollution" means any alteration of the physical, chemical and biological properties of the atmospheric air, or any discharge thereto of any liquid, gaseous or solid substances that will or is likely to create or to render the air resources of the province, 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 purposes.

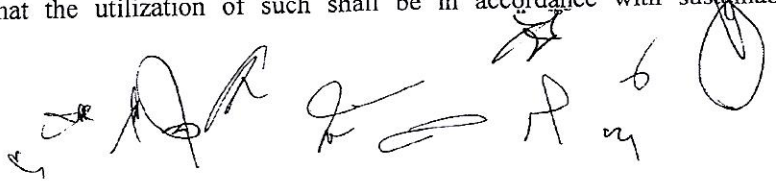
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- h. "Alienable and Disposable" (A & D) Lands refers to those lands of the public domain which have been declared by law as not needed for forest purposes.
- i. "Ambient Air Quality" means the general amount of pollution present in a broad area and refers to the atmosphere's average purity as distinguished from discharge measures taken at the source of pollution.
- j. "Ancestral Domain" refers to all areas generally belonging to ICCs/IPs comprising lands, inland waters, coastal areas and natural resources therein, held under the claim of ownership, occupied or possessed by ICCs/IPs by themselves or through their ancestors, communally or individually since time immemorial, continuously to the present except when interrupted by war, force majeure or displacement by force, deceit, stealth or as a consequence of government projects or any other voluntary dealings entered into by government and private individuals/corporations, and which are necessary to ensure their economic, social and cultural welfare. It shall include ancestral lands, forests, pasture, residential, agricultural, and other land individually owned whether alienable or disposable or otherwise, hunting grounds, burial grounds, worship areas, bodies of water, mineral and other natural resources, and lands which may no longer be exclusively occupied by ICCs/IPs but from which they traditionally had access to for their subsistence and traditional activities, particularly the home ranges of ICCs/IPs who are still nomadic and/or shifting cultivators.
- k. "Ancestral Land" refers to all lands exclusively and actually possessed, occupied or utilized by Indigenous Cultural Communities (ICCs) themselves or through their ancestors in accordance with their customs and traditions since time immemorial, and as may be defined and delineated by law.
- l. "Animal Production Zone" refers to an area in the municipality or province for the production of animals, which may include pasture plants, piggery and poultry.
- m. "Bio-degradable wastes" involves wastes that are easily decomposed due to the action of biological agents such as micro-organisms.
- n. "Biological Diversity" means the variability among living organisms from all sources including terrestrial, marine, and other aquatic ecosystem and the ecological complexes of which they are part; this includes diversity within species, between species and ecosystems.
- o. "Built-up Areas" refers to the portions of land within the municipality or barangay actually occupied as residential, commercial, or industrial areas as embodied in a duly approved land use plan by the appropriate Sanggunian.
- p. "Buffer Zones" are identified areas outside the boundaries of and immediately adjacent to designated protected areas and need special development control in order to avoid or minimize harm to the protected area.
- q. "Carrying Capacity" as it relates to eco-tourism, refers to the number of visitors per unit of time, that an eco-tourist site can accommodate, without unduly affecting the quality of the environment, or causing degradation.



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- p. "Certificate of Ancestral Domain Title" (CADT) refers to a title formally recognizing the rights of possession and ownership of ICCs/IPs over their ancestral domain identified and delineated in accordance with the law.
- q. "Certificate of Ancestral Land Title (CALT)" refers to a title formally recognizing the rights of ICCs/IPs over their ancestral lands.
- r. "Certificate of Non-Coverage" is a certificate issued by the Environmental Management Bureau (EMB) certifying that, based on the submitted project description, the project is not covered by the Environmental Impact Statement (EIS) system and is not required to secure an Environmental Compliance Certificate (ECC).
- s. "Crop Production Zone" refers to the part of the municipality or province specifically designated for crop production.
- t. "Code" shall refer to this Code.
- u. "Commercial Production" refers to the production of sufficient quality of minerals to sustain economic viability of mining operations reckoned from the date of commercial operation as declared by the contractor or as stated in the feasibility studies, whichever comes first.
- v. "Commercial Zone" refers to an area or section of land for the establishment and operation of all forms of businesses.
- w. "Communal Claims" refers to claim on land, resources and rights thereon, belonging to the whole community within a defined territory.
- x. "Communal Forest" refers to a tract of land set aside by the Secretary of DENR upon the recommendation of the concerned LGU for the use of the residents of the municipality/city. Said residents may cut, collect and remove forest products for their personal use in accordance with existing laws, rules and regulations and subject to the provision that utilization of resources therein shall be in accordance with sustainable development. For this purpose, the concerned LGU with the assistance of the DENR shall prepare sustainable operations plan prior to any utilization.
- y. "Community Environment & Natural Resources Office" (CENRO) refers to the DENR office, headed by a Community Environment & Natural Resources Officer appointed by the Secretary of DENR, which is responsible for the implementation of DENR policies, programs, projects and activities and the enforcement of ENR laws and regulations in the community level.
- z. "Community-Based Forest Management Program (CBFMP)" refers to the program involving local communities which integrates and unites the Integrated Social Forestry Program (ISPF), Forestry Sector Program (FSP), Forest Land Management Agreement Program (FLMAP), and other people-oriented forestry projects.
- aa. "Community Watersheds" refers to the forest land set aside by the Secretary of DENR upon the recommendation of the concerned LGU as source of water supply to specific local communities subject to the provision that the utilization of such shall be in accordance with sustainable



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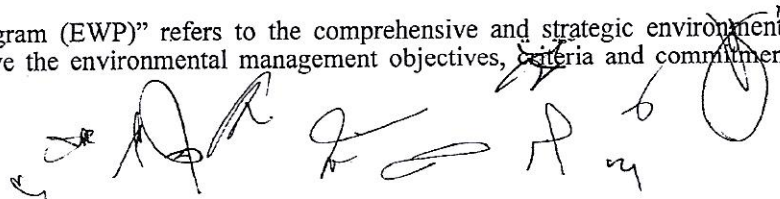
development.

- iii. "Conservation" means the wise-use and optimum utilization of natural resources.
- iiii. "Contractor" means a qualified person acting alone or in consortium who is a party to a Mineral Agreement, Financial or Technical Assistance Agreement, Quarry and Sand and Gravel extraction, and Small-Scale Mining activities and/or operations.
- v. "Contract Area" means land or body of water delineated for purposes of exploration, development, or utilization of minerals found therein.
- vi. "Critical Watershed" refers to a drainage area of a river system, lake or water reservoir supporting existing and proposed hydroelectric power, domestic water supply, geothermal irrigation works, which needs immediate rehabilitation and protection to minimize soil erosion, improve water yield and prevent possible flooding.
- vii. "Customary Laws" refers to a body of written and/or unwritten rules, usages, customs and practices traditionally and continually recognized, accepted and observed by respective ICCs/IPs.
- viii. "DENR" means the Department of Environment & Natural Resources of the Republic of the Philippines.
- ix. "DENRO" refers to the Department of Environment & Natural Resources Officer with power and authority as provided for by law and spelled out in the deputation.
- x. "Devolution" refers to the act by which the national government confers power and authority as provided for by law.
- xi. "Ecological Profile" refers to the geographic-based instrument for planners and decision-makers which presents a description of societal/community attributes (e.g demography) and bio-physical setting including the state of environmental quality and evaluation of the assimilative capacity of an area.
- xii. "Ecological Solid Waste Management (ESWM)" refers to any 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.
- xiii. "Eco-tourism" refers to a nature- based activity managed by the local community with government support whose primary goals are conservation and enhancement of natural resources while providing economic benefits to the local community without endangering the socio- cultural practices of the people; also green or sustainable tourism, i.e., one that respects cultural sensitiveness in an area; should be differentiated from mass tourism, which encourages more economic activities without due regard to carrying capacity considerations.
- xiiii. "Effluent" means any wastewater, partially or completely treated, or any waste liquid flowing out of mining operations, wastewater treatment plants or tailings disposal system.



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- an. "Emission" refers to any act of passing into the atmosphere or air contaminants, pollutant, gas stream and unwanted sound from a known source.
- ao. "Environment" shall include the biological, physical, socio-economic-cultural, political and technological factors to which living micro-organisms, especially human beings, are located. In a limited context, it refers to the bio-physical factors of the total surroundings of human beings and other organisms including the land, water, atmosphere, climate, sounds, odors, tastes, the biological factors of animals and plants and the social factors of aesthetics.
- ap. "Environmental Audit" refers to a systematic, documented verification process of objectively obtaining and evaluating audit evidence (verifiable information, records or statements of facts) to determine whether or not specified environmental activities, events, conditions, management systems or information with audit (policies, practices, procedures or requirements against which the auditor compares collected audit evidence about the subject matter) and communicating the results of this process to the concerned stakeholders.
- aq. "Environmental Compliance Certificate" (ECC) refers to the document issued by the DENR Secretary/Regional Director certifying that based on the representations of the proponents and the preparers (the proponents technical staff or the competent professional group commissioned by the proponent to prepare the EIS and other related documents), as reviewed and validated by the Environmental Impact Assessment Review Committee (EIARC), the proposed project or undertaking will not cause a significant negative environmental impact; that the proponent has complied with all the requirements of the Environmental Impact Assessment System; and that the proponent is committed to implement its approved Environmental Management Plan in the EIS or mitigation measures in the EIA.
- ar. "Environmental Conservation (EC)" refers to any technology, practice or scheme that preserves or conserves the nature of the environment.
- as. "Environment Impact Assessment (EIA)" refers to the process of predicting the likely environmental consequences of implementing projects or undertaking on the physical, biological and socio-economic environment that can be direct, cumulative and positive or negative.
- at. "Environmental Impacts (EI)" refers to the probable effects or consequences of proposed projects or undertaking and designing appropriate mitigating and enhancement measures.
- au. "Environmental Impact Statement (EIS)" refers to the document/s of studies on the environmental impacts of a project including the discussions on direct and indirect consequences upon human welfare and ecological and environmental integrity, the EIS may vary from project to project but shall contain in every case, all relevant information and details about the proposed projects or undertaking, including the environmental impacts of the project and the appropriate mitigating and enhancement measures.
- av. "Environmental Protection" refers to any activity, scheme or practice that aims to sustain or maintain the natural environment setting.
- aw. "Environmental Work Program (EWP)" refers to the comprehensive and strategic environmental management plan to achieve the environmental management objectives, criteria and commitments



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including protection and rehabilitation of the disturbed environment during project implementation.

“Exploration” means searching or prospecting for mineral resources by geological, geophysical, geochemical and/or geographical survey, remote sensing, test pitting, trenching, drilling, shaft, sinking, tunneling or any other means for the purpose of determining their existence, extent, quality and quantity and the feasibility of mining them for profit.

“Farm” refers to a parcel or parcels of land having an: a) aggregate area of at least 1,000 square meters devoted to crops; b) any area regardless of size raising at least ten (10) heads of large animals such as cattle, horse, carabao, etc., regardless of age and kind; c) raising at least twenty (20) heads of small animals such as hog, goat, sheep, etc., regardless of age and kind; d) with at least one hundred (100) heads of poultry regardless of age and kind; and e) with a combination of land areas and animals raised which amounts to at least ten (10) agricultural units. Classification of farm (based on Bureau of Agricultural Statistics) is as follows:

ay1. “Commercial Farm” refers to any farm which satisfies at least one of the following condition:

1. Livestock:

- a) at least twenty-one (21) heads of adult and zero young animals;
- b) at least forty-one (41) heads of young animals; and
- c) at least ten (10) heads of adult and twenty-two (22) young animals.

2. Poultry:

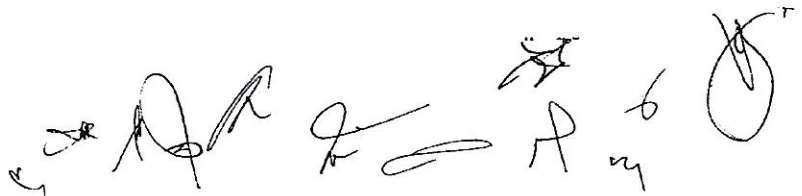
- a) five hundred (500) layers or one thousand (1,000) broilers;
- b) one hundred (100) layers and one hundred (100) broilers if raised in combination; and
- c) one hundred (100) heads of ducks regardless of age.

ay2. “Backyard Farms” refers to any other farm that does not qualify as commercial farm.

“Financial or Technical Assistance Agreement” (FTAA) means a contract involving financial or technical assistance for large-scale exploration, development and utilization of mineral resources.

“Forest Reservation” refers to forest lands which have been reserved by the President of the Republic for any specific purpose/s pursuant to P.D. 705, or by any appropriate law.

“Free and Prior Informed Consent (FPIC)” refers to the consensus of all members of the ICCs/IPs to be determined in accordance with their respective customary laws and practices, free from any external manipulation, interference and coercion, and obtained after fully disclosing the intent and

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- scope of the activity, in a language and process understandable to the community.
- aac. "Guano" refers to the accumulated droppings or excrements of bats in caves and does not include phosphate rocks.
- aad. "Indigenous Cultural Community/Indigenous Peoples (ICC/IPs)" means a group or tribe of indigenous Filipinos who have continuously lived as communities or communally bounded and defined land since time immemorial and have succeeded in preserving, maintaining and sharing common bonds of languages, customs, traditions and other distinctive cultural traits, and as may be defined and delineated by law.
- aae. "Industrial Zone" refers to a section of land or area specifically for the establishment of non-agricultural trades or businesses.
- aaf. "Initial Environmental Examination (IEE)" refers to the document required of proponents describing the environmental impact of, and mitigation and enhancement measures for project or undertakings located in an Environmentally Critical Area (ECA) as listed under Presidential Proclamation No. 2146, series of 1981, as well as other areas which the President may proclaim as environmentally critical in accordance with Section 4 of P.D. No. 1586.
- aag. "Integrated Social Forestry" (ISF) refers to an inter-agency national program created by LOI No. 1260, dated July 28, 1982, designed to promote the socio-economic conditions of forest occupants and communities dependent on forest land for their livelihood, provide land tenure and at the same time protect and improve the quality of the environment.
- aaH. "Lease" is a privilege granted by the State to a person to occupy and possess, in consideration of specified rental, any land of public domain in order to undertake any authorized activity therein.
- aaI. "License" is a privilege granted by the State to a person to utilize natural resources within any land, without any right of occupation and possession over the same, to the exclusion of others, or establish or operate a manufacturing plant, or conducting any activity involving the utilization of the natural resources covered by the licenses.
- aaJ. "Marketing/Trading Zone" refers to an area so designated for the buy and sale of all forms of produce.
- aaK. "Materials Recovery Facility" (MRF) shall include solid waste transfer station or sorting station, drop-off center, a composting facility, and a recycling facility.
- aaL. "Metallic Mineral" means a mineral having a brilliant appearance, quite opaque to light usually giving a black or very dark streak, and from which a metallic element/component can be extracted/utilized for profit.
- aaM. "MENRC" refers to the Municipal Environment and Natural Resources Council.
- aaN. "Mill Tailings" means the materials whether solid, liquid or both segregated from the ores during concentration/milling operations which have no present value to the generator of the same.

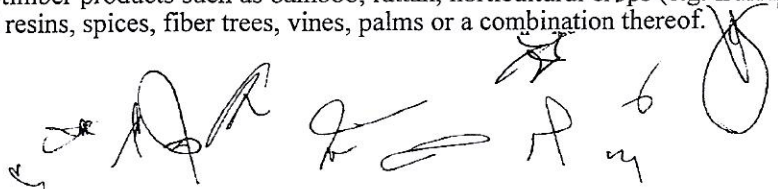
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- xxx. "Minerals" are structurally homogenous solid of definite chemical composition formed by the inorganic processes of nature. This definition includes ice as mineral, but excludes coal, natural oil and gas. The only allowable exception to the rule that a mineral must be solid is native mercury (quicksilver) which is a liquid.
- xxx. "Mineral Lands" means any area where mineral resources as herein defined, are found.
- xxx. "Mineral Processing" means the milling, beneficiation, or upgrading of ores or minerals and rocks or by similar means to convert the same into marketable products.
- xxx. "Mineral Processing Permit" refers to the permit granted to a qualified person for mineral processing.
- xxx. "Mineral Products" means materials derived from ores, mineral and/or rocks and prepared into a marketable state by mineral processing.
- xxx. "Mineral Reservations" refers to areas established and proclaimed as such by the President upon the recommendation of the Director of the MGB-CAR through the DENR Secretary, including all submerged lands within the contiguous zone and Exclusive Economic Zone.
- xxx. "Mineral Resources" means any concentration of ores, minerals and/or rocks with proven or potential economic value.
- xxx. "Ore" means a naturally occurring substance or material from which a mineral or element can be mined and/or processed for profit.
- xxx. "Mine Wastes" means soil and/or rock materials from surface to underground mining operations with no present economic value to the generator of the same.
- xxx. "Mining Application" means any application for mining permit, mineral agreement or financial or technical assistance agreement and mineral processing.
- xxx. "Mining Area" means a portion of the contract area identified by the Contractor as defined and delineated in the Survey Plan duly approved by the concerned Regional Director of the Mines and Geosciences Bureau- Cordillera Administrative Region(MGB-CAR) for purposes of development and/or utilization, and sites for support facilities.
- xxx. "Mining Operations" means mining activities involving exploration, feasibility study, development and exploitation.
- xxx. "Mining Permits" includes exploration, quarry, Sand & Gravel (commercial, industrial & exclusive) gratuitous (government & private), guano, gemstones gathering and small-scale mining permits, Mining Agreement, Financial or Technical Assistance Agreement and Mineral Processing.

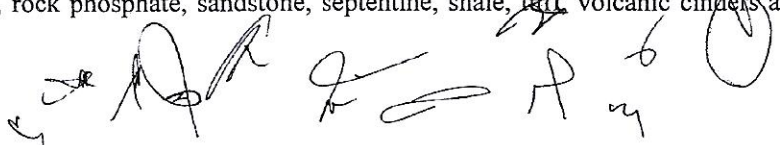


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- aaaa. "Mining Rights" means a right to explore, develop or utilize minerals.
- aaab. "Municipal Waters" includes streams, creeks, lakes, and rivers within the territorial jurisdiction of a municipality that are not subject to private ownership and not included within national park, public forest, timberlands, forest reserves or fishery reserves.
- aaac. "Multi-partite Monitoring Team" (MMT) community-based multi-sectoral team organized for the purpose of monitoring the proponent's compliance with ECC conditions, EMP and applicable laws, rules and regulations.
- aaad. "National Commission on Indigenous Peoples (NCIP) refers to the office created which shall be under the Office of the President, and which shall be the primary government agency responsible for the formulation and implementation of policies, plans and programs to recognize, protect and promote rights of ICCs/IPs.
- aaae. "National Integrated Protected Areas System" (NIPAS) is the classification and administration of all designated protected areas to maintain essential ecological processes and life-support systems, to preserve genetic diversity, to ensure sustainable use of resources found therein, and to maintain their natural conditions to the greatest extent possible as provided for in RA 7586, otherwise known as the NIPAS ACT of 1992.
- aaaf. "Non-bio-degradable wastes" includes all materials that are hard to decompose biologically such as cans and plastic materials.
- aaag. "Non-governmental Organization" (NGO) includes non-stock, non-profit organizations with qualifications, expertise and objectivity in activities dealing with resource and environmental conservation, management and protection.
- aaah. "Nuisance" (Article 694 of the Civil Code of the Philippines) is any act, omission, establishment, business, condition of property, or anything else which:
- (1) Injures or endangers the health or safety of others; or
 - (2) Annoys or offends the senses; or
 - (3) Shocks, defies or disregards decency or morality; or
 - (4) Obstructs or interferes with the free passage of any public highway or street, or any body of water; or
 - (5) Hinders or impairs the use of property.
- aaai. "Organic Farming" refers to a type of farming operation or practice that makes use of decayed materials or animal wastes for fertilizers and usually do away from the use of chemical pesticides.
- aaaj. "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 without any right of occupation or possession therein.
- aaak. "Permittee" means the holder of an exploratory permit.
- aaal. "Production Forest" refers to areas with slope from 0-50 percent (%), developed to supply commercial timber and non-timber products such as bamboo, rattan, horticultural crops (e.g. fruit/nut trees), mangrove, gums and resins, spices, fiber trees, vines, palms or a combination thereof.

