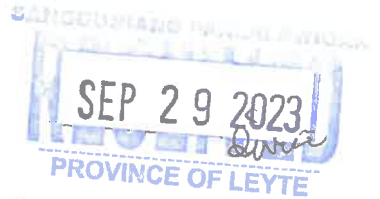




Republic of the Philippines
PROVINCE OF LEYTE
-o0o-



Office of Honorable Atty. Ronnan Christian M. Reposar

September 27, 2023

Hon. LEONARDO M. JAVIER JR.
Vice Governor
Province Leyte

Dear Honorable Vice Governor;

Warm Greetings!

Respectfully endorsing to your good office, the following proposed ordinances for inclusion in the agenda in the next regular session for approval on **FIRST READING**:

1. AN ORDINANCE BANNING THE SALE, RENTAL, TRANSFER, DISTRIBUTION, MANUFACTURE, AND/OR PRODUCTION OF PIRATED, COUNTERFEIT, OR FAKE GOODS, OR DRUGS/MEDICINES AND FOR OTHER PURPOSES; and,
2. THE LEYTE SAB-A BASIN PEATLAND RESOURCES CONSERVATION and MANAGEMENT ORDINANCE.

Thank you very much and best regards.

Very truly yours,

Atty. Ronnan Christian M. Reposar
Committee on Rules, Laws and Privileges
Chairperson



Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte
-oOo-



SANGGUNIANG PANLALAWIGAN

EXCERPT FROM THE MINUTES OF THE ____ SESSION OF THE SANGGUNIANG PANLALAWIGAN, PROVINCE OF LEYTE, CONDUCTED AT THE SESSION HALL, LEYTE PROVINCIAL GOVERNMENT COMPLEX, PALO, LEYTE ON _____.

PHYSICALLY PRESENT:

VIRTUALLY PRESENT:

RESOLUTION NO. 2023-_____

A RESOLUTION APPROVING ON THIRD AND FINAL READING, PROVINCIAL ORDINANCE NO. 2023-____, ENTITLED: "AN ORDINANCE PROVIDING FOR THE CONSERVATION AND MANAGEMENT OF LEYTE SAB-A-BASIN PEATLAND AND ALL OTHER PEATLAND RESOURCES WITHIN THE PROVINCE OF LEYTE, DEFINING ITS SCOPE AND COVERAGE AND FOR OTHER PURPOSES"

WHEREAS, the Leyte Sab-a Peatland in the Philippines plays an important role in long term climate change mitigation, given its role in moderating atmospheric carbon dioxide (CO₂) concentrations;

WHEREAS, the Leyte Sab-a Basin Peatland, from the Rapid Biodiversity Assessment has diverse flora and fauna with a record of sixty-seven birds' species with twelve endemic and thirteen migratory and four threatened species because of human developmental activities;

WHEREAS, the Leyte Sab-a Basin Peatland is presently facing different issues and concerns both natural and anthropogenic that affects its resources, such as, peat fire, flooding, storms, typhoons, land conversion, soil erosion, deforestation, human encroachment, destructive fishing methods, road construction, quarrying, presence of exotic tree species, wildlife poaching and other concerns like intentional draining of its water, slash and burn agriculture or kaingin among others;

WHEREAS, the Philippine Constitution protects and advances the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature.¹ or

WHEREAS, Section 15 & 16, Article II of the Philippine Constitution provides that: "The state shall protect and promote the right health of the people, 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";

¹ Section 16, Article II, Constitution. 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, the Local Government Code of 1991 has devolved the management of the natural resources to the local government units.²

WHEREAS, Section 3 (i) of Republic Act No. 7160, otherwise known as the "Local Government Code of 1991", provides that the Local Government Units shall share with the national government the responsibility in the management and maintenance of ecological balance within their territorial jurisdiction;

WHEREAS, the Sangguniang Panlalawigan is convinced of the need to enact a peatland conservation ordinance that integrates various scientific studies to achieve a sustainable peatland resource management and utilization;

NOW, THEREFORE, on motion of the Honorable _____, and duly seconded by Honorable _____, be it

RESOLVED to enact, as it is hereby ENACTED on third and final reading, the Sangguniang Panlalawigan of Leyte in session assembled, DO HEREBY ORDAIN, that:

PROVINCIAL ORDINANCE NO. 2023-_____

AUTHOR: Atty. Ronnan Christian M. Reposar

CO-AUTHORS: Hon. Raissa J. Villasin
Hon. Marie Kathryn Veloso-Kabigting
Atty. Carlo P. Loreto

ARTICLE I

Title, Principles and Policies, Scope and Definition of Terms

Section 1. Title. This ordinance shall be known as "THE LEYTE SAB-A BASIN PEATLAND RESOURCES CONSERVATION and MANAGEMENT ORDINANCE.

