

Item No.: 17

Date: AUG 22 2023



Republic of the Philippines  
Department of Environment and Natural Resources  
**PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE**  
Brgy. Baras, Palo, Leyte (Telefax No. (053) 832-4283) E-mail:  
penroleyte@yahoo.com

August 2, 2023

**Hon. Leonardo Javier Jr.**  
Vice Governor  
Province of Leyte  
Leyte Provincial Government Complex  
Palo, Leyte

Office of the Vice Governor

**Received**

By: REBECCA  
Date: 8/2/23  
Time: 1:04 PM

NR PENRO LEYTE  
**RELEASED**  
DATE: 08/02/23  
BY: [Signature]  
3:00

Dear Vice-Governor,

Environmental Greetings!

Last April 4, 2023 the Chief, Technical Services Division of PENRO Leyte together with project technical staff had a meeting with Hon. Board Member, Atty. Ronnan Christian Reposar about the implementation of the "Ensuring Sustainable Benefits from Peatland through Protection and Wise-Use (ESBenePeat)" and that one of its objectives is for the Leyte Sab-a Basin Peatland (LSBP) to be declared as a Local Conservation Area (LCA). As advised by BM Reposar, on the same day, our office sent a letter herein attached, regarding our appeal to the Sangguniang Panlalawigan for the formulation of an ordinance declaring LSBP as LCA.

In connection therewith, we respectfully like to ask for an update about the status of the proposed ordinance and that if the committee has taken cognizance to the appeal. If so, we would like to reiterate that our office will support the necessary steps for this undertaking such as organizing meetings to have the ordinance enacted. Furthermore, attached herewith is a sample ordinance for the committee's reference.

Should you have any queries and clarifications, please contact Glydelle Kiena Rojas, Project Technical Staff of PENRO Leyte, through 09171133970 or [esbenepeatleyte@gmail.com](mailto:esbenepeatleyte@gmail.com).

Thank you for your continued support and we are hoping for your favorable action towards this undertaking.

Sincerely yours,

**Forester ALEJANDRO K. BAUTISTA**  
OIC, PENR Officer

FILE



Republic of the Philippines  
Department of Environment and Natural Resources  
**PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE**  
Baras, Palo, Leyte

Email: [penroleyte@yahoo.com](mailto:penroleyte@yahoo.com) Telephone No.: (053) 832-4283/ (050) 323-7485

**Received**

By: Ken R. Bautista  
Date: 4/12/23  
Time: 4:22 pm

04 April 2023

**HON. LEONARDO JAVIER, JR.**  
Vice Governor  
Province of Leyte  
Leyte Provincial Government Complex  
Palo, Leyte

DENR PENRO LEYTE  
RELEASED  
DATE: 4/11/23  
BY: [Signature] 1153

Dear Hon. Javier:

Environmental greetings!

The DENR Biodiversity Management Bureau (BMB), in its capacity as the National Focal Agency for the ASEAN Task Force on Peatlands (ATFP), with the support from the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH will be implementing the ASEAN-EU-GIZ Sustainable Use of Peatlands and Haze Mitigation (SUPA) Country Project entitled "Ensuring Sustainable Benefits from Peatland through Protection and Wise Use (ESBenePeat)". The project is covered by a Grant Agreement by and between the DENR-BMB and GIZ, with the implementation period of 2 years from 1 January 2022 to 30 June 2023. Its primary purpose is to ensure the provision of the ecological functions and services of the Philippines' peatlands, including the Leyte Sab-a Basin Peatland (LSBP), through its protection and sustainable management. Under its Work Package 4: Protection and Rehabilitation of Peatlands, one of the activities is to initiate the establishment of the peatland as a local conservation area (LCA).

In connection to this, we would like to appeal to the Sangguniang Panlalawigan for the formulation of a provincial ordinance declaring LSBP as an LCA. Our office will support the necessary steps for this undertaking such as organizing meetings to have this ordinance enacted. Per information, Hon. Board Member Atty. Ronnan Christian Reposar, in his capacity as representative of the Environmental Legal Assistance Center, Inc. (ELAC) during the time of the implementation of the SUPA Component 2 under the International Institute for Rural Reconstruction (IIRR), has already started coming up with a peatland conservation ordinance which includes the declaration of LSBP as an LCA.

Thank you for your continued support and we are hoping for your favorable action towards this undertaking.