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- 11. "Pollution" refers to any alteration of the physical, chemical and/or biological properties of any water, air and/or land resources of the Philippines; or any liquid, gaseous or solid waste; or any production of unnecessary noise or any emission of objectionable odor, as will or is likely to create or to render such water, air and land 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 purposes.
- 12. "Pollution Control Device and Facilities" refers to infrastructure, machinery, equipment and/or improvement used for impounding, or treating or neutralizing, precipitating, filtering, conveying, and cleaning mine industrial waste and tailings, as well as eliminating or reducing hazardous effects of solid particles, chemicals, liquids or other harmful by-products and gases emitted from any facility utilized in mining operations for their disposal.
- 13. "Private Lands" refers to land belonging to any private person or entity which includes alienable and disposable land being claimed by a holder, claimant or occupant who has already acquired a vested right thereto under the law including those whose corresponding certificate or evidence of title or patent has not been actually issued.
- 14. "Public Land" refers to land of the public domain which has not been classified as agricultural land, mineral land, forest or timberland subject to management and disposition or concession under existing laws.
- 15. "Protection Forest" refers to areas regardless of slope which are highly erodible or too rocky for establishment of production forest, developed for the primary objective of establishing vegetative cover to prevent erosion, conserve and produce water, and nurture wildlife.
- 16. "Public Consultation" refers to the stage of public participation at which information is disseminated and opinions gathered in order to ensure that public concerns are fully integrated into the process of environmental impact assessment.
- 17. "Qualified Persons" means any citizen of the Philippines with the capacity to contract, or a corporation, partnership, association or cooperative organized or authorized for the purpose of engaging in mining with technical and financial capability to undertake mineral resources development and duly registered in accordance with law at least sixty per centum (60%) of the capital of which is owned by citizens of the Philippines: Provided, that a legally organized foreign owned corporation shall be deemed, a qualified person for purposes of granting an exploration permit, financial or technical assistance agreement or mineral processing permit. (As per R.A. 7942 otherwise known as the Philippine Mining Act of 1995).
- 18. "Quarrying" means the process of extracting, removing and disposing quarry resources found on/ underneath the surface of public or private land.
- 19. "Quarry Permit" refers to the permit granted to a qualified person for the extraction and utilization of quarry resources on public or private land.
- 20. "Quarry Resources" refers to any common rock or other mineral substances which may be declared quarry resources such as, but not limited to, andesite, basalt, conglomerate, coral sand, diatomaceous earth, diorite, decorative stones, gabbro, granite, limestone, marble, marl, red burning clays for potteries and bricks, rholite, rock phosphate, sandstone, septentine, shale, ~~lava~~ volcanic cinders and

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volcanic glass: Provided, that such quarry resources do not contain metals or metallic constituents and/or other valuable minerals in economically workable quantities: Provided further, that non-metallic minerals such as kaolin, feldspar, bull quartz, quartz or silica, sand and pebbles, bentonite, talc asbestos, barite, gypsum, bauxite, magnesite, dolomite, mica, precious and semi-precious stones and other non-metallic minerals that may later be discovered and which the Director declares to be of economically workable quantities, shall be classified under the category of Quarry Resources.

aaaw. "Recreation Forest" refers to a tract of public forest land, forested or non-forested, and may contain both production and protection forest developed for the additional or primary purpose of providing non-destructive recreational pursuits such as, but not limited to camping, bush walking, bird watching, mountaineering, and nature observations/studies.

aaax. "Residential Zone" refers to an area specifically designated for the establishment of houses for residential purpose.

aaay. "Scoping" refers to the stage in EIS where information and assessment requirements are established to provide the proponent with a scope of work for the EIS.

aaaz. "Small Scale Mining" refers to mining activities which rely heavily on manual labor using simple implements and methods and do not use explosives or heavy mining equipment.

aaaa. "Small-Scale Miners" refers to Filipino citizens who, individually or in the company of other Filipino citizens, voluntarily form a cooperative duly licensed by the DENR to engage, under the terms and conditions of a contract, in the extraction or removal of minerals or ore-bearing materials from the ground.

aaaab. "Soil Conservation" refers to the activity scheme of maintaining or sustaining soil physical and nutrient erosion.

aaaac. "Sloping Agricultural Land Technology" (SALT) refers to a farming operation in sloping areas alternating crop rows or crop alleys with leguminous alleys.

aaaad. "Solid Waste" refers to all putrescible, non-putrescible and discarded materials (excludes human excrement) including but not limited to food waste, rubbish, ashes, street cleanings, dead animals, abandoned vehicles, sewage treatment, sludge in non-liquid form, incineration ash and residue, commercial, industrial, hospital, funeral and agricultural waste whether combustible or non-combustible such as paper, rags, cartons, woods, tin cans, lawn clippings, glass or litter of any kind.

aaaae. "Sustainable Production Technique" refers to any production technology that prolongs the production of crops in an area without degrading the environment.

aaaaf. "Sustainable Traditional Resource Rights" refers to the rights of ICCs/IPs to sustainably use, manage, protect and conserve a) land, air, water, and minerals; b) plants, animals and other organisms; c) collecting, fishing and hunting grounds; d) sacred sites; and e) other areas of economic, ceremonial and aesthetic value in accordance with their indigenous knowledge, beliefs, systems and



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practices.

“Time Immemorial” refers to a period of time when as far back as memory can go, certain ICCs/IPs are known to have occupied, possessed in the concept of owner, and utilized a defined territory devolved to them by operation of customary law or inherited from their ancestors, in accordance with their customs and traditions.

“Watershed” is the total land area that contributes to the flow of a particular water body and drains to a common outlet. The outlet can be another water body, river, lake or the sea. It is a natural system and its boundary can be located on the ground by connecting all the highest points near and around the said water body thereby tracing the ridgeline that separates the flow of water from one river to another.

“Waste Management” includes both solid and liquid waste.

Definition of other terms, not herein specifically defined, may also be based upon accepted definitions through usage or scientific understanding.

ARTICLE II

LEGAL BASIS AND PURPOSE

This Local Environment Code is a legal and policy framework for the holistic management of the environment and natural resources of the Provincial Government of Benguet.

Section 2. Purpose.

- a) Operationalize the powers and responsibilities of the Provincial Local Government Units in Benguet in the attainment of sustainable development goals by instituting legislative measures and reforms that will facilitate the effective implementation of local environmental management programs.
- b) Provide guidance to lower local government units in the exercise of their powers and in optimizing the opportunities as provided for under RA 7160, as amended;
- c) Establish the framework for a holistic management of the environmental and natural resources.

Section 3. Legal Basis or Authority.

This Code is enacted pursuant to the provisions of the 1987 Constitution of the Philippines under Article 11, Section 16 which provides that the state shall protect and advance the right of the people to a balanced and healthful ecology in level with the rhythm and harmony of nature and Republic Act No. 1904, otherwise known as the Local Government Code of 1991 as amended, particularly Sections 2(a), (d), 3(d), (e), (f) up to (m), 5(a), (c), 16, 17, 26, and 27, 33, 34 35, 36, 129, 186, 289 thereof; including Sections 389 (b)(9), 444(b) (3) (vii), and 465 (b) (3) (v), which mandates the Municipal Mayor and the Provincial Governor, respectively to adopt adequate measures to safeguard and conserve land, mineral, marine, forest and other resources; Section 447 (a) (1) (vi), and Section 468 (a) (1) (vi), which provides for the authorities of the Sangguniang Bayan and Sangguniang Panlalawigan respectively, to protect the



environment and impose appropriate penalties for acts which endanger the environment such as dynamite fishing, and other forms of destructive fishing, illegal logging and smuggling of logs, illegal mining, smuggling of natural resources products and 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 4. Objectives.

This Code is enacted for the following objectives:

General:

a) The primary objective is aimed to contribute to the attainment of sustainable development goals and mandating equity in the access to and disposition of natural resources:

1.0. That the utilization, development, protection and conservation of the environment should be managed by the local government units of Benguet in a way, and at a rate, that will enable the communities and constituents to provide for their economic, social and physical well-being/health, while:

1.1. Renewing and sustaining the potential natural resources to meet the future needs of the succeeding generations;

1.2. Safeguarding the life-sustaining capacity of the air, water, land and ecosystems;

1.3. Instituting remedial or mitigating measures to any adverse effects of man made or natural activities on the environment;

2.0. That appropriate weight should be given preferential attention to both the short and long term economic, social, and environmental equity considerations as regards decision on all matters relating to ecological resources' utilization, protection, conservation, restoration and enhancement.

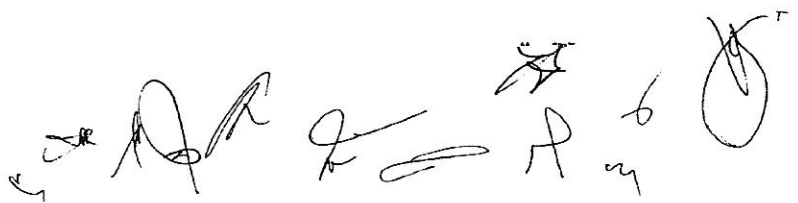
b). Ensuring that all reasonable and practicable measures are taken up by the concerned LGUs in the protection, restoration and enhancement of the quality of the environment with due consideration as regards the principles of ecological sustainable development, and

1.0. To reduce, minimize, if not prevent, where practicable, eliminate the negative and harmful effects to the environment;

1.1. Thru appropriate programs, encourage and assist actions by industries, government authorities and the communities aimed at preventing pollution, clean products operations and technologies, reduction, re-use and recycling of materials and natural resources and waste minimization;

1.2. Regulating through an integrated, systematic and cost effective manner;

1.2.1. Of activities, products, substances and service which through pollution and

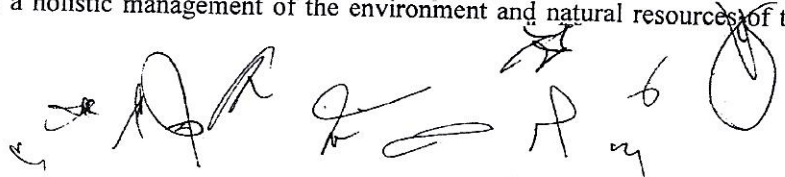


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- production of wastes, cause environmental damage; and
- 1.2.2. To the transportation, storage, generation, treatment and disposal of wastes.
 - 1.3. To coordinate activities, policy and plan formulation necessary to prevent, reduce, minimize or eliminate environmental hazards to ensure effective environmental protection, restoration and enhancement;
 - 1.4 To facilitate the adoption and implementation of environmental protection measures and actions issued and agreed on by both the national and local government units in the province through inter-LGU arrangement for uniformity and effectiveness in environmental protection;
 - 1.5. To require persons, natural or juridical, whose operations involve pollution activities to progressively undergo environmental improvement including among others the reduction of pollutants and wastes at source as such improvements become practicable through technological and economic developments.
 - 1.6. To allocate the costs of environmental protection and restoration equitably and in a manner that encourages responsible utilization of and reduce the harmful effects to the environment wherein polluters cover the external costs that arises from their operations.
 - 1.7. To provide for monitoring, evaluation and reporting the environmental quality on a regular basis to ensure compliance with pertinent environmental laws, rules and regulations as well as the maintenance of record of trends of environmental equity.
 - 1.8 To provide for reporting on a periodic basis the state of the environment.
 - 1.9. To promote (a) industry and community education and involvement in decisions about the protection, restoration and enhancement of the environment, and (b) disclosure of and public access to information about significant environmental incidents and hazards.

Specific:

- a) Operationalize the powers and responsibilities of the Provincial Local Government Units of Benguet in the attainment of sustainable development goals by instituting legislative measures and reforms that will facilitate the effective implementation of local environmental management programs.
- b) Provide guidance to lower level Local Government Units in the exercise of their powers and in optimizing the opportunities as provided for under RA 7160, as amended;
- c) Establish the framework for a holistic management of the environment and natural resources of the province.



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- d) Attain a better quality of life for the provinces' constituents in the context of ecological, social and economic security.
- e) Inform and train the constituents on the environment and natural resources management, as well as the right and duty of local communities to conserve and protect the environment and national heritage.
- f) Establish the necessary mechanism to implement the provisions of this Code.

Section 5. Operating Principles. This Code is based on the vision, mission, goals and objectives of the Province's Sustainable Development Program.

- a) The tapping of the active participation of its constituents will redound to the attainment of self-reliance and sustainable development.
- b) The people are the stewards of nature's God-given gifts for sustainable livelihood.
- c) The enactment and enforcement of laws concerning the protection, conservation and preservation of the environment shall be just and consistent with the laws of nature.
- d) Development activities shall always give impetus and respect to the indigenous culture and practices of its people including, among others, gender and population concerns consistent with environment-friendly and ecologically-balanced principles.
- e) The sustainable economic development of the Province urges the judicious use of its natural resources with an equitable access in accordance with existing laws, and
- f) The Province's constituents have the right to be informed and involved to participate in all activities pertinent to the sustainable utilization, protection, conservation and preservation of its natural resources.

Section 6. Declaration of Policy. Cognizant of the fact that the earth's resources are finite, generally, it has been increasingly recognized that natural resources are being dissipated faster than what it can be replenished naturally and the environment is deteriorating alarmingly because of the wanton disposal of wastes and the alteration and the disruption of ecological cycles. These environmental problems are the direct result of the growth of human population and consequently, the growth of economies, then expansion of human settlements and economic activities, and the drive for increasing affluence. Indirectly, environmental problems also arise because of too little awareness and concern among resource users and inefficient legislation or inaction amongst the institution that have been entrusted to protect the integrity of the environment.

Considering the management of the environment and natural resources within the province transcends municipal boundaries, it is hereby declared the policy of the Provincial Government of Benguet to secure such for the use and enjoyment of the present and future generations of its constituents to support the sustainable development requirement of the Province.



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ARTICLE III
POPULATION

Section 7. Operative Principles

Recognize the need for a rationale balance among Population, Resources, Environment and Development (PRED Dynamics).

The province recognizes the need for education and information on population pressures but respects the options of couples or partners to manage the growth of their respective families.

Section 8. Basic Policies

The Provincial Population Office and municipal/ barangay health stations are encouraged to have information materials and counseling services on reproductive health, responsible parenthood and population management.

The clientele/community are encouraged to avail of these services to promote their health and contribute to a healthy and clean environment.

ARTICLE IV
LAND RESOURCES

Section 9. Policy Directions. Land and its based resources are vital elements of global life. They are valuable for the preservation of all life and the perpetuation of economic benefits for man. The economic and ecological stability of these resources are being threatened by a host of pressures. These includes increasing population, extraction of more resources and imbalances in spatial distribution; increasing affluence and changing consumption patterns; growth and settlements and industries; the discharge of more waste products, and natural phenomenon.

Section 9.1 State of the Resources.*

Mun.	Income Class	Barangays	Area (DENR-CAR)	2000 Population
Atok	4 th class	8	13,904	16,657
Bakun	4 th class	7	24,100	12,213
Bokod	4 th class	10	44,175	11,705
Buguias	4 th class	14	19,597	33,177
Itogon	1 st class	9	43,000	46,705
Kabayan	5 th class	13	18,011	12,344
Kapangan	5 th class	15	13,843	18,137
Kibungan	4 th class	7	19,496	15,036
La Trinidad	1 st class	16	6,230	67,963
Mankayan	4 th class	12	13,365	34,502
Sablan	5 th class	8	9,296	9,652
Tuba	2 nd class	13	31,904	38,336
Tublay	5 th class	8	8,617	13,672
Total		(13)	265,538	330,129

Land Resources: (Area in Hectares)

Classified Forest Lands -----	111,860
Forest/watershed reserve -----	65,743
Timberland -----	23,361
Civil reservation -----	15,215
National Parks -----	6,987
Military Reservation -----	554
Unclassified forest land -----	65,781
Sub-total -----	177,641
Alienable & Disposable (A & D) lands -----	87,897
Agricultural lands -----	12,965
Built-up areas -----	2,931
Open areas -----	69,713
Others/etc. -----	2,288
Total Land Area -----	265,538

Source: DENR-CAR, ENR Regional Development. Plan for Medium Term
1993-1998 and DA-BSWM, Land Resources Evaluation Project, 1993.

Mineral Land -----	28,500.3101
Patented Mining Claims -----	1,305.3114
Mining Lease Contracts -----	4,320.5104
Mineral Production Sharing Agreements -----	11,444.3990
Industrial Sand and Gravel Permits -----	29.30
Patentable Mining Claims -----	11,400.7889

Mineral Land Municipal Distribution

Municipality	Patented	Lease Contract	MPSA	ISAG permit	Patentable
Atok	-	249.9456	-	-	-
Bakun	-	810.00	-	-	171.00
Bokod	-	-	-	-	519.9609
Buguias	-	-	-	-	-
Itogon	984.4098	1,333.5127	3,572.9852	-	5,715.7883
Kabayan	-	-	-	-	-
Kapangan	-	-	-	-	-
Kibungan	-	-	-	-	243.00
La Trinidad	-	-	-	-	-
Mankayan	320.9016	1,598.0175	5,041.18	-	1,149.1045
Sablan	-	-	-	-	-
Tuba	-	293.0958	2,830.2342	29.3	2,846.3329
Tublay	-	-	-	-	755.6023
TOTAL	1,305.3144	4,320.5104	11,444.3994	29.30	11,400.7889

Source: MGB-CAR

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* Subject to final resolution/settlement of boundary dispute.

Section 10. Forest Resources

Section 10.1 Scope of powers. Pursuant to the provisions of the Local Government Code of 1991 (RA 7160), as amended. Guidelines for the Transfer and Implementation of DENR Functions to the LGU's (DAO 30, s. 1992) and Joint Memorandum Circular 98-01 Manual Procedures for the DENR, DILG, LGU partnership on devolved and other forest management functions are hereby enumerated as follows:

a. FOR THE PROVINCE

Enforcement of forestry laws in community-based forestry projects, local watershed areas and communal forests such as, but not limited to the following:

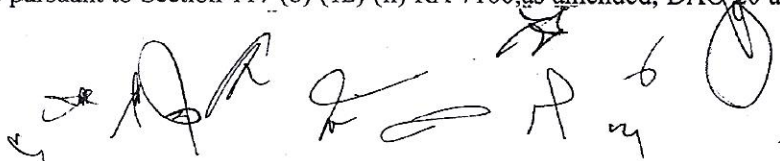
- i. Prevention of forest fires, illegal cutting of trees and kaingin making
- ii. Apprehension of violators of forest laws, rules and regulations
- iii. Apprehension of forest products illegally extracted from the community-based forestry project areas, local watersheds and communal forests.
- iv. Apprehension of conveyances, equipment and other implements used in the commission of offenses in the community-based project areas, local watershed areas and community forests which are penalized under P.D. 705 as amended by E.O. 277 series 1987 and other forestry laws, rules and regulations.

b. FOR THE MUNICIPALITY

1. Implementation of the following community-based forestry projects pursuant to the provisions of DAO 30 series 1992 and JMC 98-01:

- 1.i. Integrated Social Forestry Projects (ISF), currently funded out of regular appropriations, except at least one project per province that shall serve as research and training laboratory as identified by the DENR and those areas located in protected areas and critical watersheds.
- 1.ii. Establishment of new regular reforestation projects, except those areas located in protected areas and critical watersheds.
- 1.iii. Completed family and community-based contract reforestation projects subject to policies and procedures prescribed by DENR.

Management and control of communal forest with an area not exceeding fifty (50) square kilometers or five thousand (5,000) hectares, provided that the concerned LGUs shall endeavor to convert said areas into community forestry projects pursuant to Section 117 (b) (12) (ii) RA 7160, as amended, DAO 30 and JMC 98-01.



-Management protection, rehabilitation and maintenance of community watersheds which are sources of local water supply.

-Establishment, protection and maintenance of tree parks, greenbelts, pursuant to Section 17 (b) (2) (ii) RA 7160, as amended and other tourist attractions in areas identified and delineated by the DENR, except those within protected areas and the collection of fees for their services and the use of facilities established therein, pursuant to Section 3.2 DAO 30, s. 1992.

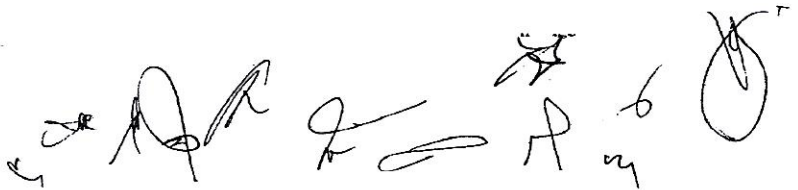
- Implementation of the Rehabilitation in Conservation Hotspots (RICH) project and the Conservation of Rare Endangered Species (CARE) project in areas identified and delineated by the DENR pursuant to DAO 30, s. 1992.

- Regulation of the sale of flora outside NIPAS areas, including industries and businesses engaged in their propagation and development such as orchidaria and nurseries, except export and import; provided, that these businesses and industries are registered with the DENR for monitoring purposes pursuant to Section 3.2 (b), DAO 30, s. 1992.

Section 10.2. Governing Laws. The pertinent forestry provisions of this Code shall be governed by, but not limited to, the following National laws:

- a. RA 7160 (Local Government Code of 1991) as amended;
- b. Presidential Decree No. 705 as amended otherwise known as "The Forestry Reform Code of the Philippines";
- c. JMC 98-01 - Manual Procedures for DENR-DILG-LGU partnership as devolved and other forest management functions;
- d. LOI 1260 - Integrated Social Forestry Program (ISFP);
- e. Republic Act 7586 - National Integrated Protected Areas System (NIPAS);
- f. DAO No. 30, series 1992- Guidelines for the transfer and implementation of DENR functions devolved to local government units;
- g. EO 247 series 1995- Prescribing guidelines and establishing a regulatory framework for the prospecting of biological and genetic resources, their by-products and derivatives for scientific and commercial purpose and other purposes;
- h. EO No. 263 - Adopting Community-Based Forest Management as the national strategy to ensure the sustainable development of the country's Forest Land Resources and providing mechanisms for its implementation.