Section 2. Policy. It is hereby declared the policy of the provincial government of Leyte to:

- a. To conserve and protect the Leyte Sab-a Basin Peatland within the municipalities of Palo, Sta. Fe, Alang-alang, and San Miguel, Leyte and such other wetlands, peatlands and its surrounding watershed within the territorial jurisdiction of the province.
- b. To sustainably manage the Leyte Sab-a Basin Peatland to ascertain the existence of the natural resources found thereon to adequately

² Section 16 (R.A. 7160). *General Welfare.* – Every local government unit shall exercise the power 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. Within their respective territorial jurisdictions, local government units shall ensure and support, among other things, the preservation and enrichment of culture, promote health and safety, **enhance the right of the people to a balanced ecology**, encourage and support the development of appropriate and self-reliant scientific and technological capabilities, improve public morals, enhance economic prosperity and social justice, promote full employment among their residents, maintain peace and order, and preserve the comfort and convenience of their inhabitants.

provide the needs of both the present and future generation;

- c. To manage and regulate activities within the Leyte Sab-a Basin Peatland in a manner consistent with the principle of eco-tourism and sustainable development;
- d. To promote and adhere to the precautionary principle of conservation, management and exploitation of the peatland resources, that the absence of adequate scientific and technical information should not be used as a reason for postponing or failing to take conservation and management measures;
- e. To develop, enhance, promote and sustain eco-tourism activities in the Leyte Sab-a Basin Peatland through conservation and protection of natural resources of the Peatland, wetlands and its surrounding watershed;
- f. To enhance people's participation in the management, conservation, protection and regulation of activities in Leyte Sab-a Basin Peatland and its surrounding watershed; and,
- g. To promote inter-agency collaborations in the peatland resource utilization, management and conservation.

Section 3. Scope of Application.

The provisions of this ordinance shall be enforced in and/or apply to:

1. Leyte Sab-a Basin Peatland within the municipalities of Palo, Sta. Fe, Alang-alang, and San Miguel, Leyte and such other wetlands, peatlands and its surrounding watershed within the territorial jurisdiction of the province;
2. All activities or business relating to the use, development, conservation and management of the Leyte Sab-a Basin Peatland and its resources;

Section 4. Definition of Terms.

1. *Peat* - refers to dead and partially decomposed plant material that have accumulated under high water saturation or waterlogged conditions. Peat soil is defined using the definition of histosol (organic soil) which are soils with cumulative organic layer(s) comprising more than half of the upper 80cm or 100cm of the soil surface containing 35% or more organic matter (35% or more loss on ignition) or 18% or more organic carbon;
2. *Peat swamp forest* - refers to a type of peatland that has forest cover and can be found in certain areas in the tropical regions of the world;
3. *Peatlands* - refers to wetland ecosystems characterized by the accumulation of peat at the surface. Major characteristics of peatland are the presence of peat, permanent water logging, and continuous upward growth of the surface. Peatlands may have

vegetation in the form of trees, shrubs, and grasses or may lack vegetation entirely;

4. *Protected Area* - refers to identified portions of land and/or water set aside by reason of their unique physical and biological significance, managed to enhance biological diversity and protected against destructive human exploitation;
5. *Subsidence* - refers to the lowering or collapse of the ground level that results from draining water from peatlands;
6. *Wetlands* - refer to a wide variety of inland habitats such as marshes, peatlands, floodplains, rivers and lakes, and coastal areas such as saltmarshes, mangroves, intertidal mudflats and seagrass beds, and also coral reefs and other marine areas no deeper than six (6) meters at low tide, as well as human-made wetlands such as dams, reservoir, rice paddies and wastewater treatment ponds and lagoons.
7. *Climate Change* - a change in climate that can' be identified by changes in the mean and/or variability of its properties and that persists for an extended period typically decades or longer, whether due to natural variability or as a result of human activity.
8. *Disaster* - a serious disruption of the functioning of a community or a society involving widespread human, material, economic or environmental losses and impacts, which exceeds the ability of the affected community or society to cope using its own resources. Disasters are often described as a result of the combination of: the exposure to a hazard; the conditions of vulnerability that are present; and insufficient capacity or measures to reduce or cope with the potential negative consequences, Disaster impacts may include loss of life, injury, disease and other negative effects on human, physical, mental and social well-being, together with damage to property, destruction of assets, loss of services, Social and economic disruption and environmental degradation.
9. *Anthropogenic causes* - refer to causes resulting from human activities or produced by human beings.
10. *CITES* - refers to the Convention on International Trade in Endangered Species of Wild Fauna and Flora, a treaty regulating international trade of fauna and flora listed in its Appendices:
11. *Biodiversity* - the variability among living organisms from all sources including inter alia, terrestrial, marine, aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and ecosystems
12. *Canal blocking* - Infrastructure, in the form of dams, which are built across the man-made canal which have been dug into the peatlands to increase water retention of the canals and their surrounding peatland, reducing the lowering of the water table on peatlands so that it stays wet and is less prone to burning.

13. *Greenhouse gases* - greenhouse gases are those gaseous constituents of the atmosphere, both natural and anthropogenic, that absorb and emit radiation at specific wavelengths within the spectrum of terrestrial radiation emitted by the Earth's surface, the atmosphere itself, and by clouds.
14. *Revegetation* - an effort to restore vegetation cover on peatland ecosystems by planting either native vegetation in the protected areas or other vegetation which are adaptive to the wetlands and possess the economic value in the cultivation areas.
15. *Rewetting* - a peat restoration measure that aims to restore the hydrological conditions, structure and functions of degraded peat ecosystems to their near-natural state
16. *Paludiculture* - the practice of productive agriculture/agroforestry on peatlands which does not require drainage, thus high water tables are maintained and peat systems and their environmental services are kept intact whilst providing alternative livelihoods.
17. *Wildlife* - means wild forms and varieties of flora and fauna, in all developmental stages, including those which are in captivity or are being bred or propagated
18. *Species* - refers to smallest population which is permanently distinct and distinguishable from all others. It is the primary taxonomic unit of an organism
19. *Threatened Species* - is a general term to denote species that is considered as critically endangered, endangered, vulnerable or other accepted categories of wildlife whose populations are at risk of extinctions;
20. *Critically Endangered Species* - refers to a species that is facing extremely high risk of extinction in the wild in the immediate future; presumed extinct species upon rediscovery of a population of such a group shall be automatically categorized as critically endangered
21. *Endangered species* - refers to a species that is not critically endangered whose survival in the wild is unlikely if the causal factors continue operating
22. *Vulnerable species* - refers to a species that is neither critically endangered nor endangered but is under threat from adverse factors throughout its range and is likely to be moved to the endangered category in the future, and,
23. *Other Threatened species* - refers to a species that is not critically endangered, endangered nor vulnerable but is under threat from adverse factors, such as over collection throughout its range and is likely to be moved to the vulnerable category in the near future.

