Date: 1 5



Republic of the Philippines PROVINCE OF LEYTE Provincial Capitol Tacloban City

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#### PROVINCIAL LEGAL OFFICE

SANGGUNIANG PANLALAWIGAN

2<sup>nd</sup> INDORSEMENT July 08, 2024

Respectfully returned to the Sangguniang Panlalawigan of Lepisonice Secretary, the attached Ordinance No. 24-07 of the Sangguniang Bayan of Inopacan Ley

Issues/concerns for review/recommendation/legal opinion is/are as follows:

• Ordinance No. 24-07 entitled: "An Ordinance on Wetland Conservation Resources Declaring Prohibitions and Penalties and for Other Purposes".

#### REVIEW/RECOMMENDATION/LEGAL OPINION:

This office is of the opinion that the subject Ordinance is in accordance to its power under section 447(1)(iii)1 and (5)(i)2 of the Local Government Code of 1991 (R.A 7160). Hence, recommending for the declaration of its validity.

We hope to have assisted you with this request. Please note that the opinion rendered by this Office are based on facts available and may vary or change when additional facts and documents are presented or changed. This opinion is likewise without prejudice to the opinions rendered by higher and competent authorities and/or the courts.

ATTY. JOSE RAYMUND A. ACOL

Asst. Provincial Legal Officer

Section 447(1)(iii) Approved ordinances imposing a fine not exceeding Two Thousand Five Hundred Pesos (P2,500.00)xxxx

<sup>&</sup>lt;sup>2</sup> Section 447(5)(i) Provide for the establishment, maintenance, protection and conservation of communal forest and water sheds, tree parks, greenbelts, mangroves, and other similar forest development projects xxxx

Republic of the Philippines PROVINCE OF LEYTE Palo, Leyte

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

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1<sup>ST</sup> INDORSEMENT 20 June 2024

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **ORDINANCE NO. 24-07** of the **MUNICIPALITY** of **INOPACAN**, **LEYTE**, entitled: **An Ordinance on Wetlland Conservation Resources Declaring Prohibitions and Penalties and for Other Purposes**.

FLORINDA JILLS. YVICO Secretary to the Sanggunian



### Republic of the Philippines Province of Lepte Municipality of Inopacan -000-



#### 15TH SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE 15th SANGGUNIANG BAYAN OF INOPACAN, LEYTE HELD ON JUNE 13, 2024 AT THE SESSION HALL OF BARANGAY LINAO. INOPACAN, LEYTE

#### PRESENT:

Hon. Sanders C. Lumarda - Vice Mayor, Presiding Officer Hon. Fernando B. Rulete - SB Member Hon. Andrew B. Dedal - SB Member Hon. Zenaida G. de los Santos - SB Member Hon, Joel D. Bernales - SB Member Hon. Alfie Jian B. Yamson - SB Member Hon. Daria D. Malanguis - SB Member Hon. Rowena K. Madrazo - SB Member Hon, Diosdado P. Siao - SB Member Hon. Panfila I. Alonzo - SB Member (LnB Pres)

Hon. Nathaniel Dave M. Katigbe - SB Member (PSK Pres.)

ABSENT:

None

WHEREAS, Wetlands provide important ecosystem services such as water filtration, wildlife habitat for flora and fauna, and pollution sequestration, including carbon dioxide and other greenhouse gases that contribute to climate change;

WHEREAS, Wetlands provides critical food supplies like rice and fish, fresh water, fiber and fuel;

WHEREAS, the Philippines is one of the contracting party of the convention on Wetlands, also known as Ramsar Convention, the only international treaty focused on the wise use and conservation of wetlands;

WHEREAS, despite of the wide range of ecosystems services provided by wetlands, they are laced with countless issues and concerns that pose a great challenge in maintaining the integrity of these important ecosystems one of which is the degradation of wetlands due to their conversion to other land and water uses:

NOW THEREFORE. foregoing premises considered. 15<sup>th</sup> Sangguniang Bayan of Inopacan, Leyte, in session assembled; be it

**RESOLVED** as it is hereby **RESOLVED** to enact the following;













#### **ORDINANCE NO. 24-07**

(Series of 2024)

"AN ORDINANCE ON WETLAND CONSERVATION AND WISE USE OF WETLAND RESOURCES DECLARING PROHIBITIONS AND PENALTIES, AND FOR OTHER PURPOSES"

BE IT ORDAINED by the Sangguniang Bayan of Inopacan, Leyte that:

**SECTION 1. TITLE OF ORDINANCE**. This Ordinance shall be known as the "Wetland conservation and wise use of wetland resources Ordinance within the Municipality of Inopacan, Province of Leyte."