Section 10.3. Operative Principles. The timber needs of the people of Benguet shall be derived from their respective communal forests, tree plantations in titled lots, Alienable and Disposable, Community-Based Forest Management Agreement and Ancestral Lands/Domains.

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Section 10.4. Development of Production Forest. In order to provide adequate raw material stocks to meet the increasing household, infrastructure, agricultural and industrial demand for timber firewood and minor forest products of commercial value, the Governor of the Province of Benguet shall encourage all city, municipal, and barangay officials to encourage also their constituents to develop idle titled lands, alienable and disposable lands and ancestral lands/domains to tree plantations to augment timber resources coming from existing communal forests but not limited to other areas devolved to the local government.

Section 10.5. Operative Principles. The forest resources in Benguet Province provide the basic needs of the people for economic, ecological, aesthetic, scientific and educational aspect. More importantly, the forests contribute in retaining life forms by providing oxygen. Several factors such as deforestation, slash and burn system of farming, illegal logging and other activities that contribute to the alarming rate of environmental destruction have been some of the culprit. Biodiversity is also prevalent which needs to be protected and conserved.

As such, appropriate policies in ensuring the conservation and preservation of what remains of our forest resources have to be crafted and vigorously implemented. Such policies should conform with the indigenous practices of the Benguet people.

It is hereby declared that the Governor shall exercise his executive powers to provide leadership over constituent municipalities and any component city that will be created hereinafter to ensure the perpetual existence of adequate forests and forest resources for the use and enjoyment of the people of Benguet through local government-driven, inter-agency and multi-sectoral forest resource management.

Further, forest management initiatives of the various local government units of Benguet Province shall be consistent with the following principles:

- a. Other basic needs such as lumber, firewood of the people of Benguet shall be met through the legislation of local policies to the regulation of such forest resources.
- b. The water needs of the Benguet constituents shall not be sacrificed.
- c. Recognition of Indigenous practices in forest management shall be taken into consideration in the formulation of such policies.
- d. Natural forest, wildlife and landscapes shall be managed for its scientific research and education, recreation and ecological tourism aspects such as major catalysts for the conservation of biological diversity and the preservation of its unique, natural and cultural heritage.

Section 10.6. Retention of an ample amount of timber stand within production forests for protection purposes. All trees situated on slopes of over fifty percent (50%) including those within twenty (20) meters from both sides of rivers and within ten (10) meters from both sides of roads and highways shall be retained to serve as protection of forests. The Governor shall provide assistance to city/municipal governments in the formulation of appropriate ordinances in the implementation of this particular provision.



Section 10.7. Management of Protection Forests. All measures shall be adopted to actively share responsibility with the national government, particularly the DENR, in securing the perpetual existence of all native flora and fauna in the province. The Governor shall adopt measures to assist the DENR towards enabling the Protected Area Management Boards (PAMBs). As provided for under RA 7586, particularly in the immediate delineation, establishment and operationalization of strict protection zones, habitat management zones, cultural zones and recreation zones. The ultimate aim in the management of protection forests is for sustained water production.

Section 10.8. Provincial Land Use Committee (PLUC) Review. Pursuant to Article VI, Section 27 of this Code, all government and non-government agencies are hereby required to submit to the PLUC prior to the submission to the Sangguniang Panlalawigan, for approval, all development and investment plans, programs and proposals affecting forest resources. Henceforth, no forest resources management, development, utilization or processing projects, lease, license, agreement or usufruct permits shall be issued by national government agencies without prior consultation and consent of the local government units.

Section 10.9. Annual Investment Plan. Upon approval of this Code, the municipal and provincial budget allocations for forest management shall be included in the annual investment plans. Provided, that such investments are in accordance with the Medium Term Investment Plan.

Section 10.10. Acts prohibited and punishable under this Code shall include, but not limited to the following:

- a. Indiscriminate illegal cutting of trees in both private and public forests.
- b. Taking, cutting, catching, possessing, taming, selling, killing and transporting of ecologically important flora and fauna such as but not limited to: cloud rat, Benguet lily (*lilium philippinensis*), deer, orchids (lady slipper's) pitcher plant (*nepenthes spp*), etc. in the territorial jurisdiction of Benguet.
- c. Hunting by means of traps, and any hunting paraphernalia in the entire province of Benguet.

Section 11. WATER RESOURCES

Section 11.1. Scope of Powers. In addition to the powers, duties and functions of the Punong Barangay, Municipal Mayor, and Provincial Governor to adopt adequate measures to safeguard and conserve land, mineral, marine, forest and other resources, as provided under Sections 389(b)(9), 444(b)(3)(v), and 465 (b)(3)(v), respectively, other specific powers of local government units in the management of water resources are enumerated in Section 17, RA 7160, as amended, as follows:

- a. For a barangay: pursuant to Section 17(b)(1)(iii) and (v), services related to general hygiene and sanitation and maintenance of water supply systems, respectively;

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- b. For a municipality: water and soil resource utilization and conservation projects, and inter-barangay irrigation system, (ii) communal irrigation, small water impounding projects and other similar projects, artesian wells, spring development, rainwater collectors and water supply systems, seawalls, dikes, drainage and sewerage, and flood control pursuant to Section 17(b)(2)(i) and (viii), respectively; and management, protection, rehabilitation and maintenance of small watershed areas which are sources of local water supply as identified or to be identified by the DENR, pursuant to Section 3.1(c), DAO 30, series of 1992;
- c. For the province: enforcement of forestry laws and other laws on the protection of the environment, and mini-hydro electric projects for local purposes pursuant to Section 17(b)(3)(iii), RA 7160, provision of inter-municipal waterworks, drainage and sewerage, flood control, and irrigation systems, pursuant to Section 17(b)(3)(viii), RA 7160, as amended;

Section 11.2. Governing Laws. The water resources provisions under this Code shall be governed by, but not limited to, the following national laws:

- a. RA 7160 - Local Government Code of 1991 as amended
- b. Presidential Decree No. 1067- Water Code of the Philippines of 1976
- c. DENR Administrative Order 34, series of 1990 - Revised Water Usage and Classification/ Water Quality Criteria Amending Section Nos. 68 and 69, Chapter III of the 1978 NPCC Rules and Regulations
- d. DENR Administrative Order No. 35, series of 1991 - Revised Effluent Regulations of 1990 Revising and Amending the Effluent Regulations of 1982
- e. Republic Act No. 6969 - Toxic Substances and Hazardous and Nuclear Waste Control Act of 1990
- f. Presidential Decree No. 984 - National Pollution Control Decree of 1976.
- g. Presidential Decree No. 825 - Providing Penalty for Improper Disposal of Garbage and Other Forms of Unsanitary Practices and for Other Purposes
- h. Presidential Decree No. 856 - Code on Sanitation of the Philippines, 1975
- i. Presidential Decree No. 1198 - Requiring all individuals, partnerships or corporations engaged in the exploration, development and exploitation of natural resources or in the construction of infrastructure projects to restore or rehabilitate areas subject thereof or affected thereby to their original condition

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Section 11.3. Operative Principles. Water resources in the province shall be managed (a) for the primary purpose of meeting indefinitely the basic requirement for potable water of all residents of Benguet and for sustained agricultural production and (b) for the secondary purpose of securing, the availability of adequate supplies of water for the growing industrial, recreational and commercial development activities through water resources pricing, institution of local water pollution control legislation, and the establishment of the Benguet Network of Watersheds (BNW), as provided under Section 1.1.(aaay) of this Code. Further, it is hereby declared the policy of the provincial government that water resources in the province shall be equitably shared and that no municipality shall be deprived of safe and clean water.

Section 11.4 Establishment of a Water Resources Trust Fund. There is hereby created a Water Resources Trust Fund for the sole purpose of supporting municipal programs or projects for the rehabilitation of water production areas within the Benguet Network of Watersheds as provided under Section 33 of this Code. The trust fund, which shall comprise all amounts denominated as "share of national wealth" from the operation of water utilities by national government agencies and instrumentalities, shall be managed and administered by the Governor upon recommendation of the multi-sectoral Water Resources Advisory Committee, as provided under Section 11.7 of this Code, and in accordance with the provision of the existing national laws. Henceforth, all such unexpended amounts and future allocations shall accrue to the Water Resources Trust Fund in accordance with national laws.

Section 11.5. Designation of Priority Watersheds for Protection.

a.) Pursuant to Par. 2(b) Section 9 of this Code, the Benguet Network of Watersheds (BNW) shall be managed and governed by provincial laws, rules and regulations, subject to national laws, for the purpose of securing the water requirements for the sustainable development of Benguet.

b.) Establishment and Extent of the BNW. Within one (1) year upon effectivity of this Code, the Governor shall, in close collaboration with the DENR and concerned municipal governments, barangay councils, and Protected Area Management Boards, study and review each watershed initially composing the BNW as to its suitability or non-suitability for the purpose of determining the specific areas strictly needed for water production purposes.

Upon completion of the study and review, the Governor shall submit to the Sangguniang Panlalawigan a map and technical description of boundaries of each of the water production areas in each watershed together with his recommendations for the Sangguniang Panlalawigan to declare, set aside and maintain the aforesaid areas as strict protection zone for the purpose of water production.

For the purpose of this Code, only the strict water production areas in each of the aforementioned watersheds shall comprise the Benguet Network of Watersheds and therefore excludes all other lands within the component watershed that are not needed for water production.

c) Additional Areas to the BNW. The Governor shall propose to the Sangguniang Panlalawigan the inclusion in the BNW those watersheds established by the municipal governments in accordance with Section 12(c) of this Code, including additional watersheds which the Governor deems to require strict protection for water production purposes.

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d) Disestablishment of Watersheds. When, upon the recommendation of the majority members of the concerned Sangguniang Bayan and, if applicable, the members of the concerned Protected Area Management Board, a certain watershed within the BNW or portions thereof should be withdrawn or disestablished, or its boundaries modified, the disestablishment thereof shall take effect pursuant to an act of the Sangguniang Panlalawigan.

e) Buffer zones. When necessary, there may be established peripheral buffer zones of the strict water production area to protect the same from activities that will directly or indirectly harm it; provided, that the establishment of peripheral buffer zones shall be in the same manner as the Sangguniang Panlalawigan established the strict water production area.

Section 11.6. Water Resources Management Plan. The Governor shall, together with the Municipal Mayors, concerned Protected Area Management Boards, national government agencies, local water districts, and private sector groups formulate a strategic management plan for the Benguet Network of Watersheds. Upon recommendation of the multi-sectoral Water Resources Commission (WRC), as provided in Section 33 of this Code, the Governor may undertake preparation of the plan either by administration or by commissioning qualified professional consultancy services in accordance with law. In this regard, a monitoring team will be created to regulate the withdrawal of water in highly urbanized areas to avoid adverse effect on the stability of the area.

The plan shall be based, among others, on the following:

- a) Inventory and classification of water bodies in accordance with Presidential Decree 1067 and DENR Administrative Order No. 34, series of 1990 for the purpose of determining appropriate uses, protection measures needed and water quality standard to be applied;
- b) Characterization of the status of priority watersheds in terms of water producing capacity, water quantity, water quality and use;
- c) The measures to be implemented to improve water quality and production capacity of the watershed (e.g. formulation of a monitoring team to regulate the withdrawal of water in highly urbanized areas to avoid adverse effect on the stability of the area);
- d) The appropriate institutional arrangements to be established for managing the watersheds;
- e) The investment requirement, duration and revenue generating measures to be implemented; and
- f) Appropriate policy incentives and regulations to ensure that the watershed is managed in a sustainable manner.

Section 11.7. Water Quality Monitoring. Within nine (9) months upon effectivity of this Code, the Governor shall organize and maintain the continuous and effective operation of a 9-member multi-sectoral Water Resources Committee (WRC) to be composed of the Governor as Chairman and the National



Irrigation Administration (NIA), Department of Environment and Natural Resources (DENR), National Power Corporation (NPC), Philippine Atmospheric Geographical and Astronomical Services Administration (PAG-ASA), Department of Agriculture (DA), Department of Science and Technology (DOST) and Provincial Health Office (PHO) as members, including two (2) representatives of non-government organizations as appointed by the Governor. The Committee shall be vested with the following duties and responsibilities:

- a) Establish the number and location of province-wide water sampling stations based on proximity to human settlements and possible sources of pollution. The sampling stations shall include coastal areas, estuaries, rivers, community deep wells, artesian wells, aquifers, and similar bodies of water as determined by the Committee.
- b) Conduct regular sampling and cause the analysis of samples collected using the parameters, standards, and procedures established by national laws. The priority parameters to be measured shall include biochemical oxygen demand (BOD), total suspended solids (TSS) and total coliform.
- c) Release of the monitoring result to the public particularly to the municipalities and barangays concerned.
- d) In coordination with the Provincial Mining Regulatory Board, monitor the impact on water resources of all mining operations in the province.
- e) Assist national government agencies in the enforcement of anti-pollution laws including Presidential Decree No. 984, DENR Administrative Order 34 (Revised Water Usage and Classification Water Quality Criteria) and DENR Administrative Order No. 35 (Revised Effluent Regulations of 1990) and Republic Act No. 6969 (Toxic Substances and Hazardous and Nuclear Waste Control Act of 1990).
- f) Organize industrial firms and tourism establishments in the province so that they can share water pollution reduction techniques, work as a group with the government and non-governmental organizations on pollution reduction.
- g) Advise the Governor on policy requirements to safeguard water resources in the province.
- h) Recommend to the Governor the allocation of the Water Resources Trust Fund as provided under Section 30 of this Code.
- i) Prepare and recommend to the Governor annual work and financial plans for the operation of the Committee.

Section 11.8. Protection of Public Water Infrastructures. The Governor shall identify the component watersheds of the BNW which are presently supporting small hydroelectric projects, inter-municipality waterworks and irrigation systems as well as those which are potential sites of similar projects and assist the municipal governments prepare management plans thereof. The Governor shall ensure that engineering works and infrastructure projects within the province do not have adverse effect on water quality.



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Section 11.9. Protection of Riverbanks, Easements, Rights-of-Way, and Greenbelts. The Governor shall adopt adequate measures for establishing clearance and greenbelts along river banks as prescribed by law, to recover easements as provided in DENR Administrative Order 05, series of 1997 and Presidential Decree No. 1067 which provide that banks of rivers throughout their entire length and within a zone of three (3) meters in urban areas, twenty (20) meters in agricultural areas and forty (40) meters in forest areas, along margins are subject to easement for public use in the interest of recreation, navigation, drainage, fishing and salvage.

Section 11.10. Drainage Systems. The Governor shall adopt necessary measures to ensure that adequate municipal and barangay drainage systems are established and maintained to prevent the negative effects of all types of effluents on both surface and underground water quality. The Governor shall also provide assistance to municipalities for the purpose of ensuring that solid wastes are properly disposed off for the protection of water resources.

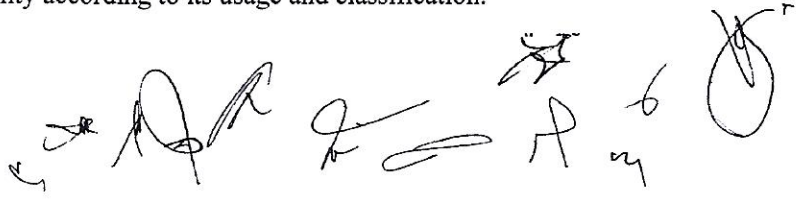
Section 11.11. Organic Farming and Soil and Water Conservation. The Governor shall assist municipalities in the implementation of community-based forestry projects for the purpose of instituting improved soil and water conservation techniques and generate resources to implement the measures. Likewise, the Governor shall promote the use and application of organic farming techniques among farmers and utilize all its powers to enforce the laws governing the use of prohibited agricultural chemicals.

Section 11.12. Health and Sanitation Measures. The Governor shall adopt appropriate measures to assist municipal governments improve environmental sanitation by expanding the use of sanitary toilets for waste disposal. Such assistance shall if necessary include, but not limited to, direct investments in public health education and strict enforcement of the National Building Code (PD1096).

Section 11.13. Water Usage and Classification. The provisions of DENR Administrative Order No. 34, series of 1990, otherwise known as the Revised Water Usage and Classification and Water Quality Criteria, and amendments thereto, are hereby adopted.

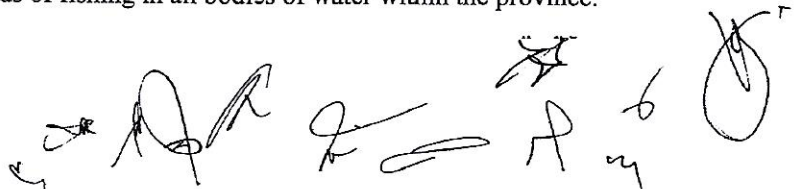
Section 11.14. Prohibited and Punishable Acts. The Sangguniang Panlalawigan, in consultation with the various municipalities of Benguet and the DENR, shall, within one (1) year upon effectivity of this Code, enact a unified ordinance for the purpose of defining the penalties and sanctions for acts in violation of the provisions of this Code, such as, but not limited to, the following:

- a) No person shall operate and maintain any collection system, sewage disposal system, treatment facility or wastewater treatment facility unless the same is provided with adequate and effective treatment and covered by a current and valid permit issued by the Municipal Mayor.
- b) No industrial or domestic sewage shall be discharged into Class AA and Class SA waters, as defined under DENR Administrative Order No. 34, Series of 1990.
- c) In order to avoid deterioration of the quality of a Receiving Water Body (RWB), no industrial plant with high waste load potential shall discharge into a body of water where the dilution or assimilative capacity of said water body during dry weather condition is insufficient to maintain its prescribed water quality according to its usage and classification.



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- d) No person shall discharge, wholly or partially, untreated or inadequately treated industrial effluents directly into bodies of water or through the use of bypass canals and/or pumps and other unauthorized means.
- e) No industrial or manufacturing plant shall be operated without control facilities of wastewater treatment system in good order or in proper operation.
- f) No industrial or manufacturing plant or source of pollution shall be operated at capacities beyond the limits of operation or capability of wastewater treatment facility in order to maintain the effluent quality within the standards or pertinent conditions required by law and/or as stipulated in the permit to operate.
- a) No person shall build, erect, install or use any equipment, contrivance or any means the use of which will conceal and/or dilute an effluent discharge and which otherwise constitute a violation of the provisions of this Code.
- b) The construction of houses and other physical structures within the seashore or banks of rivers shall be governed by existing laws.
- c) No person shall develop a stream, lake, marshland or pond for recreational or commercial purposes without first securing a permit from the National Water Resources Council and the local government chief executive, in addition to an Environmental Compliance Certificate issued by the DENR.
- d) No person shall raise or lower or cause the raising or lowering of the water level of a stream, river, aquifer, lake, marsh or pond, nor drain the same without the necessary government clearances and/or permits.
- e) Impounding of water in large amounts such as to prejudice downstream or upstream users shall be prohibited.
- f) No person shall drill a well without a permit from the National Water Resources Council and the local government chief executive, in the case of subterranean waters; provided, that in no case shall ground water be extracted if this will result to the deterioration of critically important surface waters; provided, further, that the Governor through the proper national government agency shall reserve the right to revoke or cancel any permit for the extraction of groundwater if this is found to be detrimental to its sustainability or inimical to other higher priority water uses.
- g) The construction or setting up of any structure, temporary or otherwise, that would destroy the scenic value of natural waterways or result to the disruption of water flows shall be prohibited.
- h) Dumping of tailings and sediments from mining and quarrying operations, including land developments, e.g. subdivisions, roads, and other infrastructures as well as farm water carrying pesticide residues, is hereby banned and therefore prohibited.
- i) No person shall be allowed to use poisonous substances, dynamites, electrical gadgets and other deleterious methods of fishing in all bodies of water within the province.

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Section 12. MINERAL RESOURCES

Section 12.1. Scope of Powers – In addition to the powers, duties and functions of the Punong Barangay, Municipal Mayor, and Provincial Governor to adopt adequate measures to safeguard and conserve land, mineral, marine, forest and other resources, as provided under Sections 389(b)(9), 444(b)(3)(vii), and 465 (b)(3)(v), respectively, the powers of the Local Government Units in respect to the management of mineral resources are provided under Section 26 and Section 27, RA 7160, as amended (consultations and prior consent required), in addition to the powers of the Province as provided in Section 17(b)(3)(iii) and Section 138, RA 7160, as amended and Section 43, RA 7942 (Philippine Mining Act of 1995).

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

- a) Enforcement of PD 1899 s.1984 and Republic Act No. 7076 (the Small-Scale Mining Act of 1991);
- b) Issuance of permit for collection of guano pursuant to Section 3,4(b), DAO 30, series of 1992 and extraction of quarry resources on privately owned lands and/or public lands for building and construction materials pursuant to Section 43, RA 7942 and Section 138, RA 7160, as amended;
- c) Verification and adjudication of conflicts and collection of fees and charges for guano collection and the extraction of sand, gravel and other quarry resources; and
- d) DENR Administrative Order No. 95-23, series of 1995, as amended by AO No. 96-40, series of 1996, the "Revised Implementing Rules and Regulations of the Philippine Mining Act of 1995".