24. *Aquaculture* - fishery operations involving all forms of raising fish and fishery species in freshwater, brackish and such other bodies of waters for both commercial and domestic purposes;
25. *Aquatic pollution* - the introduction of substances by human or machine, directly or indirectly, to the peat swamps or to bodies of water found in the peatlands, which result or likely to result in such deleterious effect as to harm living and non – living fishery resources and such other natural resources found thereon. Such shall include the dumping/disposal of waste and other litter; discharge of petroleum, and other radioactive, noxious or harmful liquid, gaseous or solid substances, from any water, land or other human made structures. Deforestation and unsound agricultural practices such as the use of banned chemicals and excessive use of chemicals, intensive use of artificial fish feed, which causes similar hazards and deleterious effects, shall also constitute aquatic pollution;
26. *Electrofishing* - the use of electricity generated by batteries, electric generators and other sources of electric power to kill, stupefy, disable or render unconscious fishery species, whether or not the same is subsequently discovered;
27. *Fish Cage* - any method of raising fin fish in a fish enclosure which is either stationary or floating, made up of nettings or screen sewn or fastened together and installed in the water with opening at the surface and held in place by wooden posts or various anchors and floats;
28. *Fisheries* - refers to all activities relating to the act or business of fishing, culturing, preserving, processing, marketing, developing, conserving and managing fishery resources;
29. *Fishery License* - a document that qualifies a person/cooperative/partnership/corporation to engage in fishery activities within the municipal waters;
30. *Fishers/Fisherfolk* - people directly, or personally and physically engaged in taking and/or culturing and processing fishery/coastal/marine resources;
31. *Fishery Resources* - include all flora and fauna found in the peatland/peat swamps, including their habitat;
32. *Fishing* - the taking of fishery species from the wild state or habitat, with or without the use of fishing vessels;
33. *Fishing with explosives* - the use of dynamite, other explosives or other chemical compounds that contain combustible elements or ingredients which upon ignition by friction, concussion, percussion or detonation of all or parts of the compound, will kill, stupefy or disable or render unconscious any fishery species; it also refer to the use of any substance and/or device which causes explosion that is capable of producing the said harmful effect on any fishery species and aquatic resources and capable of damaging and altering the natural habitat;

- 34. *Balatik* - Improvised bomb, Improvised shotgun which if triggered will explode
- 35. *Tubli* - a form of fish poisoning
- 36. *Gratuitous Permit* - a permit issued to marginal and subsistence municipal fishers free of any charges;
- 37. *Non-Government Organization (NGO)* - refers to an agency, institution, a foundation or a group of persons whose purpose is to assist people's organizations/associations in various ways including, but not limited to, organizing, education, training, research and/or resource accessing;
- 38. *People's Organization* - a bonafide and duly accredited association of citizens with demonstrated capacity to promote the public interest and with identifiable leadership, membership and structure; its members belong to a sector/s in the community who voluntarily band themselves together to work for their own upliftment, development and greater good;
- 39. *Permit* - a document issued to license holders before engaging in any activity within the Peatlands or Peatswamps;
- 40. *Persons* - natural or juridical entities such as individuals, associations, partnership, cooperatives corporations;
- 41. *Drainage* - the removal of excess water from an area
- 42. *Watershed* - is a river basin, a landscape unit and an area of land where all water drains to a central point like lake, river or stream.

ARTICLE II
The Leyte Sab-a Basin Peatland

Section 5: Boundaries c/o Dr. Pastor) Need to do workshop with Dr. Pastor..

Point	Latitude	Longitude	Remarks
1			
2			
3			
4			
5			
6			
7			

Section 6: Zonation

a. Core Zones or Strict Protection Zones - This is the zone where maximum protection will be imposed. This is the intact Peat Swamp Forest indicated in the general Land Use and Vegetation Map. This area is identified for enrichment and no access and activities allowed except for permitted research purposes.

a.1 Peat Swamp Forest - This is the area where trees like lanipao, kabak and other plants and tree species thrive in the area;

a.2 Grassland and Sedges - This is the area where grasses and sedges thrive in the area with deep water below the peat surface.

a.3 Grassland and Sedges with cultivation - This the area where current and existing cultivation is observed during the project implementation and filed research assessment.

a.4 Pools with Hydrophytes or Aquatics plants – This is the area in the peatland with pools with hydrophytes.

b. Buffer Zones - This is a 20-meter-wide area right from the boundary of the Leyte Sab-a Basin Peatland. Restoration activities should be a regular program to protect the buffer zone. Paludiculture will be permitted to sustain peatland friendly livelihood.

c. Sustainable development zone – This is the area right after the 20 meter wide buffer zone. Multi use activities is allowed but restricted to support conservation and protection of the Leyte Sab-a Basin Peatland core zone and its surrounding watersheds.