Sincerely yours,

**Forester ALEJANDRO R. BAUTISTA**  
OIC, PENR Officer

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REPUBLIC OF THE PHILIPPINES  
PROVINCE OF LEYTE

SANGGUNIANG PANLALAWIGAN

ORDINANCE NO. \_\_\_\_\_  
Series of 2023

**"AN ORDINANCE PROTECTING THE LEYTE SAB-A BASIN PEATLANDS,  
ESTABLISHING A LOCAL CONSERVATION AREA IN \_\_\_\_\_,  
INITIATING ITS ESTABLISHMENT AS A CRITICAL HABITAT, PROVIDING FUNDS  
THEREFOR, AND FOR OTHER PURPOSES"**

WHEREAS, portions of the Leyte Sab-a Basin within the territorial jurisdiction of the (Municipality/ies) have been identified and confirmed as "peatland" or areas where peat can be found;

WHEREAS, a peatland is a very rare type of wetland ecosystem in the Philippines and has been confirmed to exist only in the Leyte Sab-a Basin and the Agusan Marsh;

WHEREAS, peatlands provide food, wood, non-timber forest products, medicine, other natural materials, as well services and functions such as water regulation, irrigation, ecotourism and recreation opportunities and aesthetic values;

WHEREAS, peatlands also have global benefits such as biodiversity conservation and carbon sequestration and storage;

WHEREAS, peatlands are threatened by conversion and unsustainable which results to their degradation and loss and increases the risks of flooding during wet season and fire during dry season;

WHEREAS, there is an urgent need to protect and conserve these rare peatlands located within the Municipality, to ensure their continued existence and supply of the products and services that these provide for the benefit of the present and future generations of constituents of the Municipality;

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

WHEREAS, Section 3(i) of the Local Government Code of 1991 (Republic Act No. 7160) states that local government units (LGUs) shall share with the national government the responsibility in the management and maintenance of ecological balance within their territorial jurisdiction, subject to the provisions of the said Code and national policies;

WHEREAS, Section 16 of the Local Government Code, states that every LGU shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare, and directs LGU to ensure and support the preservation and enrichment of culture, promote health and safety, enhance the

52 right of the people to a balanced ecology, preserve the comfort and convenience of their  
53 inhabitants, among other things;

54  
55 WHEREAS, pursuant to national policies and subject to supervision, control and review of  
56 the DENR, municipalities may establish communal parks, tree parks, greenbelts, and similar  
57 forest development, which shall be through an ordinance enacted by the Sanggunian Bayan;

58  
59 WHEREAS, the establishment of Critical Habitats, or areas outside the National Integrated  
60 Protected Areas System (NIPAS) that are known habitats of threatened species, is promoted  
61 by the Republic Act No. 9147, otherwise known as the "Wildlife Resources Conservation and  
62 Protection Act";

63  
64 WHEREAS, DENR issued its Department Memorandum Circular (DMC) No. 2007-02 on the  
65 Guidelines on the Establishment and Management of Critical Habitat whereby, among  
66 others, LGUs may initiate the establishment of a critical habitat through the issuance of a  
67 resolution or an ordinance upon the completion of the critical habitat designation process;

68  
69 WHEREAS, Republic Act No. 9147 requires the DENR to coordinate with the LGUs in the  
70 protection of such critical habitats;

71  
72 WHEREAS, local legislation is paramount to provide protection to our peatlands and to  
73 initiate its establishment as a Critical Habitat by the DENR;

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76 **NOW THEREFORE, BE IT ENACTED, AS IT IS HEREBY ENACTED, BY THE**  
77 **SANGGUNIANG PANLALAWIGAN OF LEYTE IN SESSION ASSEMBLED, BY**  
78 **VIRTUE OF THE POWERS VESTED IN IT BY LAW, THAT:**

79  
80 Section 1. *Title of the Ordinance.* - This ordinance shall be known as the "Peatland Protection  
81 and Conservation Ordinance", hereinafter referred to as the "Peatland Ordinance".

82  
83 Section 2. *Declaration of Policy.* - Pursuant to laws and national policies, it is hereby declared  
84 the policy of the Municipality of to protect and conserve the peatlands within its territorial  
85 jurisdiction, to ensure continued supply of the products and services that these provide, and  
86 to promote the rights of its constituents to a balanced and healthful ecology in accord with  
87 the rhythm and harmony of nature.

88  
89 Section 3. *Coverage.* - This Ordinance shall apply to areas identified by the DENR as  
90 peatlands, specifically the peatlands located in (indicate location).