Section 12.2. Governing Laws. The pertinent mineral resources provisions of this Code shall be governed by, but not limited to, the following national laws and regulations:

- a) RA 7160 (Local Government Code of 1991), as amended
- b) Republic Act No. 7942 (Philippine Mining Act of 1995)
- c) Republic Act No. 7076 (Small Scale Mining Act)
- d) DENR Administrative Order No. 95-23, series of 1995, as amended by DAO 96-40, series of 1996, the "Implementing Rules and Regulations of the Mining Act of 1995.
- e) Presidential Decree 1899, series of 1984 (Small Scale Mining Law)
- f) Republic Act 8371 (IPRA Law), specifically Administrative Order No. 3 section 3(g) FPIC- Free and Prior Informed Consent

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- g) DENR Administrative Order No. 2002-04 or the rules and regulations governing the issuance of permits to treasure hunting, shipwreck/sunken vessel recovery and disposition of recovered treasures/valuable cargoes including hoarded hidden treasures

Section 12.3. Operative Principles. The revenue generation and livelihood functions of mineral resources notwithstanding, the increasing domestic and external demands for the utilization of minerals for infrastructure development and industrial raw materials, and losses in public welfare associated with unregulated mining and quarrying particularly from the adverse effects of soil erosion, water pollution, destruction of heritage items and unique landscapes and erosion of biological diversity. The regulatory powers of the Provincial Mining Regulatory Board (PMRB) is hereby adopted and reaffirmed.

Section 12.4. Regulatory Provisions. It shall be unlawful for any person, natural and juridical, to undertake quarrying and mining of minerals without a permit or license duly issued by the Governor or appropriate agency having authority and jurisdiction thereof, provided that:

- a. No license, lease, agreement, and/or permit shall be issued by other government agencies or the Governor without the prior area clearance and/or consent of the concerned municipal officials or Sanggunians, as the case may be. In this regard, the provisions of *Section 10 of Memorandum Order No. 99-34, series of 1999, regarding the clarificatory Guidelines in the Implementation of DENR Administrative Order No. 96-40 or the Revised Implementation Rules and Regulations of R.A. No. 79-42 otherwise known as the Philippine Mining Act of 1995 be adopted.

*"Section 10, Prior Approval by the Sanggunians"

"Prior approval or indorsement by any two (2) concerned Sanggunians (Panlalawigan, Bayan and Barangay) shall be required in support to mining applications intended for development and/or utilization purposes and in case of mining applications intended for exploration, a proof of consultation with project presentation shall be in the form of Resolution or Certification by the concerned Sanggunians."

- b. Such prior clearance shall not apply to a private land owner to permit entry and quarrying over his/her land for personal or commercial use. Provided, that there is adequate proof of ownership over the land and subject to compliance with all the mandatory requirements under existing laws, rules and regulations.

In case the applicant/s is/are not land owner(s), an Area Clearance from the concerned Government Agencies/Local Government Units that maybe affected by the permit application or written permission from the landowner(s) and surface owner(s) of the area applied for be required as additional supporting document in the application.



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- c. All mineral resources extraction activities involving metallic and/or non-metallic mineral within the Province of Benguet shall be subject to prior compliance of the Environmental Impact Assessment System under the Philippine Environmental Impact Assessment System.
- d. No extraction or removal of minerals shall be allowed within a distance of one (1) kilometer from the boundaries of reservoirs established for public water supply, archaeological and historical sites and any public or private works or structures, unless prior area clearance of the agency or owner concerned is obtained.
- e. Prior to extraction, all permittees shall be required to secure business permits from concerned municipalities; and
- f. The provincial government may enter into a Memorandum of Agreement with concerned local government unit providing for direct remittance of the share due to the municipality and barangay.

Section 12.5. Exploitation of Quarry Resources. Sand, gravel and other quarry resources within the province may be exploited only through a permit issued exclusively by the Governor under an ordinance of the Sangguniang Panlalawigan pursuant to Section 43, RA 7942 and Section 138, RA 7160, to a qualified person provided that all individuals, partnerships or corporations engaged in the exploration, development and exploitation of natural resources or in the construction of infrastructure projects shall be required to restore or rehabilitate areas subject thereof or affected thereby to their original condition, pursuant to Presidential Decree No. 1198.

Section 13. Livestock

a. Land Livestock Resource

Section 13.a.1. Governing Laws. The provisions of this code shall be governed by, but not limited to Republic Act No. 8485, otherwise known as "The Animal Welfare Act of 1998".

Section 13.a.2. Operative Principles. The Provincial Government recognizes that the livestock industry in the province, although considered backyard in nature, has valuable contribution in the economic, cultural health, ecological, scientific and educational services, sustaining the life and development of its people. In recognition of the increasing demand for livestock commodities, it is hereby declared the policy of the provincial government to provide leadership over constituent municipal governments to ensure adequate and sound livestock resources for the use and enjoyment of its people through local government driven, inter-agency and multisectoral livestock production management.

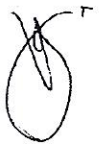
The Provincial government, municipal governments, barangay councils, inter-agency and multisectoral groups must support and encourage integrated livestock management practices and activities as follows:

- a. Owners of dogs or other animals known to be carriers or vectors of rabies are required to submit and subject their animals for anti-rabies vaccinations and are required to pay fees prescribed thereof;

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- b. Persons selling, donating and shipping animals to and out of the territorial jurisdiction of Benguet must secure a shipping permit from the municipality concerned or Provincial local government unit;
- c. Owners of large animals (cattle and carabao) are required to subject their animals for branding;
- d. All municipal local government units are required to put up their own slaughter houses;
- e. All animals for slaughter must undergo ante-mortem and post-mortem examinations;
- f. Owners of dogs, cats, cattles and carabaos are required to subject their animals for registration;
- g. All municipal local government units are required to conduct yearly animal population survey;

b. Waste Management Livestock

Section 13.b.1. Governing Laws. Refer to Section 44 of this Code.

Section 13.b.2. Operative Principles. In consideration of the ever-increasing level of economic activities to include livestock production, the level of wastes is proportionately increasing creating an adverse impact to our environment. Considering eco-tourism and agro-industrialization as the provinces' development strategy, it is therefore declared a policy of the province to encourage and support the waste management programs of the province, municipal and barangay level.

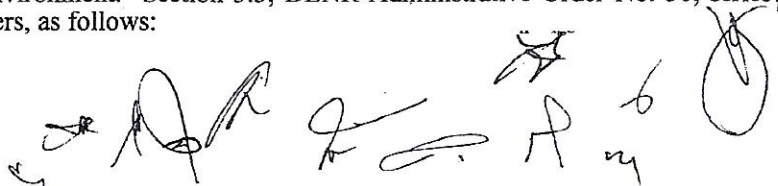
The provincial policy shall include the following:

- a. Establishment of low cost biogas digester "Tubular Polyethylene Digester" for backyard swine raisers is being promoted in the province as a means of promoting environmental sanitation. Materials will be purchased by owners;
- b. All individuals interested to establish commercial farms are required to secure an Environmental Compliance Certificate from the DENR Office; and
- c. Chicken dung and other livestock manures must be properly packed before it is transported to its destination either for sale or direct use.

ARTICLE V

AIR AND NOISE POLLUTION MANAGEMENT

Section 14. Scope of Powers. The powers on air and noise pollution control are vested in the provincial government, pursuant to Section 17(b)(3)(iii), and refer to enforcement of pollution control laws and other laws on the protection of the environment. Section 3.3, DENR Administrative Order No. 30, series, of 1992 also provides specific powers, as follows:

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- a) Enforcement of the following pollution control and environmental laws, rules and regulations: (1) issuance of Environmental Compliance Certificate (ECC) for projects and businesses under Kalakalan 20; adjudication of cases involving complaints against businesses under Kalakalan 20; and apprehension and testing of smoke-belching vehicles and collection of appropriate fees and charges;
- b) Abatement of noise and other forms of nuisance; and
- c) Implementation of Cease and Desist Orders issued by the Pollution Adjudication Board.

Section 15. Governing Laws. This portion of the Code shall be governed by, but not limited to, the following national laws:

- a) Republic Act No. 7160 (Local Government Code of 1991) as amended
- b) RA 8749 - The Philippine Clean Air Act of 1999 and DENR-DAO 2000-81.

Section 16. Operative Principles. The provincial government recognizes that, unless appropriate protective measures are in place, the agro-industrial development of the province will be associated with the production of increased amounts of air and noise pollutants thereby inevitably threatening the health and well-being of the people of Benguet, particularly from the increased utilization of fossil fuels by motor vehicles and industries. Pursuant to Section 17, RA 7160, the provincial government reaffirms its authority to enforce pollution laws and assist the DOTC over the testing and apprehension of smoke belching vehicles and abatement of noise and nuisance in accordance with law.

Section 17. Vehicle Emissions Control. The Governor, in coordination with the Land Transportation Commission (LTC) and the DENR, shall establish a permitting system to ensure that the emission of vehicles and industries operating within the province are in accordance with standards provided under Presidential Decree No. 1181, entitled "Providing for the Prevention, Control and Abatement of Air Pollution from Motor Vehicles and for Other Purposes". If necessary, the Governor shall allocate funds for the acquisition and maintenance of emission testing equipment.

Section 18. Industrial Pollution Control. The Governor, in close collaboration with the DENR, shall ensure that the industrial firms operating within the province comply with the air quality standards, periodically test the emission of industrial firms, and establish adequate capability to respond positively to citizen complaints on air and noise pollution.

Section 19. Zoning Clearances and Building Permits. The municipal governments shall be responsible in evaluating the noise generating potential of infrastructure projects as part of the processing of zoning clearance and building permits. All projects, which generate potential noise and vibration levels contrary to ambient noise level standards established by the Department of Health, shall be required to install soundproofing devices and eliminate vibration.



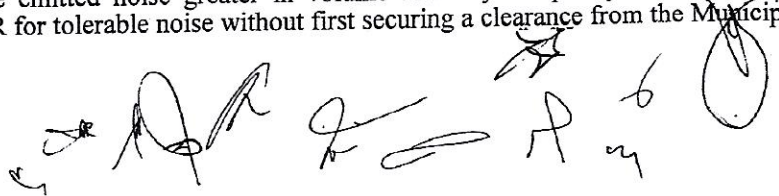
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Section 20. Ambient Air Quality and Noise Level Monitoring. When necessary, the Governor, in close collaboration with the DENR shall establish, operate and maintain noise and ambient air quality sampling and monitoring stations, the result of which shall be released to the public particularly to communities living near and around emission sources.

Section 21. Information and Education. The Governor shall implement a continuing program on education and information dissemination on air and noise pollution as an integral part of the pollution control policy of the provincial government.

Section 22. Acts Prohibited and Punishable Under this Code shall include but not limited to the following:

- a) Causing, permitting, suffering or allowing the emission of particulate matter from any source whatsoever, including but not limited to, vehicular movement, exportation of materials, construction, alteration, demolition or wrecking or industry related activities as loading, storing or handling without giving reasonable precautions to prevent the occurrence of such condition. Neither shall such person cause or permit the discharge of visible fugitive dust emissions beyond the boundary line of the property from which the emission originates.
- b) Storing, dumping, handling, processing, unloading or using in any process or installation, volatile compounds or organic solvents without applying known vapor emission control devices or systems deemed necessary and approved and ordered by the Governor and the appropriate national government agency.
- c) Operating plant or source at capacities that exceed the limits of operation or capability of a control device to maintain the air emission within the standard limitations as provided under existing national laws, rules and regulations.
- d) Building, erecting, installing or using any article, machine, equipment or other contrivance, the use of which will conceal emission which would otherwise constitute a violation of any of the provision of this Code.
- e) Any person intending to build, erect, or install later any chimney, from or through which air impurities may be emitted, shall obtain a prior approval from the Governor. This requirement shall not apply for a chimney serving a private residence.
- f) It shall be unlawful for any operator of a vehicle to allow it to discharge air pollutants at levels greater than the acceptable concentration standard prescribed by the National Government.
- g) Causing, allowing or permitting the discharge of air pollutants that cause or contribute to an objectionable odor.
- h) Building, erecting, constructing, installing or implanting any new source, operate, modify, or rebuild an existing source, or by any means cause or undertake any activity, which would result in ambient noise level higher than the ambient standards. Neither shall such person emit or cause to emit or suffer to be emitted noise greater in volume intensity or quality than the levels prescribed by the DENR for tolerable noise without first securing a clearance from the Municipal Mayor.

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- i) Causing or permitting the creation of any unnecessary noise through the use of any device on any street adjacent to any hospitals, schools, or courts of justice.

ARTICLE VI

LAND USE POLICY AND GUIDELINES

Section 23. Scope of Powers. The powers, duties and functions of the Municipal Mayor and Provincial Governor to adopt adequate measures to safeguard and conserve land, mineral, marine, forest and other resources, are provided under RA 7160, as amended, 444(b)(3)(vii), and 465(b)(3)(v), respectively. The more specific powers are provided in Sections 447(a)(2)(vii to ix), and 468(a)(2)(vii), RA 7160, as amended, for the Sangguniang Bayan and Sangguniang Panlalawigan, respectively.

The provisions contained herein presents the extent to which the provincial government can influence the preparation of municipal Comprehensive Land Use Plans (CLUPs) for the purpose of integration of environmental conservation measures in the formulation of CLUPs at the provincial and municipal levels.

Section 24. Governing Laws. The legal basis for undertaking the preparation of CLUPs at the provincial, city and municipal levels stem primarily from the specific provisions of the following national laws:

- a) RA 7160, the Local Government Code of 1991, as amended;
- b) Executive Order No. 72, series of 1993, which reaffirms the specific provisions of RA 7160, as amended, on the need for LGUs to prepare their CLUPs and prescribes the review and approval process thereof.
- c) Proclamation No. 2146, which declares certain areas and types of projects as environmentally critical and therefore within the scope of the environmental impact statement system established under Presidential Decree 1586.
- d) Republic Act No. 7279, the "Urban Development and Housing Act of 1992".

Section 25. Operative Principles. It is hereby required that the preparation of CLUPs shall, as far as practicable, utilize watershed planning approaches. In order to arrest further degradation of environment and natural resources in the province, the Governor and the Mayors of Benguet shall formulate their CLUPs on the basis of compatibilities between land capabilities and land uses. In particular, land classes shall be allocated for specific land uses, and land use guidelines formulated thereby, primarily on the basis of land conservation constraints but not on the basis of their productivity or non-productivity in order to prevent or minimize the recurrence and the adverse effects of, among others:

- a) Soil erosion, siltation and sedimentation, ground instability and destruction of critical habitats;
- b) Reduction or loss of productivity of agricultural lands;
- c) Destruction of municipal fishery grounds and decline in fish catches per capita;

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- d) Unauthorized appropriation of river banks and public easements for residential, commercial and industrial uses, and
- e) Destruction of natural heritage assets due to mining and quarrying activities in unauthorized areas.

Section 26. Basic Policies. In consideration of the provisions of (a) Republic Act 7586, or the NIPAS Act of 1992, (b) the need to improve the forest cover, and (c) the conservation of mossy or mangrove forests of the province, the Governor shall issue circulars or directives for the purpose of incorporating in the municipal CLUPs the corresponding forest land use plans, including municipal waters, for the management of production and recreation forests for commercial purposes, maintenance of productivity of municipal waters and protected areas for the production of water, conservation of wildlife, provision of livelihood opportunities, conservation of biological diversity and natural heritage areas, and maintenance of forest cover, respectively. As such, the Mayors shall actively engage the cooperation of the DENR in the preparation of their CLUPs.

Section 27. CLUP Formulation. Henceforth, the preparation and formulation of comprehensive land-use plans shall be undertaken with the full participation of community residents and other concerned offices (e.g. MGB/DENR for comprehensive geohazard identification and assessment in all municipalities. To achieve this end, no CLUP whatsoever shall be given due course by the Sangguniang Panlalawigan unless such plans are endorsed in writing through a Resolution of each barangay council and Municipal Development Council of every municipality before being acted upon by the concerned Sangguniang Bayan. The Governor, upon recommendation of the Provincial Planning and Development Coordinator, shall include a budget request in the Annual Investment Plans as may be deemed necessary for the provision of technical assistance to municipalities in order to accomplish this provision of the Code.

Section 28. Compatibility of Provincial and Municipal Land Use Plan. The Governor, upon recommendation of the Provincial Planning and Development Coordinator and the Benguet Environment and Natural Resources Officer (BENRO), shall issue pertinent guidelines for the purpose of rationalizing provincial and municipal land use plans.

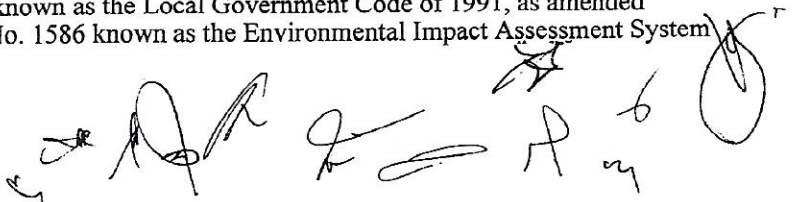
ARTICLE VII

ENVIRONMENTAL IMPACT ASSESSMENT

Section 29. Scope of Powers. The implementation of environmental impact assessment by local government units refers to the powers, duties and functions of the Municipal Mayor and Provincial Governor to adopt adequate measures to safeguard and conserve land, mineral, marine, forest and other resources, as provided under Sections 444(b)(3)(vii) and 465(b)(3)(v), respectively. Likewise, the power to enforce laws for the protection of the environment is provided in RA 7160, as amended, Section 17(b)(2)(ii) and Section 17(b)(3)(iii) to the municipal and provincial, respectively.

Section 30. Governing Laws. The pertinent laws governing environmental impact assessment are:

- a) Presidential Decree 1152, entitled "Philippine Environmental Code"
- b) RA 7160, otherwise known as the Local Government Code of 1991, as amended
- c) Presidential Decree No. 1586 known as the Environmental Impact Assessment System

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Section 31. Operative Principles. The provincial government recognizes the need for an effective instrument for ensuring environmental soundness of agro-industrial and eco-tourism projects thereby maintaining a rational and orderly balance between economic growth and community development in the province and, as such, hereby adopts the Environmental Impact Statement (EIS) system provided under Presidential Decree No. 1586.

Specifically, the following basic processes for ensuring environmental soundness of all development projects as identified under PD 1586 are hereby adopted:

- a) Scoping as defined in Section 1.1 aay of this Code.
- b) Environment Impact Statement (EIS) Document Preparation and ECC Approval – The stage in the EIS system wherein an Environmental Impact Assessment (EIA) or an EIS or an Initial Environmental Examination (IEE) containing studies on the environment impacts of a project including the discussions on direct and indirect consequences upon human welfare and ecological and environmental soundness. The EIS may vary from project to project but shall contain in every case all relevant information and details about the proposed project or undertaking, including the environmental impacts of the projects and the appropriate mitigating and enhancement measures.

As a matter of provincial government policy and in order to ensure the social acceptability of the project as provided in DENR Administrative Order (DAO) 96-37, series of 1996, the Governor shall fully exercise his powers to ensure that “public hearing” shall be conducted when required for all projects that falls under an Environmentally Critical Project (ECP) pursuant to Proclamation No. 2149, as a condition precedent to ECC issuance.

- c) Benguet Environment Monitoring Team (BEMT) - There is hereby created a seven-member multipartite BEMT, which shall be organized and headed by the Governor or his duly authorized representative each from the host municipal government, DENR, project operator/developer, the Sangguniang Panlalawigan’s Environment Committee Chairman and two (2) on-call members from the private sector as determined by the Governor on a project-specific bases. The BEMT shall not only monitor the EIS System (PD 1586), PD 984, RA 6969 but other related environmental laws being implemented by the LGU and of the devolved functions of the DENR to the LGU and should be in pursuant to projects covered by an EIS document or in consonance to the rules and regulations implementing PD 1586.

Section 32. Functions of the Benguet Environment Monitoring Team . The team shall monitor projects covered by the EIS System without ECCs within Benguet and report to EMB-CAR for appropriate action and to participate as member in the Muli-partite Monitoring Team (MMT) pursuant to EIS documents. Further, the team shall:

- a) Participate in scoping activities. Under the provision of DAO 96-37, all major key player in the scoping shall sign on the agreed upon scope of participation of stakeholders thus, this validated the scoping report.



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- b) Assist the project proponent/EIS preparer in the consummation of the EIS documents.
- c) Participate in the preparation of EIS document, pursuant to Section 66 of this Code. It shall be noted that EMB-CAR is the agency mandated by law to conduct EIA review (procedural and substantial or as the case maybe with the participation of a designated EIARC).
- d) Review the Environment Impact Assessment and IEF documents, as provided in Section 67 of this Code.
- e) Participation in public consultation and hearing, as provided in Section 68 of this Code.
- f) Participate in law enforcement, as provided in Section 69 of this Code.
- g) Conduct regular inventory of establishments, as provided in Section 70 of this Code.
- h) Submit written monthly status reports to the Governor for MMT should be in accordance to the provisions of DAO 96-37.