Section 7 : Persons Eligible for use of Peatland Resources

- Harvest of Raw Materials
- fishing and/or fishery privileges

The following are eligible to utilize and/or gather peatland resources; provided proper documentations, permits and/or licenses as may be applicable shall have been obtained prior such allowable activities:

- a. Residents of the concerned municipalities where portions or part of the peatland is found and who are Filipino citizens;
- b. Cooperatives duly registered in accordance with law and duly accredited by the municipal government of the concerned municipalities; and
- c. Corporations with sixty (60) percent of its capital belonging to bonafide residents of the concerned municipalities.

Section 8. Use of Peatland Resources c/o Dr. Lilibeth and Dr. Judith

The use, utilization, and exploitation of the resources the Leyte Sab-a Basin Petland shall be reserved for residents of concerned municipalities where portions part of the peatland is found. Provided, however, that other activities such as, but not limited to, research, scientific, technological and educational purposes may be allowed: Provided, further, that prior to the

conduct of such activity a permit has been secured from the concerned Local Chief Executive in consultation and with the endorsement of the Peatland Management Council.

Section 10. The Local government units concerned shall maintain a registry of resource users for purposes of determining priorities among them, regulating and limiting entry into the Leyte Sab-a Basin Peatland, and monitoring activities and/or other related purposes: Provided, that such list or registry shall be updated annually or as often as may be necessary, taking into account ecological and social factors, and shall be posted in barangay halls or other strategic location where it shall be open to the public, for the purpose of validating the correctness and completeness of the list; Provided, however, that the municipal government, in consultation with the Peatland Management Council, shall **formulate the necessary mechanisms for inclusion or exclusion procedures** that shall be most beneficial to their residents. The said mechanism shall consider the following for the registry of resource users:

- Qualification and Eligibility
- Registration of Gears and or Tools
- Coding for monitoring / per municipality / per resource use

ARTICLE III

Utilization of Peatland Resources

Section 11: Preferential Treatment to Agrarian Reform Beneficiaries (ARBs) their Organization in the Grant of Exclusive Privileges

The Agrarian Reform Beneficiaries affected, their organizations or cooperatives shall have preference in the grant of exclusive privilege in the use and/or utilization of the peatland resources, subject to such guidelines as may be formulated by the concerned local government units in consultation with the Peatland Management Council.

Section 12 : Limitations on the Grant of Exclusive Privileges

The following limitations shall be strictly followed:

1. the exclusive privilege shall be binding and valid for _____ (_____) year;
2. the exclusive privilege shall not be sub-contracted or sub-leased, in whole or in part;
3. the ARB who is a member of an organization or cooperative and whose household are already in possession of any exclusive privilege, cannot anymore enjoy the exclusive privilege granted to the organization or cooperative.

Section 13 : Grounds for the Cancellation of the Exclusive Privilege.

The following are the grounds for the cancellation of the exclusive privilege:

1. Conducting or performing activities outside the designated zones/areas as granted;
2. Violation of any fisheries and environment-related laws and ordinances;
3. Use of dummies;
4. Failure to comply with national laws, rules and regulations;
5. When the holder of the exclusive privilege submits a voluntary written request to forego of such privilege; and
6. When public welfare so requires, as deemed by the municipal government.

- Section 14 :** Licenses, Permits, Registration and User's Fees
- Individual License -
 - Special Permits -
 - Gratuitous Permits –
 - Registration Fees
 - User's Fees -

Subject to the provision of Section 186³ of the Local Government Code, the fees and charges shall be identified and legislated by the concerned local government units for any and all activities which may be allowed relative to the use of the peatland resources. These fees may also vary for individual user and to the extent of the area which may be subject to that permits or license as may be issued by the concerned local government unit.

ARTICLE IV

Management and Conservation of Peatland Resources (Integrate the research initial policy recommendations)

Pursuant to the policies provided in Section 2 of this ordinance, the local government unit concerned with the assistance of the Peatland Management Council and in partnership with other stakeholders shall develop strategies or programs to ensure that the following management strategies and/or actions are implemented:

A. Physical

- Prohibition of land conversion of the remaining wetland forest;
- Strick regulation of land conversion and limitation of agricultural activities within the properties adjacent to the peatland, to restore the acidic condition and the nutrient status of peatland;
- Establishment of markers in the boundaries and buffer zones of the peatland;
- Limitation of rice paddies production in shallow peat;
- Rewetting and revegetation in the degraded peatland areas, such as grasslands and abandoned farm areas;
- Reduction of deforestation and agricultural activities to prevent carbon loss in the vegetation and peat soil

- Prioritize the protection of wetland forest as it potentially stores the greatest amount of carbon.⁴
- Creating permanent agricultural sites or shifting plots outside the buffer zones to minimize encroachment in the core zones of peatland

B. Biodiversity

- Enhance vegetation cover to serve as wildlife habitat;
- Restoration of abandoned agricultural areas and rice paddies, through revegetation and planting of native peatland species;
- Regulate and/or prohibit the hunting of wildlife species with high conservation value;
- Regulate harvesting of threatened native fish species “pantak”;
 - o *Note: Specify wildlife species with conservation status c/o VSU*
- Prohibit use of “balatik and tubli”;
- Regulate cutting and gathering of peatland tree species;
- Discourage promotion and planting of invasive tree species with less biodiversity impact;
- Wetland forest and surrounding watershed shall be delineated as protection zones for the habitat of threated and endangered species;
- Reduce use of chemical pesticides to prevent water contamination;
- Establish long term bio monitoring sites;
- Establish long term monitoring for carbon storage, nutrient dynamics.