**SECTION 2. DECLARATION OF POLICY.** It is hereby declared the policy of the state to conserve and wisely use wetlands and wetland resources consistent with the principles of sustainable development, inclusive growth, poverty reduction, food security, biodiversity conservation, climate change adaptation and mitigation, and disaster risk reduction management, while advancing the right to a balanced and healthful ecology in accordance with the harmony and rhythm of nature.

**SECTION 3. COVERAGE.** This Ordinance shall apply to all types of wetlands, both inland, coastal and marine and human made wetlands, in the territorial jurisdiction of the municipality of Inopacan, province of Leyte. For human made wetlands, it shall be limited to those with known high biodiversity value such as, but not limited to, wetlands critical as wildlife habitat and as migratory routes of birds and migratory fishes.

**SECTION 4. CATEGORIES OF WETLANDS.** Except for deep marine waters, wetlands are composed of water bodies or aquatic ecosystems, as well as their riparian areas. The three (3) broad categories of wetlands are the following:

- Inland wetlands are aquatic influenced environments, sometimes referred to as fresh water or inland water/ waterbodies, located within land boundaries; examples are inland deltas springs, creeks, rivers, streams, waterfalls, freshwater swamps and/ or marshes, peatland, ponds, floodplain, wet caves and lakes;
- Coastal wetlands are wetlands located within coastal watershed, such as bays, marine shores, estuaries, coastal lagoons, saltmarshes, mangroves swamps, intertidal flats, seagrass beds, coral reefs and other marine areas no deeper than 6 meters at low tide; and
- 3. Human-made wetlands are any type of wetland constructed or maintained by humans; examples are dams, reservoirs, rice paddies, fish and shrimp ponds, salt pans, small water impounding areas, and waste water treatment ponds and lagoons.







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#### SECTION 5. DIFINITION OF TERMS. -

- a) Biological diversity or Biodiversity shall refer to the variability among all living organism from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes or which they are part: this includes diversity within species, among species and ecosystems.
- a) Ecological character -- shall refer to the combination of the ecosystem components, processes and benefits/ services that characterize the wetland at a given point in time.
- b) Ecosystem approach of ecosystem-based approach shall refer to the strategy for the integrated management of land, water and living resources that promotes conservation and sustainable use in an equitable way.
- c) Ecosystem Services or Ecological Services shall refer to the benefits people obtain from ecosystems. These include provisioning services such as food and water; regulating services such as flood and disease control; cultural services such as spiritual, recreational, and cultural benefits; and supporting services, such as nutrient cycling, that maintain the conditions for life on earth.
- d) Legal easement shall refer to an easement by necessity constituted by Law which has for its object either for public use or the interest of private persons (Section 64 of Civil code).
- e) Riparian areas/ zones shall refer to the area which is the transition between aquatic and terrestrial ecosystem, and the adjacent areas to water bodies, and intermittent streams that are distinguished by gradients in biophysical conditions, ecological process, and biota.
- f) Sustainable development shall refer to developments that meet the needs of the present without compromising the ability of the future generations to meet their own needs.
- g) Wetlands shall refer to a wide variety of areas such as natural pools/ponds, springs, freshwater swamps/ marshes, peat lands, floodplains, rivers and lakes, and coastal areas such as estuaries, saltmarshes, mangroves, lagoons, intertidal flats, and seagrass beds, and also coral reefs, and other marine areas no deeper than six meters at low tide, as well as human made wetlands such as dams, reservoirs, rice paddies, fish ponds, saltpans, and waste water treatment ponds.
- h) Wise use of wetlands shall refer the maintenance of their ecological character, achieved through the implementation of ecosystem approaches, within the context of sustainable development.

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SECTION 6. ESTABLISHMENT OF WETLAND CONSERVATION AREA. Wetlands need to be protected and conserve because they are threatened by drainage and conversion to other uses, aquatic pollution, introduction and spread of invasive alien species (IAS), unsustainable aquaculture practices, destructive fishing practices, mining exploration, over exploitation, coral collection, coral reef destruction, sedimentation, unregulated coastal development and urban expansion, and dredging.