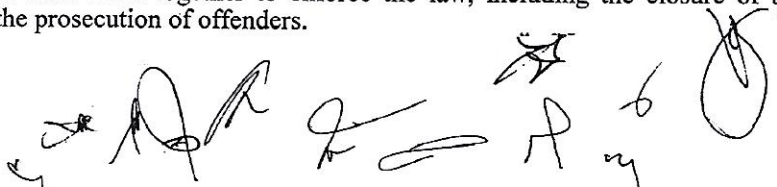
Section 33. Validation of Scoping Sessions. The Governor, through the EIA Monitoring Team as provided in Section 64 of this Code, shall review the documentation of the scoping session and as required by law, validate its authenticity by signing it. Likewise, the Governor shall assist EIA preparers in identifying the stakeholders who should be involved in the scoping sessions. The Governor also shall participate in scoping activities as defined under Section 3 (aa) of Article 1 of DAO 96-37.

Section 34. Participation in the Preparation of EIS Document. The Governor, through the Benguet Environmental Monitoring Team (BEMT) as provided in Section 64(c) of this Code, shall assist would-be project proponent in identifying the potentially affected population, assessing the demand and needs of the affected population, providing the EIA preparers with pertinent data, attending meetings and workshops organized by the EIA preparers, articulating the potential impacts which may affect public interest, and ensuring that the proposed project is consistent with the provincial policies and plans.

Section 35. Review of Environment Impact Assessment and Initial Environment Examination. The Governor, through the BEMT as provided in Section 64 (d) of this Code, shall review all the EIA and IEE done in the province. Upon recommendation of the team, the Governor may procure the services of experts to validate the findings of the study or conduct another EIA. The Governor's power does not in any way deprive the exercise of review power of appropriate National Agencies in their provinces.

Section 36. Participation in the Public Consultation and Hearing. The Governor, through the EIA Monitoring Team as provided in Section 64 of this Code, shall attend public consultation and public hearing on the conduct of the EIA, be informed of new issues which arise, and articulate the views and concerns of the provincial government.

Section 37. Law Enforcement. The Governor, through the EIA Monitoring Team as provided in Section 64 of this Code, and the DENR shall work together to enforce the law, including the closure of the establishments and projects and the prosecution of offenders.

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Section 38. Inventory of Establishments. The Governor, through the EIA Monitoring Team as provided in Section 64 (g) of this Code, and the DENR shall conduct an annual inventory of existing establishments and projects within the province to ascertain whether these have complied with the IEE as required under this Code and the EIA and ECC requirements as defined by law.

Section 39. IEE Compliance for Projects Not Covered by the EIA System. All projects defined under PD 1586 which are proposed to be undertaken in Benguet, including those not required by national law to secure ECC and therefore not covered by the EIA System pursuant to PD 1586, shall be subject to an Initial Environmental Examination (IEE), in addition to submissions of additional environmental safeguards pursuant to DENR Administrative Order No. 37, series of 1996; provided, that the Governor shall issue a circular identifying those projects not covered by the EIA System which shall be subject to IEE in accordance with this provision; provided, further, that the Governor shall also submit his proposed measure for legislative enactment to the Sangguniang Panlalawigan, including recommendations for sanctions, penalties, and/or charges for violation of this provision, within nine(9) months upon effectivity of this Code.

Projects not covered by the EIS System and thus outside of its purview are not required to submit an IEE, according to law. Thus, projects falling under the Kalakalan 20 and projects prior to 1982, except for expansions, are not covered and are thus issued Certificate of Non-Coverage.

Section 40. Environmentally Critical Areas. Within nine (9) months upon effectivity of this Code, the Governor in close collaboration with the DENR shall identify the location of Environmentally Critical Areas (ECA), as defined in DENR Administrative Order 37, series of 1996 and other national laws for the purpose of integrating the identified ECA in the provincial physical framework plan.

Section 41. Training. The members of the EIA Monitoring Team shall be required to undergo training on the different aspects of monitoring work as prescribed by law.

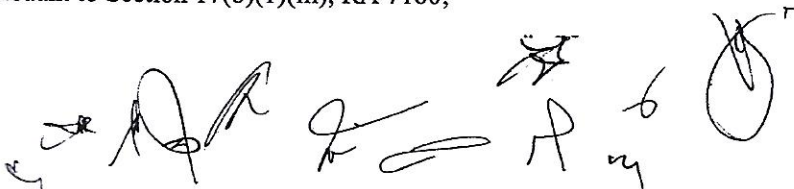
Section 42. Environmental Guarantee Fund. The Governor, through the EIA Monitoring Team as provided in Section 64 of this Code, shall participate in the negotiation and review of the Memorandum of Agreement (MOA) between the project developer and concerned parties as prescribed by law for the establishment of an Environmental Guarantee Fund (EGF) for projects creating significant public risk.

ARTICLE VIII

SOLID WASTE MANAGEMENT

Section 43. Scope of Powers. In addition to the powers, duties and functions of the Punong Barangay, Municipal Mayor, and Provincial Governor to adopt adequate measures to safeguard and conserve land, mineral, marine, forest and other resources, as provided under Sections 389(b)(9), 444(b)(3)(vii), and 465 (b)(3)(vii), respectively, the local government units shall also provide the following services and facilities in waste management:

- a) For barangays, services and facilities related to general hygiene and sanitation, beautification and waste collection, pursuant to Section 17(b)(1)(iii), RA 7160;

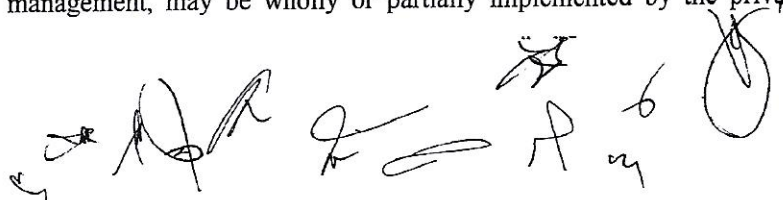
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- b) For the Municipal Governments of Benguet, waste disposal system or environmental management systems and services related to general hygiene and sanitation, pursuant to Section 17(b)(2)(vi);
- c) For the Provincial Government of Benguet, enforcement of pollution control laws and other laws on the protection of the environment pursuant to Section 17(b)(3)(iii); and

The type of wastes covered under this Code include household, commercial/industrial, farm agricultural, institutional, medical and miscellaneous and specialized wastes, such as sludge generated from sewage treatment plants, ash from incinerators, residues from combustion, street sweepings, construction debris and dead animals.

Section 44. Governing Laws. The initiatives of the provincial government on Ecological Solid Waste Management (ESWM) shall be consistent with existing national laws, namely:

- a) Presidential Decree 825, otherwise known as the Garbage Disposal Law of 1975, prohibiting littering in public places and making it the responsibility of residents, institutions, and commercial and industrial establishments to clean their surroundings, including streets and canals adjacent to their properties. It further provides for penalties for the improper disposal of garbage and other forms of unsanitary practices.
- b) Presidential Decree 856, otherwise known as the Code of Sanitation of the Philippines, prescribing requirements for refuse collection and disposal systems by food establishments in cities and municipalities.
- c) Presidential Decree 1152, entitled "Philippine Environmental Code". It requires the preparation and implementation of a waste management program in all cities and municipalities. Specifically, it provides that waste disposal shall be by sanitary landfill, incineration, composting and other methods as may be approved by a competent government authority.
- d) Republic Act 6969, also known as the Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990.
- e) Republic Act 7160, also known as the Local Government Code of 1991 as amended, which provides for the devolution of certain environmental powers and responsibilities to the local government units, including the preparation and enforcement of their respective waste management programs.
- f) Section 2238, of the Revised Philippine Environment Code, which stipulates the general powers of city and municipal councils to enact ordinances and make such regulations on health and safety for the comfort and convenience of the community and the protection of property therein.
- g) Republic Act 6957, as amended by RA 7718 (Build-Operate-Transfer Law) which provides that infrastructure and development projects normally financed and operated by the public sector such as that for waste management, may be wholly or partially implemented by the private sector.

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h) Republic Act 9003 - Ecological Solid Waste Management Act of 2000.

Section 45. Operative Principles. The provincial government recognizes that the steadily increasing level of economic activities and population growth in the urban and rural areas would lead to an increase in the volume of wastes and adverse impact on the health of our population and Benguet's fragile ecosystems. Pursuant to Section 3(1), Republic Act 7160, as amended, and in consideration of eco-tourism and agro-industrialization as our key development strategy, it is therefore the declared policy of Benguet to encourage and support the Ecological Solid Waste Management (ESWM) programs of city and municipal governments and barangay councils.

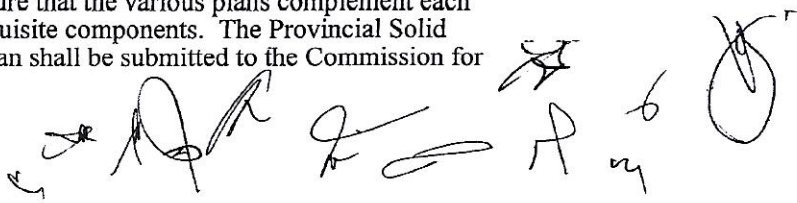
Section 46. Ecological Solid Waste Management System. As guide for interventions, the provincial government hereby adopts the ESWM system as recommended by the Ecological Solid Waste Management Commission. Accordingly, the system shall be composed of the following functional elements:

- a) Waste Generation. Includes activities that lead to the identification and understanding of the sources, amounts, nature, type and characteristics of wastes generated. This component covers the reduction, reuse, and recycling (3 R's) of wastes at source.
- b) Handling and On-site Storage. Handling of waste after generation includes sorting, shredding, composting, bailing and compaction and placement of waste materials into their corresponding storage containers and the movement of these stored wastes to the collection points.
- c) Collection, Transfer and Transport. This involves gathering of wastes and hauling them to transfer stations or to final disposal sites.
- d) Processing and Recovery. Includes size reduction, magnetic separation, density separation using air classifier and other processes and operations designed to recover and produce usable materials.
- e) Disposal . This is the final step of the IWM system. The most common and widely accepted final disposal is the use of the sanitary landfill.

Section 47. Creation of the Provincial Solid Waste Management Board.

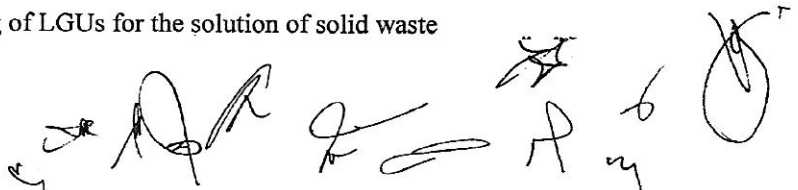
At the provincial level, a Provincial Solid Waste Management Board (PSWMB) shall be established with the governor as the chair. Within six (6) months upon effectivity of the Implementing Rules and Regulations of Republic Act 9003, all LGUs are mandated to already establish their respective Boards. The Department, in collaboration with DILG shall assist the LGU in facilitating the setting up of the Board. The PSWMB shall have the following functions and responsibilities:

- a) Develop a provincial solid waste management plan from the submitted solid waste management plan of the respective municipal solid waste management boards herein created. It shall review and integrate the submitted plans of all its component municipalities and ensure that the various plans complement each other, and have the requisite components. The Provincial Solid Waste Management Plan shall be submitted to the Commission for approval.

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The Provincial Plan shall reflect the general program of action and initiatives of the provincial government in implementing a solid waste management program that would support the various initiatives of its component municipalities;

- b) Provide the necessary logistical and operational support to its component municipalities in consonance with subsection (f) of Section 17 of the Local Government Code, as amended;
- c) Recommend measures and safeguards against pollution and for the preservation of the natural ecosystem;
- d) Recommends measures to generate resources, funding and implementation of projects and activities as specified in the duly approved solid waste management plans;
- e) Identify areas within its jurisdiction, which have common solid waste management problems and are appropriate units for planning local solid waste management service in accordance with Section 41 of R.A. 9003;
- f) Coordinate the efforts of the component municipalities in the implementation of the Provincial Solid Waste Management Plan;
- g) Develop an appropriate incentive scheme as an integral component of the Provincial Solid Waste Management Plan;
- h) Convene joint meetings of the provincial and municipal solid waste management boards at least every quarter for purposes of integrating, synchronizing, monitoring and evaluating the development and implementation of its provincial solid waste management plan;
- i) Represent any of its component municipality in coordinating its resource and operational requirements with agencies of the national government;
- j) Oversee the implementation of the Provincial Solid Waste Management Plan;
- k) Review every two (2) years as the need arises, the Provincial 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; and
- l) Allow for the clustering of LGUs for the solution of solid waste management problems.

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Section 48. Creation of Municipal Solid Waste Management Boards. The Municipal SWM Boards shall have the following duties and responsibilities:

- a) Develop the Municipal 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 barangays in its area of jurisdiction. In the development of the Solid Waste Management Plan, it shall conduct consultations with various sectors of the community;
- b) Adopt measures to promote and ensure the viability and effective implementation of solid waste management programs in its component barangays;
- c) Monitor the implementation of the Municipal Solid Waste Management Plan through its various political subdivisions and in cooperation with the private sector and the NGOs;
- d) Adopt specific revenue-generating measure to promote the viability of its Solid Waste Management Plan;
- e) Convene regular meetings for purposes of planning and coordinating the implementation of the municipal solid waste management plans of the respective component barangays;
- f) Oversee the implementation of the Municipal Solid Waste Management Plan;
- g) Review every two (2) years or as the need arises the Municipal 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 mechanics and guidelines for the implementation of the Municipal Solid Waste Management Plan;
- i) Recommend to the appropriate local government authorities specific measure or proposals for franchise or build-operate-transfer agreements with duly recognize institutions, pursuant to RA 6967, to provide either exclusive or non-exclusive authority for collection, transfer, storage, processing, recycling or disposal of municipal solid waste. The proposals shall take into consideration appropriate government rules and regulations on contracts, franchise and build-operate-transfer agreements;

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- j) Provide the necessary logistical and operational support to its component barangays in consonance with subsection (f) of Section 17 of the Local Government Code, as amended;
- k) Recommend measures and safeguards against pollution and for the preservation of the natural ecosystem; and
- l) Coordinate the efforts of its component barangays in the implementation of the Municipal Solid Waste Management Plan.

The Environment Management Bureau shall provide advisory technical assistance in setting up of the local solid waste management boards. The Commission shall provide the policy directions for the Local Solid Waste Management Boards pursuant to Section 8 of the Implementing Rules and Regulations of R.A. 9003.

It shall be the duty of the Local Solid Waste Management Boards and municipalities, to assist barangays in their solid waste management, where the barangay cannot financially or adequately manage all waste segregation, sorting, recovery, recycling and composting, conducted at the Materials Recovery Facility (MRF).

LGUs may assist the barangay either financially, technically or in any other manner deemed necessary in order to achieve the waste diversion goal of Section 20 of the Act. Provided that within 45 days of the effectivity of the IRRs, the Liga Ng Mga Barangay (LMB) shall assess and thereby determine, those barangays requiring assistance from their respective LGUs. The LMB shall subsequently inform the respective LSWMBs of its findings.

Section 49. Creation of a Barangay Solid Waste Management Boards (BSWMB). The Barangay SWM Board shall have the following functions and responsibilities:

- a) Formulate solid waste management program consistent with the municipality plan;
- b) Segregation and collection of biodegradable, compostable, reusable wastes;
- c) Establish Materials Recovery Facility (MRF);
- d) Allocate barangay funds and/or look for sources of funds;
- e) Organize core coordinators; and
- f) Submit monthly report to municipality.

As to the definition of Terms, Waste Generation and Storage, Waste Processing and Resource Recovery, Collection and Transportation of Waste, Disposal of Solid Wastes, User Fees for Waste Management Services, Violation and Penalty and Penal Provisions, the city or municipality may refer to the Generic City/Municipal Ordinance for waste management prepared by the Presidential Task Force for Waste Management.

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Section 50. Management Bodies. In addition to the services of the Water Resources Committee as provided in Section 33 of this Code, the Governor shall establish an ESWM Section under the BEO pursuant to Section 74 of this Code. The unit shall be composed of ESWM specialists whose primary task is to extend technical assistance services to Benguet and the municipalities, particularly devising approaches to enhance their waste management capability.

- a) **Municipal SWM Units.** If necessary, the municipalities shall organize their waste management units. Where funding poses a major constraint, existing departments such as the General Services Office, Municipal Health Office or the Municipal Planning and Development Coordinating Office may be designated to perform SWM responsibilities on a concurrent capacity. Otherwise, the municipality shall form a multi-sectoral Municipal Action Team for Waste Management that will be headed by a permanent staff from any of the above-stated municipal offices. The SWM Unit or Action Team shall be under the direct supervision of the Office of the Mayor.
- b) **Access.** The Governor and Mayor, or their duly authorized representatives shall have access to observe and inspect waste treatment and in-plant waste control facilities and to collect samples for analysis.

Section 51. Prohibited Acts. – The Sangguniang Panlalawigan, in consultation with the various municipal sanggunians of Benguet and the DENR shall, within one (1) year upon effectivity of this Code, enact a unified ordinance for the purpose of defining the penalties and/or sanctions for acts in violation of the provisions of this Code, such as, but not limited to the following;

- a) The disposal of non-biodegradable debris, dredge materials if such are contaminated with industrial wastes, as well as the disposal of plastics in rivers or any body of water and land itself is prohibited. Dumping of plastic debris such as packing bands, straps, synthetic ropes, plastic bags, bottles, other containers, medical waste shall likewise be prohibited for it will not only reduce amenity of the marine environment but also pose a threat to the safety of many mammals and birds that are prone to ingest such debris.
- b) Pursuant to existing laws, construction of local dump sites or industrial settlement pits and waste treatment plants less than one (1) kilometer away from any bodies of waters like rivers, creeks and ponds shall be banded and therefore prohibited.
- c) No person shall be allowed to dump or dispose waste in any body of water, including river banks and creeks where waste are likely to be washed into the water and eventually to the seas, provided, that dumping of waste and other materials into the bodies of waters shall be permitted in case only of immediate or imminent danger to life and property, subject to existing national laws and regulations.

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ARTICLE IX

ECO-TOURISM MANAGEMENT

Section 52. Additional Powers. In addition to the powers, duties, and functions of Provincial Governor, Municipal Mayors, Sangguniang Barangay, Sangguniang Bayan, and the Sangguniang Panlalawigan to adopt adequate and appropriate measures to safeguard and conserve land, mineral, forest, marine, and other natural resources, and protect the environment, as provided by existing laws, the local government units shall also provide for the following eco-tourism services:

- a. The province shall formulate plans relating to the development and promotion of tourism and undertake the necessary programs and activities in coordination with concerned governmental agencies and the local tourism councils;
- b. The municipalities shall regulate tourism facilities, attractions, and destinations, as well as hold activities and render the necessary services for the proper and effective implementation of the plans for the development and promotion of tourism, which shall include the regulation and supervision of tourism-related business undertakings and activities; and
- c. The barangay shall endorse tourism-related projects for approval of the proper municipal agencies and officials, subject to compliance with the requirements imposed by the Code, existing National and local laws, and rules and regulations;

Section 53. Governing Laws. The provisions under this article shall be governed by, but not limited to, the following national laws:

- a. Section 16, Article 2, and Section 1, Article I, of the 1987 Philippine Constitution, as to the declaration of State policy and principles for the protection and advancement of the people to a balanced and healthful ecology;
- b. Republic Act 7160 (Local Government Code of 1991 as amended) as applicable to the functions and powers of each Local Government Unit in terms of eco-tourism management;
- c. Presidential Decree 120 as to the formulation of strategies for biological diversity;
- d. Executive Order 111 as to the adoption of eco-tourism as the developmental model for sensitive natural and cultural areas;
- e. Republic Act 9072 otherwise known as the "National Caves and Cave Resources Management and Protection Act of 2001";
- f. Presidential Decree 1152, as to wild life and forestry protection and soil conservation; and
- g. Other applicable national and local laws and administrative orders that are promulgated or will be promulgated as necessary and relevant to proper eco-tourism management purposes.

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Section 54. Operative Policies. In consonance with existing laws, the provincial government shall adopt ecological tourism as a means of protecting and conserving the biological diversity and preserving the unique natural and cultural heritage of the people of Benguet, as well as a means of creating local employment opportunities and generation of revenues for local business and local government units. In pursuance of this policy, the provincial government shall give priority to measures ensuring equitable distribution to beneficiaries of benefits from eco-tourism and, for this purpose, there shall be established a system of local community based entrepreneurship in the operation and management of eco-tourism sites and destinations.