91  
92 Section 4. *Definition of Terms.* - As used in this Ordinance, the following terms shall have the  
93 corresponding meanings:

94  
95 a) *Agricultural lands* - refer to lands release as alienable and disposable and devoted to  
96 agricultural activity and not classified as mineral, forest, residential, commercial or  
97 industrial;

98  
99 b) *Biodiversity* - refers to the variability among all living organism from all sources  
100 including, inter alia, terrestrial, marine and other aquatic ecosystems and the  
101 ecological complexes or which they are part: this includes diversity within species,  
102 among species and of ecosystems

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- c) *Critical habitat* - refers to areas outside the National Integrated Protected Areas System (NIPAS) where threatened species are found and designated by the Secretary of DENR o for its protection, in coordination with the local government units and other concerned groups, from any form of exploitation or destruction which may be detrimental to the survival of the threatened species;
- d) *Draining* - refers to the act of removing water from peatlands by means of excavating ditches, canals and other waterways;
- e) *Ecotourism* - refers to low-impact, environmentally sound and community-participatory tourism activity in a given natural environment that enhances the conservation of bio-physical and cultural diversity, promotes environmental understanding and education, and yields socioeconomic benefits to the concerned community;
- f) *Peat* - refers to organic material formed from dead organic matter partly decayed leaves, stems and roots of plants that have accumulated in a water saturated environment in the absence of oxygen. Peat comprises more than 90% water and has a unique ability to store large amounts of water;
- g) *Peatland* - refers to an area with a naturally accumulated layer of peat at the surface;
- h) *Threatened Species* - is a general term to denote species or subspecies considered as critically endangered, endangered, vulnerable or other accepted categories of wildlife whose population is at risk of extinction;
- i) *Wetland* - refers to land that has water table at, near or above the land surface or that is saturated for a long enough time to promote wetland or aquatic processes and various kinds of biological activity that are adapted to the wet environment. It includes fen, bog, swamp, marsh and shallow open water;
- j) *Wildlife* - refers to wild forms and varieties of flora and fauna, in all developmental stages, including those which are in captivity or are being bred or propagated;
- k) *Wildlife habitat* - refers to a place or environment where wildlife species or subspecies naturally occur or has naturally established its population;
- l) *Zoning ordinance* - refers to a local city or municipal legislation which logically arranges, prescribes, defines and apportions a given political subdivision into specific land uses as present and future projection of needs;

Section 5. *Operative Principles in the Protection and Conservation of Peatlands.* - The use of peatland and peatland resources must be consistent with principles of sustainable development, inclusive growth, poverty reduction, biodiversity conservation, climate change adaptation and mitigation, and disaster risk reduction and management and while advancing the right to a balanced and healthful ecology in accordance with the harmony and rhythm of nature.

152 Section 6. *Strategies to Promote Sustainable Management of Peatlands.* - To promote the  
153 sustainable management and wise use of peatlands, the following must be immediately  
154 undertaken:

- 155
- 156 1. Awareness raising on the values and importance of peatlands in the affected  
157 Barangays, especially Barangays \_\_\_\_\_;
  - 158
  - 159 2. Capacity building of relevant local government agencies and communities on  
160 peatland management;
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  - 162 3. Through the DENR, reversion of abandoned agricultural areas within peatlands;
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  - 164 4. Refilling or blocking or plugging of abandoned drainage canals; and
  - 165
  - 166 5. Implement sustainable and alternative livelihood for local communities.

167

168 Section 7. *Establishment of Local Conservation Areas.* - The following peatland areas located in  
169 Leyte Province are hereby established as local conservation area (LCA) for the protection  
170 and conservation of peatlands:

- 171
- 172 a. *(Insert name and location, technical description, if available)*
  - 173 b. *(Insert name and location, technical description, if available)*

174

175 Section 8. *Establishment of Critical Habitats.* - The Environment and Natural Resources  
176 (ENRO) of the LGU Leyte shall lead in the preparation of the establishment of peatlands as  
177 critical habitats, in accordance with pertinent DENR issuances. Within six (6) months from  
178 the effectivity of this Ordinance, the Provincial Government ENRO shall submit the  
179 requirements for the adoption of a resolution or enactment of an ordinance by the  
180 Sanggunian requesting DENR to establish the critical habitats.