**SECTION 7. DEVELOPMENT OF LOCAL WETLAND CONSERVATION PLANS AND PROGRAMS.** In coordination with DENR and other concerned agencies, sectors, and stakeholders, LGU-Inopacan shall develop plans and programs for the conservation of wetland and wetland resource consistent with the national policies, plans and programs.

**SECTION 8. STRATEGIES WITHIN THE PROGRAMS**. The following strategies shall be implemented within the Program:

- a) Inventory, assessment and valuation of wetlands. Wetland assessment including bio-capacity and carrying capacity assessment and valuation of wetland ecosystems shall be conducted to measure the full extent of its valuation and guide agencies on the wise use of wetlands.
- b) Wetland Management development and implementation
- c) Rehabilitation of priority wetlands. Prioritization of wetlands for rehabilitation shall be based on Local initiative inventory of wetlands with the technical assistance from DENR potential for rehabilitation such as wetlands, susceptible to hazard, and wetlands critical to biodiversity. Rehabilitation shall adopt ecosystem-based approach to ensure the ecological integrity and original functioning of specific ecosystem. Collaboration may be established with NGO's, academe, and private sector and other concerned NGA's in the rehabilitation of priority wetlands.

**SECTION 9. PROHIBITIONS AND ENFORCEMENT**. Enforcement of Legal easement zones, danger zones and other land use setbacks. LGU's shall strictly implement land use setback provisions imposed by law. Such as, but not limited to:

- 1. Prohibition of the building of any structure along the easement zones of banks or rivers and streams and the shores of the seas and lakes. This easement zone has a width of three (3) meters in urban areas, twenty (20) meters in agricultural areas and forty (40) meters in forest areas.
- Construction of houses and other residential structures and buildings at a safe distance from streams or bodies of water. While primarily intended for human welfare and safety, these land use setback provisions also benefit wetlands by limiting development at certain distances from wetlands. These measures address both disaster risk reduction and wetland conservation concerns.

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3. Regulation against wetland drainage, reclamation and filling-in. In accordance with Law, no further drainage, reclamation or conversion of wetlands shall be permitted, except when necessary for national/ local interest and security subject to existing environmental laws, rules and regulations. In such exceptions, all legal requirements shall be strictly complied with including, but not limited to, applicable rules and regulations on environmental impact statements and National Economic Development Authority (NEDA) approval for reclamation projects. Wetland conversion that causes adverse effects to the environment shall be prosecuted as a form aquatic pollution.

**SECTION 10. PENALTIES.** Any person, natural or juridical, found guilty of violating any provisions of this Ordinance shall upon due process, be penalized with a fine in the amount of not less than Two thousand pesos (P 2,000.00) but not more than two thousand and five hundred pesos (P 2,500.00), or with imprisonment of not less than fifteen (15) days, nor more than thirty (30) days or both at the discretion of the court. Provided, that if the area requires rehabilitation or restoration, as determined by the court, the offender shall also be required to restore and compensate for the restoration of the damage.

If the offense is committed by a corporation, partnership, or other juridical entity duly organized in accordance with law, the chief executive officer, president, general manager, managing partner or such other officer-in-charge shall be liable for the commission of the offense penalized under this Ordinance.

Violators shall not be given Mayor's Permit/ Business permits and other clearances until the offender paid and/or served the fines/penalties. Their names also shall be posted at conspicuous places in the Municipal Hall, Public Market and in barangay where violation/s was committed.

**SECTION 11. REPEALING CLAUSE**. Any ordinance, resolutions, orders and/ or rules and regulations inconsistent herewith are hereby repealed and modified accordingly.

**SECTION 12. SEPARATIBILITY CLAUSE**. If any provision of this Ordinance or the application of such provision to any person or circumstances is declared unconstitutional, the remainder of this Ordinance or the application of such provision to other persons or circumstances shall not be affected by such declaration.

**SECTION 13. EFFECTIVITY CLAUSE**. This Ordinance shall take effect after its approval.

ENACTED this 13th day of June 2024 at Inopacan, Leyte, Philippines













I HEREBY CERTIFY that the foregoing Ordinance has been enacted by the Sangguniang Bayan of the Municipality of Inopacan, Leyte on the date above stated.