Section 55. Community-based Eco-tourism. Every local government unit shall adopt adequate measures to ensure that the local communities within eco-tourism sites or destinations benefit from opportunities for gainful livelihood and generation of revenues. For this purpose, the Local Government Units, in all levels, shall enact legislative acts and issue rules and regulations controlling of the number and frequency of visitors, providing for pollution control and sanitary measures, regulation of services, amenities and facilities provided to visitors, protection of sites or destinations, efficient law-enforcement, as well as pass such laws, rules and regulations governing other activities related to eco-tourism.

Section 56. Eco-tourism Development Plan. Upon the effectivity of this Code, the Local Government Units concerned shall formulate their respective tourism master plan in coordination with government agencies, non-government organization and the private sectors involved in eco-tourism activities. The tourism master plan shall provide for the following subjects:

- a. Prioritize eco-tourism areas and sites for development, taking into consideration market potential, need for infrastructures, investment requirements, economic viability, strategic location for purposes of tourism expansion, community participation, advantages from environmental rehabilitation, and such other considerations peculiar to the tourism site-or destination as when they are more suitable for spelunking or for mountain trekking or climbing and should be preserved and protected in their natural condition;
- a. Regulate and control the growth of eco-tourism activities in the communities involved;
- b. Preserve places, sites, or destinations of cultural, historical, ecological, or natural value;
- c. Encourage community participation, as well as the private sector, in tourism programs and activities through the conduct of consultation, organization of local tourism councils, Information and Education Campaign (IEC) dissemination campaigns, and such other programs and activities designed to develop holistic tourism involvement;
- d. Establish a friendly eco-tourism atmosphere in order to further encourage tourism investments;
- e. Establish and maintain a Tourist Information and Assistance Center in the communities frequented by tourists;
- f. Establish and improve existing display centers in the province, as well as in municipalities and barangays where local crafts, products, and historical /cultural artifacts are displayed;



- g. Encourage organized trekking, spelunking, adventure trips and other activities to be conducted;
- h. Encourage the use of indigenous materials in the establishment of shelters, cottages, and structures at tourist sites and destinations in a manner and design that protects, preserves, harmonizes and enhances their natural ambience; and
- j. Before any eco-tourism project is started, a thorough scientific study on the carrying capacity of the site be made, especially in fragile indigenous communities or in areas of special cultural values.

Section 57. Monitoring and Evaluation Mechanisms. The provincial government, in coordination with the local government units, national government agencies, state universities and colleges and non-governmental organizations, such as civil society representatives and People's Organization concerned, shall conduct regular monitoring and evaluation activities to ensure that tourism activities, services, facilities, and amenities adhere to the pertinent provisions of this Code. On the basis of the monitoring and evaluation reports, the Provincial Governor shall promulgate the necessary executive issuances and recommend to the Sangguniang Panlalawigan necessary legislation to develop eco-tourism activities, as well as protect, preserve, and develop eco-tourism sites and destinations in the province.

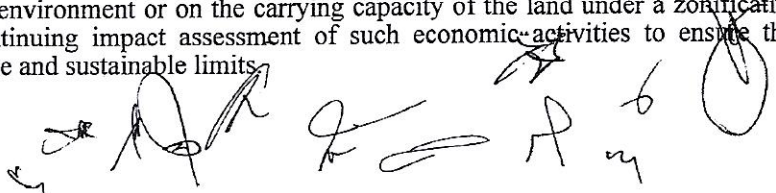
Eco-Tourism Management shall have the following components/sectors: a.) planning; b.) monitoring and evaluation and c.) research and development. Moreover, it shall have a close link and collaboration with the following legal entities/ bodies:

- a.) Government (Provincial and Municipal Levels);
- b.) State Colleges and Universities (SCUs, being vital repositories of scientific and technical expertise);
- c.) Government Agencies (e.g. DENR, DOT, etc); and
- d.) Civil Society Representatives - Non-Government Organizations and Peoples Representative.

Section 58. Sensitive Sites. The Provincial Governor shall promulgate such rules and regulations necessary for the proper enforcement and implementation of the pertinent provisions in this Code requiring the regulation of behavioral conduct of visitors at environmentally-and culturally-sensitive areas, as herein above defined, such as, but not limited to, the native forests, burial and mummy caves, ancestral houses, and other sites that may be determined by the Provincial Governor from time to time.

Section 59. Promotion and Development of Tourist Sites and Destinations. The municipal and barangay government concerned shall have the joint primary responsibility of developing, protecting, preserving, and promoting scenic spots, natural or man-made, and all tourist sites and destinations in their respective jurisdiction, and ensure that biodiversity is enhanced within the affected areas.

Section 60. Regulation of Economic Activities. Economic activities within tourist sites and destinations shall be regulated by the local government units concerned in order to overcome the adverse effects of such economic activities on the environment or on the carrying capacity of the land under a zonation system. There should be a continuing impact assessment of such economic activities to ensure that tourism levels are within tolerable and sustainable limits.

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Section 61. Community Awareness and Participation. The local government units concerned shall inculcate on the members of the communities involved in tourism activities, or who serve as tourist sites and destinations full awareness, commitment, and involvement for the effective and efficient environment management of the tourism sites and destinations and protect them from dissipation, destruction, or degradation.

Section 62. Peace and Order. The provincial government and local government units in tourism sites and destinations, in coordination with the Philippine National Police and other law-enforcement and peace-keeping agencies of government, shall maintain the highest level of peace and order in order to ensure the safety of local and foreign tourists.

Section 63. Provincial Symbols. The Province of Benguet shall adopt the following symbols:

Provincial Flower-	Everlasting;
Provincial Fruit -	Ayosip; and
Provincial Hymn -	Benguet Hymn

Section 64. Prohibited Acts. The act of developing a natural stream, lake, marshland or pond for recreational or commercial purposes without first securing a permit from the proper authorities in accordance with existing laws and the permits from the barangay, municipal and provincial government is prohibited.

ARTICLE X

INDIGENOUS CUSTOMARY LAWS AND PRACTICES IN RELATION TO NATURAL RESOURCE MANAGEMENT

Section 65. Scope of Powers. In addition to the powers, duties and functions of the Local Government Unit of Benguet in the adoption of adequate measures to safeguard, conserve and protect the environment and natural resources, the Indigenous Cultural Communities in coordination with the LGU, are empowered and authorized to manage, protect, safeguard and conserve the environment and natural resources found within the Ancestral Domain in accordance with their respective Indigenous Knowledge System and Practices (IKSP) and customary laws.

Section 66. Governing Laws.

In addition to local and national environmental laws, this Code shall be governed by, but not limited to the following provisions of RA 8371 and its IRR.

1. Rule III, Part I, Sec. 3 (IRR) Indigenous Concept of Ownership.

“ AD’s/AL’s and all resource found therein form the material bases of the ICCs/IPs cultural integrity. The indigenous concept of ownership therefore, generally holds that AD’s are the ICCs/IPs private but communal property that belongs to all generations and therefore shall not be sold, disposed nor destroyed. The present generation who are today’s occupants have the inter-generational responsibility of conserving the land and natural resources for future generations of ICCs/IPs to enjoy”



2. Rule III, Part II, SEC. 6, Paragraph a)

a. Right to safe and clean air and water

“ The ICCs/IPs through their IKSP and their customs and traditions have preserved the environment and have demonstrated their capability to conserve and protect the integrity of their ecological system. To enable this ecologically-sound and sustainable practices to flourish, the ICCs/IPs have the right to regulate activities that may adversely affect their airspace, bodies of water, and lands. Any violation of environmental laws adversely affecting the integrity of the ecological system in ancestral domains/territories shall be penalized according to customary laws of the ICC/IP concerned.

The ICCs/IPs shall take the necessary steps to source out adequate and effective technical and financial support to protect the environment. Government shall adopt effective measures to implement environmental laws that will preserve the quality of freshwater, surface and groundwater and minimize air pollution and other forms of pollution that may affect the ancestral domains”.

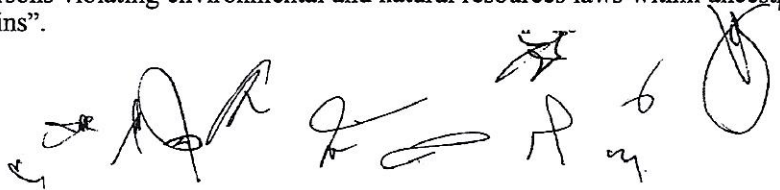
b. Environmental Conservation and Protection Program

“ All persons or entities allowed under the Act to participate in land development, utilization, exploitation, and extraction of natural resources, and government offices or agencies allowed to undertake or implement infrastructure projects within AL’s/AD’s, shall submit to the NCIP, through the RO, a culture sensitive Environmental Conservation and Protection Program (ECCP) stating in detail the environmental impact of such activities or proposed projects, control and rehabilitation measures and financial resource allocations, implementation schedules, compliance guarantees, and evaluation and monitoring schemes”.

3. Rule III, Part IV, Sec. 1 & 2

Sec. 1. Maintain Ecological Balance - based on their indigenous and traditional practices, ICCs/IPs shall formulate and implement their respective systems for protecting and conserving the flora and fauna, watershed areas, sacred places and all other objects of rituals and ecological importance in order to preserve, restore and maintain a balanced ecology within their AD’s. To ensure biological diversity, sustainable indigenous agriculture shall be encouraged while the system of mono-cropping shall be discouraged.

The ICCs/IPs shall establish their own institutions, systems and standards for protecting their natural resources. Such standards shall consider the national standards as minimum without prejudice to imposing stricter standard. For this purpose the ICCs/IPs shall be authorized by the government through appropriate issuances to exercise powers to apprehend and prosecute all persons violating environmental and natural resources laws within ancestral domains”.



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Sec. 2. Restore Denuded Areas - the concerned ICCs/IPs, in collaboration with appropriate government agencies, shall restore denuded areas within their AD's.

In cases where the denudation of areas within the domain is caused by identified natural resources licensees, the ICC's/IP's through the NCIP shall make the proper representation to the appropriate government agency for the enforcement of the licensee's obligation under the contract to reforest said areas. Should the licensee fail to implement a reforestation program, the concerned government agency shall cause the execution of the bond and apply the same in favor of the ICC's/IP's, without prejudice to payment of compensation for damages to the ancestral domain's ecosystem.

Through their own PO's, the concerned ICC's/IP's shall develop their own systems of undertaking reforestation projects under such terms and conditions that will ensure the application of IKSP and customary laws, and the promotion and propagation of indigenous species as well as those of ecological importance. All such projects shall be considered an integral part of the ancestral domains and are therefore communally-owned by such ICC's/IP's.

The management of all existing government reforestation projects within the ancestral domains shall be transferred to the NCIP through the execution of the appropriate instruments. The NCIP, in turn, shall execute a MOA with the concerned ICC's/IP's for the implementation of the projects.

4. Rule IV, Part III, Sec. 3 (c); Sec. 5 (b); Sec. 7 (a,b,c).

Sec 3 (c) Free and Prior Informed Consent (FPIC)

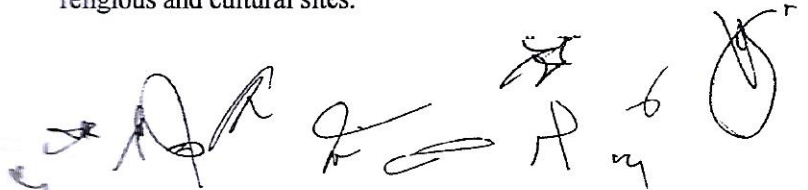
“ The acceptance or rejection of proposed policy, programs, projects or plan shall be assessed in accordance with the IPs development framework and value system for the conservation and protection of sustainable and traditional agricultural cycles, community life, village economy and livelihood activities such as swidden farming, communal forests, hunting grounds, watersheds, and irrigation practices”.

Sec. 5 (b) Obligation of the Proponent

“ Submitted to the IP and the NCIP in a language understandable to them an Environmental and Socio-cultural Impact Statement, detailing all the possible impact of the policy, program, project or activity upon the ecological, economic, social and cultural aspect of the community as a whole. Such document shall clearly indicate how adverse impacts can be avoided or mitigated.

Development and cultural activities subject to FPIC shall include but not limited to:

- (a) Exploration, development and utilization of natural resources within AD/AL.
- (b) Archeological explorations, diggings and excavations and access to religious and cultural sites.

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5. Rule VIII, Part I, Sec. 6

“Turn over of areas within ancestral domains. Once an area is certified as an ancestral domain, the chairperson of the NCIP shall issue a notice to concerned government agencies, such as but not limited to the DENR, DAR, DILG, DECS, DOT, DTI, DND, DOH, or DOE having jurisdiction over these areas, that the same is within AD’s and therefore falls under the jurisdiction of the concerned ICCs/IPs by operation of law.

The ICCs/IPs and the concerned government agencies may enter into agreements on the exercise of joint management responsibilities over such areas. Such agreements shall, whenever possible, incorporate a plan for the eventual transfer of full management powers and responsibilities to the IPs”.

6. Rule VIII, Part II, Sec. 1

“Right to manage and develop ancestral domains. The ICCs/IPs shall have the right to freely pursue their economic, social, political and cultural development. In the exercise of this right, the ICCs/IPs shall formulate and pursue their own plans for the sustainable management and development of the land and natural resources as well as human resources within their AD based on their IKSP and on the principle of self-determination. Such plans maybe consolidated into an ADSDPP which shall be the basis of the 5-year Master Plan defined under these Rules and Regulations”.

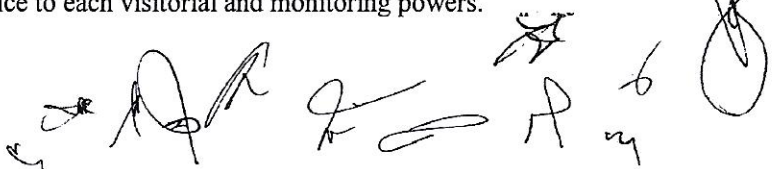
7. Rule VIII, Part II, Sec 7, Paragraphs a, b, d

Sec. 7. Right to Manage Protected and Environmentally Critical Areas. The ICC’s/IP’s through their PO’s and /or Council of Elders, shall determine the terms and conditions for the exploration of natural resources within the Ancestral Domain for the purpose of ensuring ecological balance, environmental protection and conservation.

a. Inventory of all portions of ancestral domain. The ICCs/IPs shall conduct an inventory of all portions of Ancestral Domains which have been determined by appropriate government agencies as necessary for critical watersheds, mangroves, wildlife sanctuaries, wilderness, protected areas, forest covers or reforestation and national parks for purposes of evaluating the same under their own parameters.

b. Environmentally critical areas. All areas found by the community as environmentally critical as determined in paragraph (a) above shall be maintained, developed, protected and conserved in accordance with their IKSP and customary laws.

c. Transfer of management responsibility. Should the community decide, on the basis of Free Prior Informed Consent, to transfer management responsibility over the area to another entity, such decision shall be made in writing to be signed by all members of the community’s Council of Elders. Provided, that all forms of exploitation of the natural resources in the area shall not be allowed and that appropriate technology transfer aimed at speeding up the reversion of management of the area to the community is affected. The process of transfer of management responsibility shall be witnessed by the NCIP, without prejudice to each visitorial and monitoring powers.

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Section 67. Operative Principles. The environment and natural resources within the ancestral domain of Benguet shall be sustainably managed and protected purposely for meeting the basic requirement and benefits for the present population and future generations of Benguet. Natural resources and environmental management initiatives of the various Local Government Units of Benguet shall be consistent with the National Environmental Laws and Indigenous Peoples Rights act of 1997.

Section 68. Imposable Penalties In Accordance With Customary Laws.
Violators of the provision of this Code maybe penalized in accordance to customary laws of the aggrieved member of the ICCs/IPs, except:

- a. Where the penalty is cruel, degrading and inhuman; or
- b. Where the penalty is death or excessive fine

ARTICLE XI ORGANIZATION

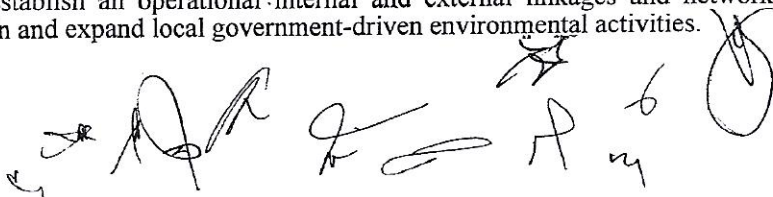
Section 69. Creation of the Benguet Environment and Natural Resources Office (BENRO). To fully implement the provisions of this Code, pursuant to Section 463 and 484 of RA 7160, as amended, a Benguet Environment and Natural Resources Office (BENRO) shall be created. The mineral, forestry and water resources management, solid and liquid waste management, air and noise pollution control, environmental impact assessment and eco-tourism functions of the subsisting Environment and Natural Resources Section (ENRS) under the Office of the Provincial Governor, including applicable appropriations, records, equipment, property, and such personnel as may be necessary are hereby absorbed by the BENRO.

Pending the creation of this office, the ENRS shall perform the duties and functions of the BENRO.

Section 70. Jurisdiction of the BENRO. The BENRO shall have jurisdiction and authority over all environment and natural resources in the province, subject to the provisions of RA 7160, as amended, and all other applicable national laws, rules and regulations.

Specifically, the BENRO shall undertake the following:

- a. Organizational Development - Assist municipal and barangay governments, including environmental organizations, through the provision of technical assistance such as, but not limited to, development of environmental management organizational capability, participatory formulation of environmental programs, mobilization of local and external pool of environment specialists, and guidance in the formulation and implementation of environmental laws.
- b. Program Development - Develop a multi-year environment management framework plan for the promotion of local government-driven community-based and livelihood-oriented initiatives, particularly in tree enterprises, watershed management, and participatory land use planning.
 - b.1. Linkaging - Establish an operational internal and external linkages and networking system that will maintain and expand local government-driven environmental activities.

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b.2. Showcasing - Develop and implement environmental programs through the promotion of "best-as-of-the-moment" methods, processes, and approaches by establishing showcases within the province for the LGUs to adopt in their respective jurisdictions.

b.3. Fund Sourcing - Establish linkages with national and international institutions for purposes of fund sourcing, network building, research, and information/data bank generation.

b.4. Policy Advocacy - Organize a network of lobby/advocacy groups by maintaining provincial network of environmental organizations.

b.5. One-stop-shop - Install a one-stop-shop and quick response desk that will be manned by an interdisciplinary, interagency and multi-sectoral team whose task will be to facilitate calls for fact-finding missions, monitoring, and investigation of controversial issues in the province.

b.6. LGU Clustering - Encourage municipalities to group themselves into clusters to address common concerns, such as law enforcement in municipal waters, protection of river systems, watershed management, and pollution control, as provided in Section 3(f), RA 7160, as amended.

b.7. IRR - Recommend to the Governor the Implementing Rules and Regulations (IRR) for the Benguet Environment Code.

b.8. Perform such other acts that are necessary to carry out its functions.

Section 71. Department Head. The BENRO shall be headed by a Department Head who shall be appointed by the Governor. No person shall be appointed BENR Officer unless he/she is a natural born citizen of the Philippines, a native-born of Benguet, of good moral character, a holder of a college degree preferably in environment, forestry, agriculture, mining or any related course from a recognized college or university, at least five (5) years experience in environmental management or related fields, and a first grade civil service eligible or its equivalent.

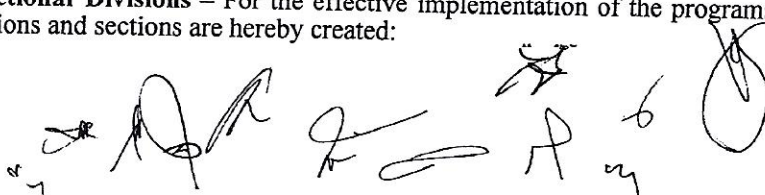
The Department Head shall receive a minimum monthly compensation corresponding to Salary Grade Twenty Six (26) prescribed under Republic Act 6758 and the implementing guidelines issued pursuant thereto.

Section 72. Supervision and Control. The BENRO shall be under the direct supervision and control of the Provincial Governor of Benguet.

Section 73. Review. All actions and decisions of the BENR Officer are subject to review, *motu proprio*, or upon appeal of any person aggrieved thereby, by the Governor whose decision shall be final and executory after the lapse of thirty (30) calendar days from receipt of the aggrieved of said decision.

Section 74. Regulations. The Governor, in consultation with the Sangguniang Panlalawigan and upon the recommendation of the BENR Officer, shall promulgate the rules and regulations necessary to implement effectively the provisions of this Code.

Section 75. Creation and Functional Divisions – For the effective implementation of the programs, of the BENRO, the following divisions and sections are hereby created:

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<u>Division</u>	<u>Sections</u>
1. Administrative services	
2. Eco-tourism Management	
3. Natural Resources Management	a. Water Resources Management b. Forest Resources Management c. Mineral Resources Management d. Land Resource Management e. Protected Areas and Wildlife Resources Management
4. Waste Management and Pollution	a. Waste Management b. Air and Noise Pollution

The Governor may, upon recommendation of the Department Head and for future consideration recognize or create divisions or other sections, or units as may be deemed necessary and to appoint the personnel thereto.