C. Socio economic (c/o Dr. Lilibeth and Dr. Judith of VSU)

- Intensify IEC and continuous awareness sessions in the community (Peatland awareness and environmental laws)

Section 15 : Allowable activities within the peatlands

- Forest related activities
 - o Gears and Tools
- Fishery related activities
 - o Gears and Tools

Section 16 : Designation of Open and Closed Seasons

- Harvest/Gathering of Raw Materials
- Fishing Activities / Catching of certain species

⁴ Note: there is greater carbon stored in peat soil compared to above ground vegetation; The deeper the peat, the greater the carbon deposit

Section 17 : Restrictions on the Operations of Eligible Activities and Gears

ARTICLE V
General Prohibitions

(Insert discussion on Management Zoning)
Reference: (ADB Study)

Section 18 : Core Zones or Conservation Zone – This is the zone where maximum protection will be imposed. It will be protected and managed on well defined conservation objectives. It is a good representation of a typical wetland -inland forest. The area should act as *in situ* conservation units/wildlife sanctuaries with an area designated for baseline monitoring studies. The ideal model of the core area should not have any significant human settlements, should only be used for non-destructive research and as an environmental observation and monitoring of ecosystem structure and function to better understand the wetlands.

The wetland forest designated in the present study as Ecotype 5 is proposed to be the **core zone** which is to be protected from direct impacts of human activities. It can be devoted to scientific and academic research, such that it is maintained in its natural state and natural processes of evolution still occurs within the conserved ecosystem. Other activities that will be allowed would be limited to educational trips in sections where boardwalks and planks traverse portions of the different ecotypes, such as the wetland forest, the boggy areas and the sedges/grassland areas of the preserved Sab-a Basin. Bird and wildlife watching are some of the activities that would be part of the educational benefits of such trips to the area. However access to the area would be controlled so that wetland core zone is minimally disturbed.

It is recommended that part of the upland forest /watershed, especially in the eastern side, be protected as part of the core zone because of its interconnection with the wetland. Some of the faunal species move from these two ecosystems. Furthermore, water movement is dependent on the quality of the watershed that affects water levels in terms of water levels in terms of water release and erosion of sediments within the wetland.

Section 19: Buffer Zones – This zone surrounds the the core area to insulate the preserved areas from human disturbance. Only activities compatible with the protection of the core zone should take place. Activities that may be allowed are extensions of those in the core zone, like research and education. Its scenic landscapes vista can likewise be promoted for tourism. Recreation such as hiking, biking and camping in designated areas can be promoted as part of ecotourism and the community using the circumferential road as routes to trek the wetland reserve. This zone must be well delineated with activities to be permitted limited to minimal resources extraction (i.e. tikog for cottage industry) that is to be managed by the local community. Buffer zone projects tend to attract funding from donors wishing to become involved in nature conservation to benefit local communities.

Ecotype 4, characterized by a boggy area and Ecotype 1, characterized by sedges and grasslands are proposed to consist the buffer zone area where the existing communities will be allowed to stay but will not be permitted to cultivate the land and undertake other activities, except those earlier mentioned. Further migration into the buffer zone will also be strictly discouraged.

Section 20: Multi Use Zones (Transition zones) – This represent the influence zone which often supports human settlements and a range of human activities. These areas may allow some low impact agriculture such as fruit trees planting, organic farming, backyard livestock production and backyard gardening. Human settlements in these areas should be regulated as resources can be easily depleted if carrying capacity of the area is exceeded. Activities in this areas should be monitored in such a way that they encourage environmentally sound activities.

Agricultural (e.g root crops and rice farming) and other livelihood activities (e.g tikog gathering and fishing) will be allowed in the transition zone, which is proposed to be located on the fringes of the swamp basin. This area has been partially and/or totally drained and converted to agriculture. The transition zone allows more access, but limits expansion for further development. It acts as a model to demonstrate how people can utilize portions of the wetland causing unacceptable environmental damage. The management plan would promote economic activities undertaken in this transition zone, which are carried out in an environmentally sustainable manner while providing for the economic and social requirements of the population.

The zone of influence surrounding the protected wetland would allow the maintenance of agricultural sites of economic importance as long as farm practices do not affect the habitat quality of the wetland. This would include the areas for conversion or development zones of Ecotype 2 and Ecotype 3.

Figure 7.2 shows the preliminary zonal delineation of the protected area. A more detailed survey will be needed to determine the exact boundaries of the zones and to locate highly sensitive areas for preservation to come up with a more definite management prescription.

Corollary to the zoning and mapping works are the following crucial activities to ensure social acceptability, legitimacy and effective implementation.

- The provisional boundary of the protected area and the proposed boundaries of the various zones should be mapped and finalized with proper consultation from concerned LGUs, DENR and local communities.
- Areas of conflict, such as declared A & D lands, land tenure, land use should be discussed with stakeholders and come up with agreements to settle disputes/conflicts.

- Acceptance of the protected area delineation and zoning by all stakeholders
- should be worked out including its legitimization and support at the local level through resolutions from the barangays, municipal and provincial governments.