181

182 Section 9. *Inclusion of Peatland and Peatland Concerns in the Provincial Comprehensive Land Use*  
183 *Plan.* - Peatland and peatland concerns shall be included in the updating of Comprehensive  
184 Land Use Plans (CLUPs). In this regard, the Provincial Planning and Development Officer  
185 shall ensure that peatlands are be placed under protection land use category consistent with  
186 the requirements for ecological balance and appropriate location principle or the proper  
187 selection of a site to minimize the damage both to the environment and human health.  
188 Further land use conversion of peatlands or their release as agricultural land shall be  
189 avoided.

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191 Section 10. *Existing Agricultural Activities in Peatlands.* - In coordination with the DENR and  
192 the DA, the Province shall adopt best management practices to be followed by existing  
193 agricultural activities in peatlands. The Province shall promote the transition to planting  
194 agricultural products that are more suited to peatland conditions. The Province shall also  
195 promote the modification of agricultural practices to adapt to peatland conditions.

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197 Section 11. *Ecotourism in Peatlands.* - The Provincial Governor shall coordinate with the  
198 DENR and issue appropriate directives, circulars, and advisories for the purpose of  
199 promoting ecotourism in peatlands and regulating visitor behavior therein.

200 Section 12. *Public Awareness Campaigns* - The Municipality shall periodically conduct  
201 activities geared at raising awareness of peatlands and communicating the importance of

202 conservation and sustainable use of peatlands to local communities. The Province shall also  
203 inform and educate local communities on the dangers of peatland fires and enlist their  
204 participation in fire prevention and control strategies.

205 Section 13. *Creation of the Council.*

206 Section 14. *Illegal Acts.* - The following acts are prohibited inside peatlands:

- 207 a) land clearing and conversion;
- 208 b) timber extraction;
- 209 c) collection, hunting, trapping or possession of wildlife, wildlife by-products and  
210 derivatives;
- 211 d) Unauthorized draining;
- 212 e) squatting;
- 213 f) constructing or maintaining any kind of structure, fence or enclosures and  
214 conducting any business enterprise without a permit; and
- 215 g) Burning.

216 Section 15. *Penalties.* - Commission of any of the illegals acts in the foregoing section shall be  
217 penalized by imprisonment of up to six (6) months and/or a fine of not less than One  
218 Thousand Pesos (PhP1,000.00) but not more than Two Thousand Five Hundred Pesos  
219 (PhP2,500.00) at the discretion of the Court.

220 Section 16. *Avoidance of Double Jeopardy.* - The penalty provided in this Ordinance shall be in  
221 addition to the penalty that may be provided by any other statute or ordinances: *Provided,*  
222 *however,* That the prosecution or law enforcer shall charge the offender or violator with the  
223 law providing a heavier penalty in case it appears that a single act is punishable by two or  
224 more laws, ordinances and provisions thereof with different penalties or in case filing more  
225 charges than one may amount to double jeopardy.

226 Section 17. *Funding.* - An initial funding to defray the expenses necessary for or incidental to  
227 the implementation of this Ordinance in the amount of [insert amount here] shall be sourced  
228 from the Provincial general fund and is hereby allocated. Every year thereafter, at least  
229 [insert amount here] shall automatically be included in the Annual Budget of the Province for  
230 the implementation and enforcement of this Ordinance, based on municipal plans and  
231 programs.

232 Section 18. *Repealing Clause.* - All ordinances contrary to or inconsistent with this Ordinance  
233 are hereby repealed or modified accordingly.

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235 Section 19. *Separability Clause.* - If any part or provision of this Ordinance is declared  
236 unconstitutional or invalid, the same shall not affect the validity and effectivity of the other  
237 parts or provisions hereof.

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239 Section. 20. *Effectivity Clause.* - This Ordinance shall take effect after the lapse of ten (10) days  
240 from publication in a newspaper of general circulation, after posting for three (3)  
241 consecutive weeks in three (3) conspicuous places in the Province and after a review of the  
242 Sangguniang Panlalawigan.

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245 UNANIMOUSLY APPROVED

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CERTIFICATION

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249 I hereby certify to the correctness of the quoted ordinance.

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\_\_\_\_\_  
Secretary of the Province

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257 Certified Correct:

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261 \_\_\_\_\_  
Vice Governor

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265 Approved:

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Provincial Governor

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CERTIFICATION

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This is to certify that the posting and publication of this Ordinance as required under Section 511 of the Local Government Code have been complied with. Furthermore, public hearings were conducted prior to the passage of this Ordinance.

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Secretary of the Sangguniang Panlalawigan