Section 76. **Performance Evaluation.** The Department Head shall devise a system, consistent with existing policies to be approved by the Governor to evaluate the performance of its employees, and contractors, if there be any.

Section 77. **Benguet Sustainable Development Council (BSDC).** There is hereby created the Benguet Sustainable Development Council to be referred to as the Council, which shall establish policy guidelines and recommend policy reforms for the Sangguniang Panlalawigan for the sustainable development of Benguet.

The Council shall be composed of the Governor as chairman and representative of Sangguniang Panlalawigan Committees on Environmental Protection, Tourism, Investments, Agriculture, Engineering and Public Works; Department Heads of Offices under the Office of the Governor; representative of provincial government-accredited environmental organizations; the provincial heads of the Department of Environment and Natural Resources, Agriculture, Agrarian Reform, Health, Tourism, Public Works and Highways; Municipal Mayors, the president of the League of Municipal Mayors, Vice Mayors and PCL president, Liga ng mga Barangay, Sangguniang Kabataan, College and High School Students, Senior Citizens, Church, Women and the Association of Hotels, Restaurants and Resorts as permanent members which shall be appointed by the Governor, provided, that gender parity shall be applied in the selection of members. The Governor may appoint additional members.

A full council meeting shall be convened by the Governor at least twice a year or upon request of the majority of the members. The council may adopt other mechanisms such as the formation of an executive committee or other technical working groups as it may deem necessary. The Benguet Environment and Natural Resources Office (BENRO) shall serve as the full time secretariat of the Council.

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ARTICLE XII

PENALTIES AND OTHER MISCELLANEOUS PROVISIONS

Section 78. **Violators of Section 11.14** of this Code shall be penalized and be fined an amount of not less than Two Thousand Five Hundred Pesos (PhP2,500.00) but not to exceed Five Thousand Pesos (PhP5,000.00) or an imprisonment of not less than thirty (30) days but not to exceed one (1) year or both fine and imprisonment at the discretion of the court.

Section 79. **Violators of Prohibited Acts under Section 51** of this Code shall be penalized and shall be fined an amount of not less than Two Thousand Pesos (PhP2,500.00) but not to exceed Five Thousand Pesos (PhP5,000.00) or an imprisonment of not less than thirty (30) days but to exceed one (1) year or both fine and imprisonment at the discretion of the court.

Section 80. **a) Violators of Section 22 (a),(b),(c),(d)** of this Code shall be penalized and be fined an amount of not less than One Thousand Five Hundred Pesos (PhP1,500.00) but not to exceed Five Thousand Pesos (PhP5,000.00) or an imprisonment of not less than thirty (30) days but to exceed one (1) year or both fine and imprisonment at the discretion of the court.

b) Violators of Section 22 (f),(g),(h),(i) under this Code shall be penalized and be fined an amount of not less than One Thousand Pesos (PhP1,000.00) but not exceeding Five Thousand Pesos (PhP5,000.00) or an imprisonment of not less than fifteen (15) days but not exceeding one (1) year or both fine and imprisonment at the discretion of the court.

Section 81. **Violators of Section 70** of this Code shall be penalized and be fined an amount of not less than Two Thousand Pesos (PhP2,000.00) but not exceeding Five Thousand Pesos (PhP5,000.00) or an imprisonment of not less than thirty days but not exceeding one year or both fine and imprisonment at the discretion of the Court.

Section 82. **Violation of any Provision of this Code** to which no specific penalty is imposed or commission of any of the prohibited acts which do not carry a specific penalty, shall be penalized by a fine of not less than Five Hundred (PhP500.00) but not more than Five Thousand Pesos (PhP5,000.00) at the discretion of the Court.

Section 83. **The penalty provided in this Code shall be in addition to the penalty that may be provided by any other law or ordinance.** Provided however, that the prosecution or law enforcer shall charge the offender or violator with the law providing a heavier penalty in case it appears that a single act is punishable by two or more laws, ordinance and provision thereof with different penalties or in case filing more than one charges may amount to double jeopardy.

Section 84. **Repealing Clause.** All Ordinances, resolutions, Circulars, memorandums or Rules and Regulations inconsistent with the provision of this Code are hereby repealed and modified accordingly.

Section 85. **Separability Clause.** If, for any reason or reasons, any part of the provision or provisions of this Code shall be held unconstitutional or invalid, other parts hereof which are not affected thereby shall continue to be in full force and effect.

Section 86. **Updating Clause.** This Code shall be updated every five (5) years thereafter.

Section 87. **Effectivity Clause.** This Code shall take effect on the day following its last publication.

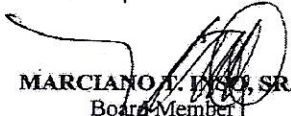
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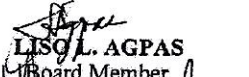
CRESCENCIO E. PACALSO
Board Member



MARVIN D. ATOS
Board Member



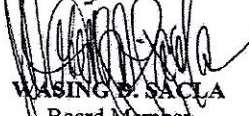
MARCIANO T. INSO, SR.
Board Member



LISO L. AGPAS
Board Member



JOSEPH A. COENTE
Board Member



WASING B. SACLA
Board Member



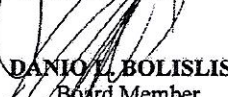
BENJAMIN C. SAGUID
Board Member



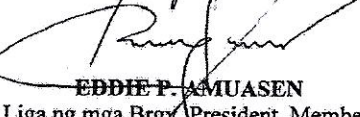
JOHNNY S. UY
Board Member



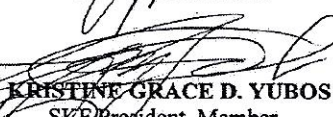
SARIO M. COPAS
Board Member



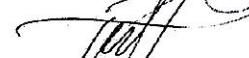
DANILO L. BOLISLIS
Board Member



EDDIE P. AMUASEN
Liga ng mga Brgy. President, Member



KRISTINE GRACE D. YUBOS
SKP President, Member



WILLIAM H. ESTEBAN
PCL President, Member

CERTIFIED CORRECT:




NOEL S. SABOG
SP Secretary

ATTESTED:



EDNA C. TABANDA
Vice Governor
Presiding Officer



RAUL M. MOLINTAS
Provincial Governor

Date: JUN 28 2004

**LIST OF PROVINCIAL / MUNICIPAL ORDINANCES
PROVINCE OF BENGUET**

<u>Ordinance No.</u>	<u>Date</u>	<u>Title of Ordinance</u>
96 – 19	06-08-1996	An ordinance prohibiting persons from throwing or dumping trash or garbage, including vegetable reuse, along the national highways or roads of Benguet Province including along their canals, ditches, and creeks adjacent or near them and providing penalties for violation thereof.
96 – 18	06-24-1996	An Ordinance requiring trucks loaded with soil, sand, and/or gravel to strictly observe the putting up of canvass or net like covering while traveling along any national or provincial roads in the province of Benguet and providing penalties for violation thereof.
ATOK		
92 – 01	1992	Prohibiting the use of cyanide or other banned chemicals as pesticides on vegetable plants in farms within the municipality of Atok and prohibiting the selling of cyanide or other banned chemicals within the municipality of Atok, Province of Benguet.
01 – 93	1993	An ordinance requiring proper disposal of refuse/waste
08 – 93	1993	An ordinance penalizing the indiscriminate throwing of any garbage or rubbish in any yard, streets, roads (National/Provincial/Municipal/Barangay), canals, rivers, creeks, vacant lot, parks, plaza, market premises or another public places in the Municipality of Atok.
02 – 95	1995	Prohibiting the selling, transporting and butchering of animals which are suspected of having been infected with foot and mouth disease and no cow, carabao, goat and swine are exempted from foot and mouth disease vaccination within the Municipality of Atok, Benguet.
03 – 95	1995	An ordinance for a Comprehensive Garbage Collection and Disposal for the municipality of Atok, Province of Benguet.
07 – 96	1996	An ordinance requiring all farmers in the municipality of Atok to report weekly and register all their crops planted in their farm for Data Gathering in preparation for a proposed marketing scheme which will control and stabilize prices of farm products in coordination with the municipalities of Benguet.
10 – 97	1997	Amending Section 3 and 5 of Municipal Ordinance No. 08 – 93.
18 – 2000	2000	An ordinance prohibiting farmers from using unapproved pesticides and methods and requiring farmers to install sticky yellow traps in their farms in the control of Leaf Miner Pest in the municipality.
20 – 2001	2001	An ordinance regulating the storage and displaying for sale of chicken dung within the municipality of Atok.
23 – 2002	2002	Comprehensive Municipal Zoning Ordinance of the Municipality of Atok, Benguet.
92 – 2002	2002	Adopting the Comprehensive Land Use Plan prepared by the MPDO as presented and delivered by this Body.
BAKUN		
01 – 94	3/21/1994	Enjoining all operators and/or owners of liquor store, eateries and other similar establishments to provide their own comfort rooms and to keep them in sanitary conditions.
03 – 97	9/23/1997	An ordinance providing mechanism for Solid Waste Disposal in the municipality of Bakun, Benguet.
01 – 2002	6/24/2002	An ordinance imposing the collection of entrance fees on visitors/tourists entering Mt. Kabunian in Barangay Poblacion and Mt. Tenglawan in Barangay Sinacbat, all in the municipality of Bakun.
BOKOD		
09 – 97	1997	An ordinance requiring all persons peddlers, owners/managers of

commercial and industrial establishments such as boarding house, shops, restaurants, sari-sari stores, public conveyances, hospitals, schools, effluents and residential houses to provide and maintain an efficient system of collecting and disposing refuse/waste water in their immediate premises or any other public places.
 Embodying enactment of a zoning ordinance of the municipality of Bokod, Benguet Province.

02 – 03 5/20/2002

BUGUIAS

C-001-96 8/27/1996

Code of Administrative Ordinance No. C-001
 Chapter IX – HEALTH and SANITATION
 Section 113. Throwing of Garbage
 Section 114. Waste Containers
 Article 5. Sanitary Maintenance
 Section 115. Selling of Artificially Ripened Fruits
 Section 116. Sanitary Conditions of Establishments
 Section 117. Pest Extermination
 Section 118. Uninhabitable Premises
 Section 121. Penalties
 Section 123. Entry and Inspection of Tenements
 Section 124. Building Sanitation Fees
 Section 125. Health Certificates
 Section 127. Inoculation of Food Handlers
 Section 128. Containers with Hot Water
 Section 129. Impure Foods
 Section 130. Seizure of Unfit Articles
 Section 140. Observance of Cleanliness
 Section 141. Removing or Destroying of Public Property
 Section 142. Penalty

ITOGON

- 12 2/14/1969 An ordinance prohibiting the use of poisonous substance, dynamites, and electrocuting apparatus in fishing within the territorial jurisdiction of the municipality of Itogon.
- 02 5/30/1969 Prohibiting the pollution of any of the hot springs within the jurisdiction of Itogon.
- 17 3/31/1970 An ordinance prohibiting the shooting, catching, killing of birds or destroying their nests within a radius of three (3) kilometers away from the Poblacion.
- 5 12/5/1973 Ordinance imposing registration fees on large cattle and other regulatory measures
- 11 12/5/1973 Ordinance imposing registration fees for impounding astray animals and to provide regulatory measures in the implementation thereof.
- 13 12/5/1973 Ordinance imposing dog license fee and to provide regulatory measures in the implementation thereof.
- 62 9/22/1975 An ordinance amending a portion of ordinance no. 5, s. 64 which requires the owners of sheep, swine, goats, large cattle or fowls to keep such animals from moving, running or being at large except when in charge of some persons of sufficient discretion, and authoring the impounding of said animals found at large contrary to this ordinance.
- 20 6/07/1982 An ordinance providing for the promotion of health and Sanitation through proper refuse disposal.
- 27 10/3/1983 Ordinance for all branded and counter animals for registration and pay a registration/transfer/fee.
- 10 8/6/1984 An ordinance amending Section 1, Art. 34, by including therein the noun "Goats" in the impounding of Astray Animals.
- 20 1/19/2000 An ordinance adopting the Comprehensive Zoning Ordinance
- 13 11/18/2002 An ordinance creating Municipal Environment & Natural Resources Council of Municipality of Itogon and appropriating funds thereof.

19	4/8/2003	An ordinance regulating the Dumping and Disposing of Waste materials in any kind, soil and earth materials along rivers, tributaries and road side of national, provincial, barangay and community roads within the municipality of Itogon.
KABAYAN		
01	4/7/1994	Approving Ordinance No. 01-94 Imposing Green Fee on every person traveling to Mt. Pulag National Park Reservation and which shall accrue to the Green Fund for Environment Protection and Conservation.
06	12/6/1999	An ordinance providing for a Comprehensive Solid Waste Management in the municipality of Kabayan, Benguet.
07	12/6/1999	An ordinance protecting and preserving all inland bodies of water within the territorial of Kabayan Municipality, Benguet Province.
03	4/3/2000	An ordinance regulating the use of chain saw in the municipality of Kabayan, Benguet Province.
KAPANGAN		
30	2000	An ordinance the Amburayan River and all its tributaries as protected river basin and imposing penalty for the violation thereof and for other purposes.
34	7/23/2002	An ordinance providing protective measures and preservation of all natural caves within the municipality of Kapangan and such other measures necessary thereof.
80	10/8/2002	Adopting the Comprehensive Land Use Plan prepared by the Municipal Planning and Development Office as presented and delivered by this Body.
KIBUNGAN		
13 – 86	10/9/1986	An ordinance imposing the construction of toilets or privies in every households or groups of households in the municipality of Kibungan, Province of Benguet, with penalties for the violation of non-compliance thereof.
03 – 94	9/12/1994	An ordinance impounding astray animals and imposing fines/fees for their retrieval and requiring all animal owners to confine them to their proper places to avoid them from going astray and providing penalties for non compliance thereof.
02 – 97	1/20/1997	An Ordinance prohibiting and penalizing persons dumping garbage/wastes along roadsides, pathways, rivers/creeks and to any designated places.
03 – 97	5/19/97	An ordinance amending Article J of the Revised Municipal Tax Ordinance No. 01, s. 93 requiring owners of large cattle to have their animals registered and branded and imposing fees thereof.
03 – 97	10/6/1997	An ordinance penalizing any person/s caught for illegal fishing within the Municipal Waters of Kibungan.
02 – 2000	8/21/2000	An ordinance imposing sanitary garbage disposal pit, waste generation storage and disposal of wastes to all residential houses, commercial establishments, institution, agricultural areas and other establishments within the municipality of Kibungan, Benguet province.
LA TRINIDAD		
C-001-96 001-96	12/17/1996	Code of Ordinances approved under Municipal Ordinance No. C-Chapter X – Environmental Protection Section 116. Abate of Nuisance Section 117. Water Quality Section 118. Quality Air Section 119. Trees Section 120. Stray Animals Section 121. Advertisements

- Section 122. Aesthetic Quality
- Chapter XI – Health and Sanitation
- Section 130. Garbage Disposal
- Section 131. Dumping Site
- Section 132. Iron Frames to hold Plastic Bags
- Section 133. Penalties
- Section 134. Plastic Aprons for Garbage Collectors
- Section 135. Throwing of Garbage
- Section 136. Waste Containers

MANKAYAN

- C-001-S-1997 12/29/1997 Code of Administrative Ordinances
- Chapter VIII – Abatement of Nuisance and Pollution
- Section 75. Policy on Abatement and Nuisance
- Section 76. Water Quality
- Section 77. Domestic Supply Sanitation
- Section 78. Quality Air
- Section 79: Tree and Plants Adoption
- Chapter IX – Health and Sanitation
- Section 89. Sanitation of Establishments
- Section 94. Littering Waste Materials in Prohibited Zones
- Section 95. Garbage Disposal/Solid Waste Management
- Art. 6- Waste Generation and Storage
- Art. 7- Littering and Scavenging
- Art. 8- Waste Processing and Waste Recovery
- Art. 9- Collection and Transportation of Solid Wastes
- Art. 10-Disposal of Solid Wastes
- Section 96. Dumping Site
- Section 98. Penalties

SABLAN

- 00 – 01 1/17/2000 An ordinance making the Environment Compliance Certificate as a pre-requisite in the issuance of Locational Clearance and Development Permit for subdivision projects within the municipality.
- 00 – 03 1/31/2000 An ordinance surveying, segregating and declaring and/or titling all communal forests, watersheds, parks and public cemeteries in the municipality of Sablan and providing the necessary funds thereof.
- 02 – 10 9/16/2002 The Comprehensive Solid Waste mangement Ordinance of the Municipality of Sablan, Benguet.
- 02 – 11 9/30/2002 An Ordinance creating the Municipal Culture and the Arts Council, defining its function, appropriating funds thereof and for other purposes.
- 03 – 04 7/21/2003 An ordinance regulating the ownership, appropriation, utilization exploitation and development of waters within the municipality of Sablan.

TUBA

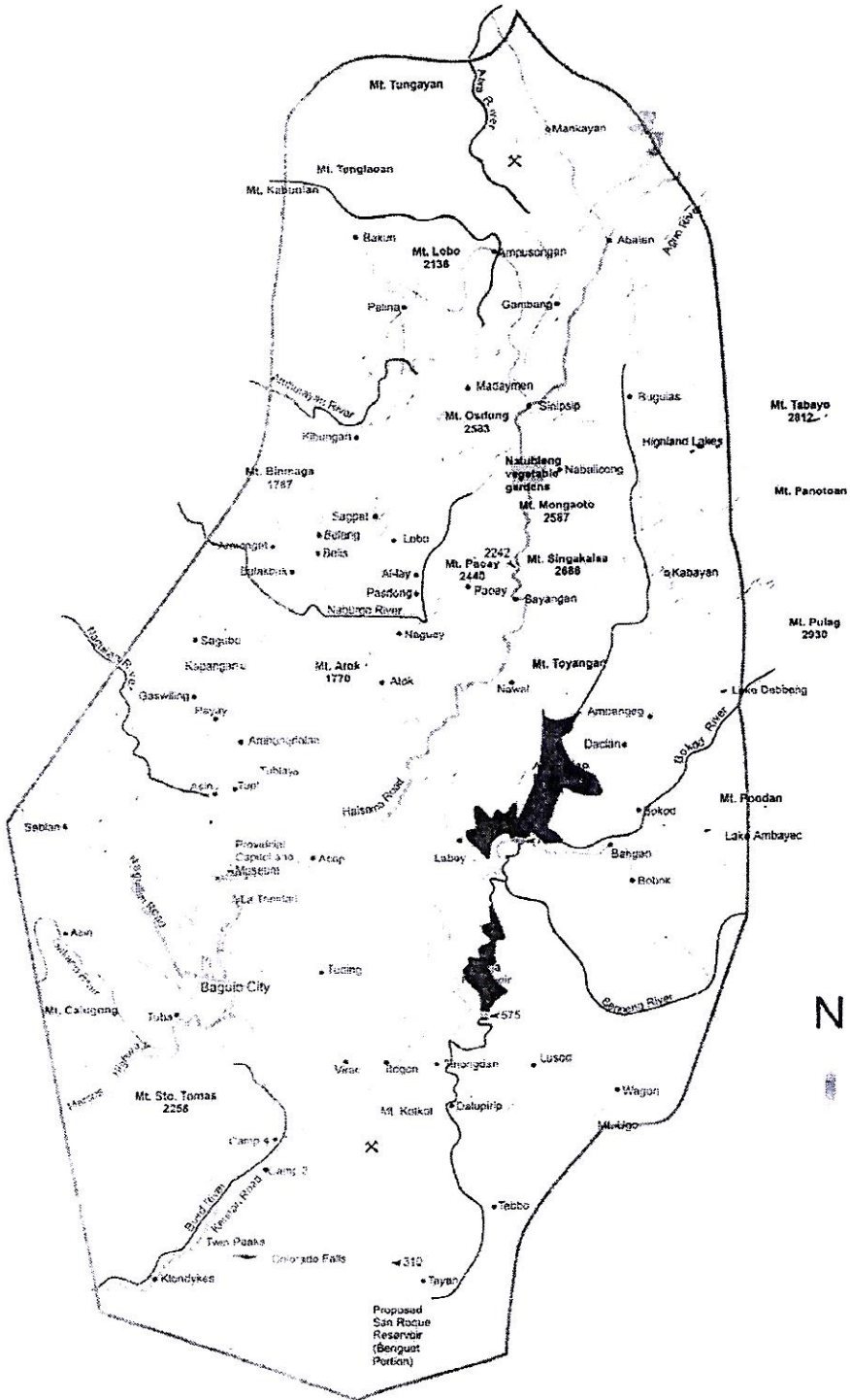
- 04 – 74 8/22/1974 An ordinance regulating and controlling the discharge of individual and other wastes into the atmospheric air or body of water within the territorial limits of the municipality of Tuba, Benguet Province for the purpose of abatement and prevention of pollution providing penalties for its violation, and for other purposes.
- 01 – 88 6/24/1988 An Anti Environmental Degradation Ordinance prohibiting the quarrying and excavation of mountain sides and slopes adjacent to banks of rivers, streams, brooks and similar waterworks and providing a penalty for violation hereof.
- 04 – 88 11/2/1988 An ordinance requiring Ballmill Owners or Operators whose ballmills are engaged in the grinding, crushing and milling of mineral ores in legitimate small scale or pocket mining operations

		within the territorial jurisdiction of the municipality of Tuba, Benguet, to secure mayor's permit.
01 - 94	1/7/1994	An ordinance prohibiting and penalizing the improper disposal of garbage, refuse, illegal obstruction of waterworks and dumping of garbage/refuse into bodies of water.
07 - 94	1994	An ordinance requiring owners of dogs/or other animal known to be carrier or vectors of rabies to submit and subject same animals to anti-rabies vaccination and prescribing fees thereof, and providing for other related purposes.
02-95-A	3/17/1995	An ordinance mandating all dog owners in the municipality of Tuba to submit their pets for rabies vaccination
10 - 96	5/14/1996	An ordinance regulating the cutting of trees and to provide fees and penalties thereof.
04 - 97	8/12/1997	An ordinance prohibiting the employment/allowing of children, below 18 years old to handle pesticides, insecticides and other toxic agricultural and industrial products.
01 - 98	1998	An ordinance imposing entrance fees in all scenic and tourist spots, water resort and others which are fully developed by the government.
05 - 98	1998	An ordinance establishing a comprehensive watershed protection, enhancement and rehabilitation policy on programs for the municipality.
08 - 98	9/22/1998	An ordinance requiring housing subdivision developers in Tuba, Benguet to include in their Development Plan a Solid Waste Disposal Management Plan.
12 - 98	12/1/1998	An ordinance declaring the Asin River and all its tributaries as a protected river.
08 - 99	7/20/1999	An ordinance amending by insertion the Ordinance on Tree Cutting
02 - 2000	3/7/2000	An ordinance declaring the Bued River and all its tributaries as a protected river and imposing penalty.
06 - 2001	2001	An ordinance declaring all burial caves within Tuba, Benguet as Protected Areas
08 - 2002	7/30/2002	An Ordinance Regulating Fishing and/or Fisheries in the Municipality of Tuba, Benguet Province and for other purposes.