Section 21: Sustainable Use Zones:

ARTICLE VI MUNICIPAL PEATLAND RESOURCES MANAGEMENT AND DEVELOPMENT PLANNING

Section 22 : Mandate For the Municipal Peatland Resources Management and Development Planning

The Office of the Municipal Agriculturist (OMA), the Office of the Municipal Environment and Natural Resources (MENRO) and the Municipal Planning and Development Coordinator (MPDC) in coordination with the Peatland Conservation and Management Council and such other concerned agencies, shall formulate a Peatland Resource Management and Development ⁵Plan, which shall be the basis for the long-term development and management of the resources within their territorial jurisdiction.

Section 23 : Planning Consultation

Within _____ (__) days from the effectivity of this ordinance, the Office of the Municipal Agriculturist in collaboration with the MENRO and the MPDC shall engage in public consultation with the concerned Barangays in order to determine the needs, goals, objectives and programs for development and management of the peatland resources within their municipality; provided, that the results of such consultation shall be documented and consolidated for presentation to the Sangguniang through the concerned Committees.

Section 24 : Formulation of the Municipal Peatland Resources Management And Development Plan

Using the results of the consultation as a guide, the OMA, MENRO and MPDC in collaboration with the concerned government agencies, shall within _____ (__) days from the date of the last consultation and prior to the preparation of the budget for the next succeeding year, formulate a Municipal Peatland Resources Management and Development Plan with the objective of making the same as an integral part of the Local Development Plan.

Section 25 : Integration Into Local Development Plan

Integration Into Local Development Plan – After completion, the Peatland Resources Management and Development Plan shall be formally

⁵ Note: Shall be the basis for the integrated management plan in partnership and collaboration with the other concerned LGUs; A provision mandating an inter LGU planning shall then be integrated in this

submitted to the MPDC at its regular meeting; provided, that subject to appropriate adjustments in consideration of the other plans and programs of the municipality, the same shall be integrated into and form part of the Annual Local Development/Investment Plan for the following year.

Section 26 : Integrated Peatland Resource and Management Planning - Inter LGU planning for a more comprehensive and or unified mangement and development plan for the whole peatland

Section 27 : Financial/Budget Support

With the approval of the Municipal Mayor, the MPDC, MENRO and OMA shall submit and present to the Sangguniang Bayan the Work and Financial Plan on the different activities related to the preparation of the Peatland Resources Management and Development Plan of the municipality; provided, that one (1) week after the approval/adoption of the SB, an amount of Fifty Thousand Pesos (P50,000.00) shall be released through the Office of the Municipal Treasurer as funding support for the PRMD Plan preparation. (Recommended funding only, may still be increased)

Article VII
CREATION OF PEATLAND MANAGEMENT SECTION
IN THE MUNICIPAL ENVIRONMENT'S OFFICE

Section 28 : **Creation of Peatland and Management Section Under The Municipal Environment's Office.**

There is hereby created a Peatland Resource and Management Section under the Municipal Environment Resources Office, solely for the purpose of attending to the needs on peatland resource management. It shall be manned by a Peatland Resource Officer which is shall be appointed by the Local Chief Executive⁶. The PRM Section shall be headed by the MENRO to be assisted by the PRM Officer.

Section 29 : **Functions, Duties and Powers of The Peatland Management Section.**

The PMR Section shall have the following functions, duties and responsibilities:

1. Develop plans and strategies for the approval of the municipal mayor and the Sangguniang Bayan, as the case may be, and implement such plans and strategies, particularly those which have to do with peartland resources management programs and projects which the municipality mayor is empowered to implement and which the Sangguniang Bayan is empowered to provide;

2. Ensure the maximum assistance and access to resources in the sustainable management and use of the environment and natural resources, particularly on peatland resources;
3. Enforce rules and regulations relating to environment and natural resources;

Coordinate with government agencies and non-governmental organizations which promote sustainable management of the

4. environment and natural resources, particularly on the peatland resources;
5. Be in frontline of the delivery of basic services, particularly those needed for the survival of the inhabitants during and in the aftermath of man-made and natural disasters and calamities;
6. Recommend to the Sangguniang Bayan and advise the Municipal Mayor, as the case may be, on all other matters related to environment and natural resources, particularly on peatland resources, which will improve the livelihood and living conditions of the inhabitants;
7. Exercise such other powers and perform such other duties and functions as may be prescribed by law and ordinance.

Section 30: Qualifications of The Peatland Management Officer.

No person shall be appointed as PRM officer unless he/she is a citizen of the Philippines, a resident of the municipality, of good moral character, a holder of a college degree preferably in environment, fishery, forestry, agriculture or any related course from a recognized college or university, and possesses a first grade civil service eligibility or its equivalent. He/she must have experience in environmental resource management for at least two (2) years. The PRM officer shall receive a salary equivalent to such salary grade as may be determined by the Civil Service Commission.

Article VIII PROVINCIAL PEATLAND RESOURCES CONSERVATION and MANAGEMENT AND COUNCIL (PPRCMC)

Section 31 : Creation of Provincial Peatland Resources Conservation and Management Council

Pursuant to Section 3 (i) of Republic Act No. 7160, otherwise known as the "Local Government Code of 1991", which provides that the Local Government Units shall share with the national government the responsibility in the management and maintenance of ecological balance within their territorial jurisdiction, a Provincial Peatland Resources Conservation and Management Council is hereby created.