> MELANIÈ M. MATIN-AO, MPA Secretary to the Sanggunian

ATTESTED:

LUMARDA SANDERS Viçe Mayor Presiding Officer

APPROVED:

ROGELIO L. PUA JR. Municipal Mayor

Date: 06-19-2024



## Republic of the Philippines Province of Leyte Municipality of Inopacan



## 15TH SANGGUNIANG BAYAN

## **CERTIFICATE OF POSTING**

## TO WHOM THIS MAY CONCERN:

THIS IS TO CERTIFY that right after the approval by the Municipal Mayor, copies of the Municipal Ordinances hereunder have been posted in the bulletin board in the municipal hall/building and in conspicuous places as well as in all the Barangay Halls of this Municipality, to wit:

- 1) Ordinance No. 24-06, "ECOLOGICAL SOLID WASTE MANAGEMENT ORDINANCE, DECLARING CERTAIN ACTS PROHIBITED AND PROVIDING PENALTIES AND FOR OTHER PURPOSES"; and
- 2) Ordinance No. 24-07, "AN ORDINANCE ON WETLAND CONSERVATION AND WISE USE OF WETLAND RESOURCES DECLARING PROHIBITIONS AND PENALTIES, AND FOR OTHER PURPOSES"

This Certification is being made to facilitate consideration of the above-mentioned Municipal Ordinances by the Sangguniang Panlalawigan of Leyte.

Done this 19th day of June 2024, at Inopacan, Leyte.

MELANIEM. MATIN-AO, MPA Secretary to the Sanggunian



## Republic of the Philippines Province of Leyte Municipality of Inopacan



## 15TH SANGGUNIANG BAYAN

# CERTIFICATION OF PUBLIC HEARING

## TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that on June 6, 2024, a public hearing had been conducted on the proposed Ordinances of the 15<sup>th</sup> Sangguniang Bayan of the Municipality of Inopacan, Province of Leyte, to wit:

- 1) "ECOLOGICAL SOLID WASTE MANAGEMENT ORDINANCE, DECLARING CERTAIN ACTS PROHIBITED AND PROVIDING PENALTIES AND FOR OTHER PURPOSES", and
- 2) "AN ORDINANCE ON WETLAND CONSERVATION AND WISE USE OF WETLAND RESOURCES DECLARING PROHIBITIONS AND PENALTIES, AND FOR OTHER PURPOSES"

This Certification is being made to facilitate consideration of the aforementioned Municipal Ordinance by the Sangguniang Panlalawigan of Leyte.

Done this 19th day of June 2024, at Inopacan, Leyte.

MELANIE M. MATIN-AO, MPA
Secretary to the Sanggunian



### Republic of the Philippines Province of Leyte Municipality of Inopacan -000-



#### 15TH SANGGUNIANG BAYAN

MINUTES OF THE PUBLIC HEARING OF THE PROPOSED MUNICIPAL ORDINANCE OF THE 15<sup>TH</sup> SANGGUNIANG BAYAN OF INOPACAN, LEYTE HELD ON JUNE 6, 2024 AT THE SB SESSION HALL, NEW TOWN HALL, INOPACAN, LEYTE

PRESENT: (Please see attached Attendance Sheet, also attached are the lists of personalities invited)

The proposed Ordinances submitted for public hearing are the following:

- 1. "ECOLOGICAL SOLID WASTE MANAGEMENT ORDINANCE, DECLARING CERTAIN ACTS PROHIBITED AND PROVIDING PENALTIES AND FOR OTHER PURPOSES":
- 2. "AN ORDINANCE ON WETLAND CONSERVATION AND WISE USE OF WETLAND RESOURCES DECLARING PROHIBITIONS AND PENALTIES, AND FOR OTHER PURPOSES"

The public hearing started at 2:25 in the afternoon with an opening prayer through computer audio and was immediately followed by the singing of the national anthem synchronized with the computer audio.

The Master of Ceremony (MC), Mr. Narcis Lean, SB Staff, after welcoming and thanked all the participants for their presence and taking part in the legislation process and mentioned the title of the two (2) proposed ordinances. He also acknowledged the Sangguniang Bayan Members present, namely: Honorable Andrew B. Dedal, Honorable Zenaida G. de los Santos, Honorable Alfie Jian B. Yamson, Honorable Daria D. Malanguis, Honorable Rowena K. Madrazo, Honorable Diosdado P. Siao, Honorable Panfila I. Alonzo and Honorable Nathaniel Dave M. Katigbe. He as well acknowledged the Barangay Chairpersons present, and those Barangay Kagawad representing its respective Punong Barangay, and the LGU Department Heads present. The MC encouraged everyone to raise their queries after the discussions of each ordinance, and to introduce first before raising any question.