TUBLAY

79 - 33	1979	Ordinance penalizing the owner, or the person in charge or in possession of the astray animals.
90 - 1	1990	Ordinance prohibiting the dumping and throwing of garbage along the Halsema road and the Acop-Kapangan Road within the Municipality of Tublay.
93 - 3	1993	Ordinance regulating storage, display and sale of chicken dung within the municipality of Tublay.
95 - 5	1995	Ordinance regulating the harvesting/selling of newly/freshly sprayed vegetables with highly toxic insecticides
96 - 1	1996	Ordinance preserving the natural interview beauty of the Bongis, Bengao-ngao, Tey-tey, Apuna and Ketong (Paterno) Caves at Ambongdolan, Tublay, Benguet and other related preservative measure.
97-C-005	1997	An ordinance requiring contractors to provide a temporary sanitary toilet within their worker campsite and to remove/dispose of their waste materials before the campsite be abandoned.
97-C-006	1997	Ordinance requiring the branding registration of all unbranded large animals of not less than two years old found with the territorial jurisdiction
98-C-008	1998	An ordinance fixing the rate of entrance fees before exploring/entering any caves at Ambongdolan, Tublay, Benguet.
98-C-009	1998	Ordinance regulating the selling, donating and shipping of swine, horse, large and small animals to out of the territorial jurisdiction of Tublay, Municipality.

Figure 1. Map of Benguet



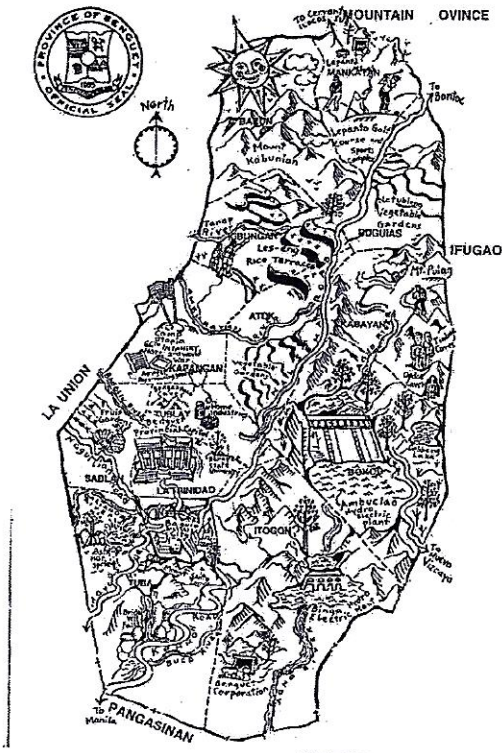


Figure 2. Tourist Spots of Benguet

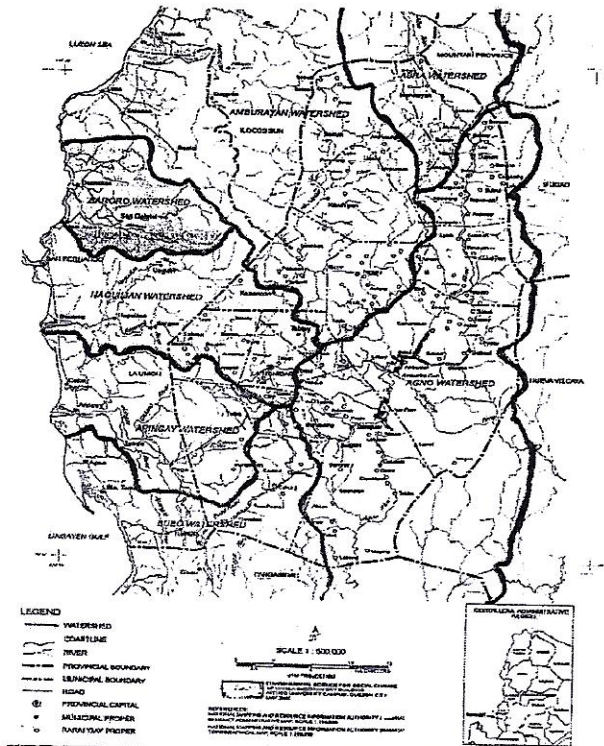


Figure 3. Major Watersheds

Figure 4

ETHNOGRAPHIC MAP

LEGEND:

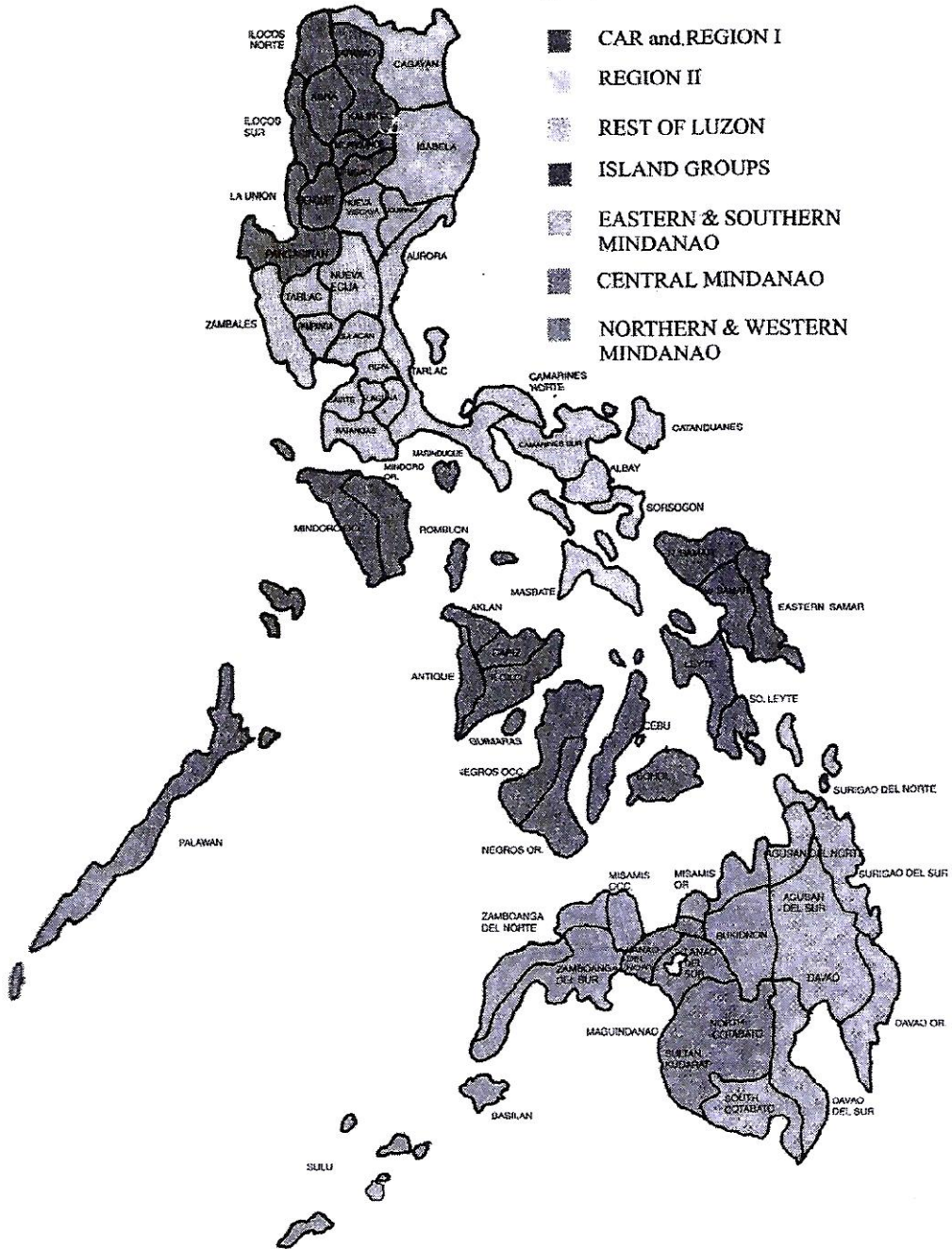
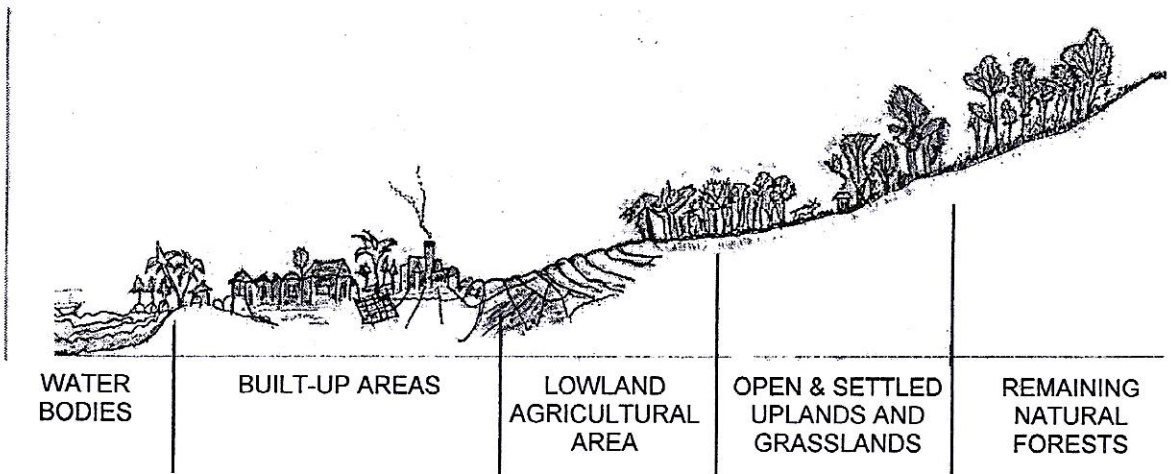


Figure 5. TRADITIONAL LAND USE

"HAAD"	PASTURE LAND	"HIGIBAN"	"INUM-AN"	"DAYAHAN"	"DOWENG-AN"	"PEHYEW"
<ul style="list-style-type: none"> * Households * Gathering place * Center for community affairs 	<ul style="list-style-type: none"> *Grazing areas for animals * Multiple use zone 	<ul style="list-style-type: none"> *Forested areas where domesticated animals are raised * Sustainable use zone 	<ul style="list-style-type: none"> *Kaingin * Multiple use zone 	<ul style="list-style-type: none"> *Forested areas where animals are let loose for forage * Sustainable use zone 	<ul style="list-style-type: none"> *Hunting ground *No agricultural activity * Habitat management zone 	<ul style="list-style-type: none"> * Sacred ground * Forested area * Strict protection zone



Republic of the Philippines
PROVINCE OF BENGUET
LA TRINIDAD
OFFICE OF THE GOVERNOR

ADMINISTRATIVE ORDER NO. 2002-42

**REORGANIZING THE STEERING COMMITTEE AND THE TECHNICAL
WORKING GROUP TASKED TO DRAFT THE ENVIRONMENT
CODE FOR THE PROVINCE OF BENGUET**

WHEREAS, Administrative Order No. 75-2000 and No. 97 were earlier issued primarily creating a technical committee to prepare a draft of the Environment Code for the Province of Benguet;

WHEREAS, there is a need to update membership of the committee because of the changes of officials, sector representative and members due to the last local and national elections;

WHEREFORE, I, RAUL M. MOLINTAS, by virtue of the powers vested in me by pertinent laws as Provincial Governor of Benguet, do hereby reorganize the Steering Committee and Technical Working Group tasked to draft the Environmental Code for the province of Benguet as follows:

Section 1. Composition, Roles and Functions

A. EXECUTIVE STEERING COMMITTEE (ESC)

A.1 Composition:

Chairman : HON. LISO L. AGPAS
Chairman, Committee on Environment

Co-Chairman : HON. BENJAMIN C. SAGUID
Chairman, SP Committee on Urban Development, Land Use, Housing, Water System and Energization, SP Committee on Environment

Vice Chairman : ATTY. ROBERTO C. PAGANO
Provincial Environment and Natural Resources Officer (PENRO-Benguet), DENR-CAR
Alternate: For BARTOLOME DULINEN

Environment Protocol Officer: FORESTER DINDO D. LUMBAS, PGO

Members. HON. EDNA C. TABANDA
 Provincial Vice Governor

 HON. WASING D. SACLA
 SP Member

 HON. CRESCENCIO C. PACALSO
 SP Member

 HON. SARIO M. COPAS
 SP Member

 MR. PIO C. SALVADOR
 Provincial Manager, CASCADE

A.2. Roles/Functions:

The Steering Committee will be the policy-making body; administer and manage the committee's/TWG's budget; authorize the disbursement/release of necessary funds relative the E-code preparation; commission studies, surveys and other related activities deemed necessary; coordinate with concerned offices/agencies as regards support; and to formulate/adopt its own implementing rules and regulations including a set of criteria in the utilization of funds.

B. TECHNICAL WORKING GROUP (TWG)

B.1. Compositions:

Chairman: FOR JULIUS T. KOLLIN
 CDO II, ENR-PGO, Benguet

Vice Chairman: MR. AGOSTO G. SALIC-O
 CDA II, ENR-PGO, Benguet

Co-Vice Chairmen: ENGR. ALEX E. BALANGCOD, PPDO - Benguet
 MR. PEDRO B. ANACIO, DILG - Benguet

MEMBERS:

SECTORS

Communications:

Leader: Mr. Nathan A. Alcantara - Information Officer, PIA-Benguet
 Member/Sec.: Ms. Ma. Aprila V. Cruz - Information Officer, PIA-Benguet

Tourism:

Leader: Mrs. Clarita D. Prudencio - Provincial Tourism Officer, PGO-Benguet
Members: Mrs. Perla A. Mariano-PDO II, PPDO-Benguet
Mrs. Evelyn D. Tacio - LSA II, SPO-Benguet
Mrs. Asuncion C. Belardo - NGO-Benguet
Secretary: Ms. Zipporah Amor O. Ciano - Steno, Reporter II, SPO-Benguet

Policy:

Leader: Atty. Arthur T. Bataclao - Acting Prov'l. Legal Officer, PLO-Benguet
Members: Atty. Noli U. Guiad - Legal Aide, PLO-Benguet
Atty. Ferdinand P. Catores - Legal Asst. II, PLO-Benguet
Secretary: Ms. Irene U. Marrero - Clerk II, PLO-Benguet

Agriculture:

Leader: Ms. Lolita L. Bentres - Prov'l Agriculturist, PAgO-Benguet
Co-Team Leader: Ms. Vilma V. Leleng - Sr. Agriculturist, CASCADE
Member: Mr. Dexter B. Dimas - Agriculturist II, PAgO-Benguet
Secretary: Mrs. Corazon P. Ateo-an - Agriculturist I, PagO-Benguet

Environment & Natural Resources:

Leader: For Severino M. Balangcod - CDA II, ENR-PGO-Benguet
Co-Team Leader: Mr. Montano P. Bunglay Jr. - CASCADE Representative
Members: Engr. Octavius B. Mano - Engr. II, ENR-PGO-Benguet
Mrs. Fabiana S. Balangay - CDA II, ENR-PGO-Benguet
Secretary: Mrs. Jean B. Luy - CDA, ENR-PGO-Benguet

Health & Waste Management:

Leader: Dr. Esteban T. Piok - Provincial Health Officer II, BeGH-Benguet
Member/Sec.: Mrs. Domelia P. Abiasen- Sanitary Inspector IV, BeGH-Benguet

Veterinary/Fishery:

Leader: Dr. Ruben L. Cayad-an - Prov'l Veterinarian, PVO-Benguet
Members: Mr. Ricardo N. Ramirez - Agriculturist II, PVO-Benguet
Dr. Purita L. Lesing - Agricultural Aide, PVO-Benguet
Secretary: Ma. Wendelyne G. Sobrino - Agri. Technologist, PVO-Benguet

Culture & Arts:

Leader: Mrs. Nora L. Ramos - Provincial Manager, NCIP-Benguet
Members: Mrs. Charles P. Beray - CDO III, NCIP-Benguet
Mr. Marcos L. Jose - CDO III, NCIP-Benguet
Secretary: Mrs. Juliet C. Gaspar - CDO III, NCIP-Benguet

Peace and Order:

Leader: P/S Supt. Conrado S. Minano-Benguet PPO
Alternate: P/C Insp. Tim K. Wagang - PCRO, Benguet PPO
Members: PSI Dwight B. Morales - Benguet PPO
PO3 Nelson F. Judan - Benguet PPO
Secretary: Mrs. Jocelyn C. Valerio - Benguet PPO

B.2. Each Sector Leader shall designate their respective members

B.3. Roles and Functions

1. Prepare plans and design of relevant activities.
2. Collect, Collate and assess SB/Sp inventory of local policies relating to environment and determine gaps and strengths
3. Prepare policy inventory format.
4. Conduct appropriate researches.
5. Prepare topical outline formalities and validation.
6. Conduct multi-sectoral municipal-level scooping, validation meetings and consolidate the same.
7. Prepare and submit for approval the annual Work and Financial Plan.
8. Attend regularly the ESC/TWG meetings.
9. Recommend the conduct of necessary workshops/seminar, etc.
10. Write final draft of the Environment Code and submit to the Executive Steering Committee for review and appropriate action.

C. SECRETARIAT

C.1. Composition:

Mrs. Lilia Nugal Koh - ENR-PGO, Benguet
Mrs. Ella Segundo Lugay - SPO, Benguet

C.2. Secretariat to the different Sectors will be designated by their respective Sector Leaders.

C.3. Roles/Functions:

1. Takes and records proceedings of both ESC/TWG meetings.
2. Prepares and sends notices of meetings for the ESC/TWG members.
3. Act as custodian of all documents/record/supplies pertinent to the project.
4. Takes and records minutes of sector leader's meeting.


Section 2. BUDGETARY REQUIREMENT

An initial funding of One Hundred Thousand (PhP 100,000.00) pesos shall be appropriated to cover the cost of necessary materials and supplies, meetings, etc. (A financial budget will be presented upon completion of the Work and Financial Plan).

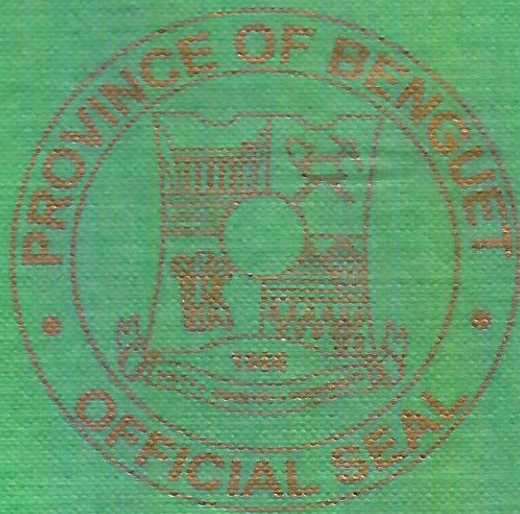
Section 3. EFFECTIVITY

This Order takes effect immediately and terminated upon completion of the final draft of the Environment Code.

Done this 22nd day of July, 2002 at La Trinidad, Benguet, Philippines.



RAUL M. MOLINTAS
Provincial Governor



BENGUET
ENVIRONMENT
CODE