Section 32: Composition of PPRCMC. The council shall be composed of The Provincial Government Unit of Leyte and its frontline offices, the Local Government Units of Alangalang, Sta. Fe, Palo and its departments, the Regional and provincial offices of National Agencies, Higher Education Institutions and Non-Government Organizations. Specifically the council shall be composed of the following:

A. Local Government Units

1. the municipalities of Palo, Sta. Fe, Alang-alang and San Miguel, which will be represented by their respective Mayors; and,
2. the provincial government of Leyte, which will be represented by the Governor;

B. National Government Agencies

1. the Department of Environment and Natural Resources (DENR), which shall be represented by its Regional Executive Director;
2. the Department of Agrarian Reform and the Philippine National Police (PNP), which shall both be represented by their respective Regional Directors;

C. Partner Non-Government Organization

1. the International Institute of Rural Reconstruction (IIRR), which shall be represented by its Executive Director
2. the Environmental Legal Assistance Center Inc. (ELAC)- Eastern Visayas, which shall be represented by its Area coordinator;
3. the Women Enablers, Advocates and Volunteers for Empowering and Responsive Solutions (Weavers), which shall be represented by its Executive Director; and,

D. Partner Academe - the Visayas State University - Alang-alang Campus
(VSU), which shall be represented by its _____;

Section 32.a. Alternate or Authorized Representative – The parties hereto may elect to designate their permanent authorized representatives, provided the same shall be with a written authority through an office order which shall define the scope of authority of their representatives. The authority given shall include the authority to decide relevant matters, particularly in the development of management plans, conservation and protection strategies, to include but shall not be limited to, the selection and enaging partners in the community. Decisions which involves fund contributions and/or the use of it and the use of any equipment, machineries and the like shall however be with the consent of the heads of offices concerned and shall be subject to the usual regulations and procedures of the respective institutions pursuant to existing policies and laws.

Section 33 : Powers and Functions of the PPRCMC.

Pursuant to the afore-stated principles and policies, PPRCMC shall have the following powers and functions, to wit:

- a. Advocate and ensure that a unified Peatland Resources management and development plan is formulated and adopted by the concerned local government units;
- b. Adopt programs and/or projects that will ensure sustainable utilization and management of the resources found within the Leyte Sab-a Basin Peatland Forest;
- c. Advocate for the eradication of all illegal, indiscriminate and destructive activities that threatens the flora and fauna and all other natural resources of the Leyte Sab-a Basin Peatland Forest;
- d. Undertake the in-depth study of the natural habitats, fishery resources as well as socio-economic and environmental governance conditions of Leyte Sab-a Basin Peatland Forest;
- e. Conduct regular meetings and special meetings as the need arises, as well as over-all monitoring and evaluation of activities of the consortium;
- f. Act on inter-municipal issues and concerns raised by a member-LGU;
- g. Policy formulation review and assessment
- h. Monitoring of activities within the Leyte Sab-a Basin Peatland Forest;
- i. Identification of local issues, which will require joint legislation and/or coordination with concerned agency or official;
- j. Resolutions on problems or issues which may arise in the implementation of any development programs or projects within and/or surrounding the Leyte Sab-A Basin Peatland Forest;
- k. Development and promotion of a feasible, ecologically and environmentally viable socio-economic activities that are beneficial to the prosperity of Peatland communities and the environment;
- l. Establishment of a centralized and integrated information management system and database program that will serve as basis in the program/project/activity planning, implementation, monitoring and evaluation;
- m. Centralized enforcement of relevant environmental laws and such other local ordinances which may be enacted, including but not limited the proposed Unified Peatland Forest Conservation and Management Ordinance;

- n. Upgrading of the technical capabilities of institutional-partners, resource managers and community leaders for an effective, efficient environmental law enforcement system;
- o. Ensure the pooling or sharing of manpower, funds, logistics and equipment (including transport and communication facilities), when necessary, to ensure program sustainability;
- p. Monitoring of the implementation of plans/programs and project execution within the Leyte Sab-a Basin Peatland Forest; and,

ARTICLE IX PROHIBITED ACTS AND PENALTIES

Section 34 : Compliance With National Laws.

All relevant national laws, orders, rules and regulations shall be implemented.

Section 35 : Other Prohibitions.

It shall be unlawful for any person, entities, organization or corporations to engage in the following fishing activities:

1. Construction and Operation of Fish cage, Fish pen and fish corrals in non-designated areas;
2. Use of poisonous substances such as, but not limited to, cyanide or *kuskos*, *lagtang* and pesticides to stun or stupefy the fish to be collected;
3. Use of Dynamite/blasting in fishing;
4. Collection of any wildlife particularly identified endangered species such as _____ .

xxx - xxx - xxx - xxx

Violators shall be punished with a fine of Five Thousand Pesos (P5,000) per person or an imprisonment of six (6) months, or both fine and imprisonment at the discretion of the court. Seized gear, paraphernalia and other items used in the commission of the prohibited acts shall be forfeited in favor of the concerned municipal government.

An administrative fine in the amount of not less than One Thousand Pesos (P1,000) but not more than Two Thousand Five Hundred Pesos (P2,500) per person involved in the violation shall be imposed by the Adjudication Board after observing the due process and finding that the respondent/s committed the prohibited act/s. Forfeiture of seized gear and paraphernalia, and other items used in the commission of the prohibited acts shall likewise be imposed. Proceeds from the administrative fines shall be allocated as follows:

- a. Municipal Government – 30%
- b. Barangay Government – 30%
- c. Apprehending Officer/s – 30%
- d. Informers - 10%

Section 36. General penal provision.

Any person who violates any provision of this ordinance not herein otherwise covered by a specific penalty, or of the rules and regulations promulgated under authority of this ordinance, shall be punished by a fine of not less than one thousand pesos (P1,000.00) per person but not more than two thousand five hundred pesos (P2,500.00) per person or imprisonment of not less than one (1) month nor more than six (6) months, or both fine and imprisonment, at the discretion of the Court.

**ARTICLE X
ADMINISTRATIVE ADJUDICATION**

Section 37 : Administrative Adjudication Power of Local Government Units

Under the Local Government Code, local government units are given the power to impose "appropriate penalties" for acts which endanger the environment under sections 447(1)(vi) and 458(1)(vi). Such power includes the power to impose fines and civil penalties. Hence, an Administrative Adjudication Body is hereby created to carry out this administrative adjudication power. An executive issuance will be issued for this purpose.

Section 38 : Composition of The Administrative Adjudication Body.

The administrative adjudication body will consist of the following:

1. Municipal Mayor, or in his absence, the Municipal Administrator;
2. Chief of Police;
3. PO representative;
4. MCTC Clerk of Court;
5. Representative from the academe or non-government organization; *(Composition may still be changed based on the situation of the municipality; provided the number of composition shall still be at least 5 members for tie-breaker in case of voting)*

Section 39 : Duties, Powers and Functions of the Administrative Adjudication Body.

1. Conduct hearings for purposes of imposing administrative sanctions;
2. Decide on administrative cases within 15 days from the date of filing of the case;
3. Renders summary judgment in case of non- appearance of offender/s and the immediate filing of criminal case before the regular court;
4. Orders impoundment of gears pending resolution of the case;
5. Recommends to the Mayor the imposition of other indemnities;
6. Such other powers that will help in the early disposition of cases for violation of this ordinance.

Section 40 : Administrative Adjudication Process

The Administrative Adjudication Board, upon approval of this ordinance shall issue its own rules governing the cases filed before it in violation of this ordinance.

Section 41 : Incentive to the members of the board and secretariat.

Members of the Administrative Adjudication Board and its Secretariat shall be entitled to an incentive for every hearing conducted. Funding support will come from the administrative fines imposed for violations of this Ordinance.

**ARTICLE XI
GENERAL PROVISIONS**

Section 42 : Person and Deputies Authorized to Enforce this Ordinance.

The Philippine National Police (PNP), the Municipal Mayor, Municipal Agriculturist, PMR officer, Barangay Chairman and other officials of the Sangguniang Barangay, deputized members of the community (Eco-Wardens) shall take the lead in the implementation and enforcement of this Ordinance. An Executive Order shall be issued certifying on the deputation of these enforcers. Other competent local government officials and employees and members of the accredited peoples' organizations who have undergone training on environmental law enforcement may be designated thru memorandum order by the Municipal Mayor as deputy wardens in the enforcement of this Ordinance, fishery laws, and rules and regulations.

Section 43 : Mandatory Review.

The Sangguniang Panlalawigan shall undertake the mandatory review of this Ordinance at least once every three (3) years and as often as it may deem necessary, to ensure that the policies set forth herein remain responsive to the changing circumstances.

**ARTICLE XII
FINAL PROVISIONS**

Section 44 : Appropriation.

⁷The sum necessary to effectively carry out the provisions of this ordinance during the first year of its implementation shall be allocated with an initial amount of _____. The budget for subsequent years will be prioritized and shall be incorporated in the annual budget and should not be less than the amount of the preceding year's appropriation.

Section 45 : Repealing Clause.

All ordinances, executive orders, rules and regulations or parts thereof which are inconsistent with this Ordinance are hereby repealed and/or modified accordingly.

Section 46 : Separability Clause.

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

Section 47 : Effectivity Clause.

This ordinance shall take effect ten (10) days after a copy thereof is posted on bulletin board at the entrance of the provincial capitol and in at least two (2) other conspicuous places of provincial capitol, to include posting in the municipal building of the municipalities concerned and after the same ordinance has been published for three consecutive issues in a newspaper of local circulation in the province in compliance with the mandate of the pertinent provision of Republic Act No. 7160, otherwise known as the Local Government Code of 1991.

SO ORDAINED.

Approved unanimously.

I HERBEY CERTIFY to the correctness of the foregoing resolution.

FLORINDA JILL S. UYVICO
Secretary to the Sanggunian

⁷ Contemplating on providing a particular provision where the LGUs concerned shall be mandated to

ATTESTED:

Atty. Ronnan Christian M. Reposar
1st District Board Member

Hon. Wilson S. Uy
1st District Board Member

Hon. Trinidad G. Apostol
2nd District Board Member

Hon. Raissa J. Villasin
2nd District Board Member

Hon. Marie Kathryn Veloso-Kabigting
3rd District Board Member

Hon. Ma. Corazon E. Remandaban
3rd District Board Member

Hon. Flaviano C. Centino, Jr.
4th District Board Member

Hon. Vincent L. Rama
4th District Board Member

Hon. Michael L. Cari
5th District Board Member

Atty. Carlo P. Loreto
5th District Board Member

Engr. Nolie C. Caña
Liga ng mga Brgy. President
Ex-Officio Member

Hon. Carmen L. Cari
PCL President
Ex-Officio Member

Hon. Jo Vanille C. Merilo
SK Federation President
Ex-Officio Member

Hon. Leonardo M. Javier, Jr.
Vice Governor/Presiding Officer

Approved:

Carlos Jericho L. Petilla
Governor