"ECOLOGICAL SOLID WASTE MANAGEMENT ORDINANCE, DECLARING CERTAIN ACTS PROHIBITED AND PROVIDING PENALTIES AND FOR OTHER PURPOSES";

Honorable Alfie Jian B. Yamson, Author of the proposed Ordinance entitled, "Ecological Solid Waste Management Ordinance, Declaring Certain Acts Prohibited and Providing Penalties and for Other Purposes", explained that this proposed Ordinance is being crafted relative to the existing National Law — the Ecological Solid Waste Management Act and that the LGU is crafting the above-captioned Ordinance to simplify on what is applicable in the municipal level. He as well explained that he will read the entirety of the ordinance, then afterwhich, is the open forum, to hear out the questions of the participants, so, the Honorable Body would address the same, together with the MENRO, Mr. Alftredo D. Galo, Jr.

After reading the entirety of the above-captioned proposed ordinance, Honorable Yamson explained that one of the reasons in the conduct of today's public hearing is the involvement of the penalty, among others. And that any suggestions/recommendations will be noted for deliberation, as the Ordinance is currently at Second Reading.



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(minutes of the public hearing of the proposed municipal ordinance of the 15th sangguniang bayan of inopacan, leyte held on june 6, 2024 (continued)

As Honorable Yamson opens the floor the open forum, Mr. Benedick B. Lawagon, Municipal Agriculturist, this Municipality, suggested to include "animal waste" in the ordinance like piggery, layers, broilers. A participant mentioned that it is being stipulated under Section 2 (h) Composting. Mr. Lawagon remarks that if the animal waste is not composted, so it is already a violation. As the discussion developed, Honorable Dedal recommends that the "animal waste" will be added under Section 2 (a) Agricultural Wastes.

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> Mr. Ricardo Kilano of 7/11 store raised his concern about the schedule and frequency of garbage/wastes collection for biodegradable and nonbiodegradable. Mr. Galo, Jr., MENRO replied that they already had oriented the 7/11 but as to its continuous turn-over of the manpower, then there really a problem, given that Mr. Kilano is newly assigned in Inopacan Branch. Mr. Galo, Jr. explained that both the biodegradable and non-biodegradable wastes are collected daily in Barangay Poblacion, as an exception, considering, compost pits/heaps are not applicable in Poblacion given its area and situation. Unlike with the other rural barangays, there its respective schedule like Saturday & Tuesday in Barangay Tinago. He also elaborates that wastes at the garbage collection drop must be segregated. Hence, the Ordinance demands a compulsory/mandatory segregation of wastes at source, since the DENR keeps on monitoring and if the LGU collects unsegregated wastes, then it is a violation. He also informed Mr. Kilano that per observation, wastes at 7/11 are not segregated at all. So, there are instances when its wastes are not being collected, in pursuance to "no segregation no collection" policy.

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Mr. Ruy Valente Polistico introduced himself as an organic farmer and he is into composting. He then asked about the plan about the recyclables and if there is enough knowledge about composting process. As to recyclable wastes, Mr. Galo, Jr. explained that Section 10 of RA 9003 otherwise known as the Ecological Solid Waste Management Act of 2000 provides that the recyclable wastes segregated at source (e.g houses, commercial establishment, among others) shall be processed by the barangays, at their respective Material Recovery Facility (MRF). The LGU supposedly collects only the non-recyclable and the residuals, but because the barangays are not capable yet due to the absence of such facility and machineries, so, the LGU did the processing. Mr. Galo, Jr. added that currently, the percentage collection of the recyclable wastes is lower than before since there are already a lot of buyers, buying scraps from house to house. In this case, recyclable wastes do not pose a problem to the LGU. He also discussed about the gathering of data of the recyclable wastes. Views and opinions were aired. With regards to the residual wastes, the problem according to Mr. Galo, Jr. are the diapers. He explained that only the Inopacan has this unique Ordinance specifying NDPC (Napkins, Diapers, Panty-liners, Condoms) because the following wastes could not be processed by the LGU. Unlike for the plastic bags, the LGU has this Plastic Shredder machine, and Plastic Melter to produce plastic slugs for the production of tables, chairs and pathways, and even planned to be used as buffer zones to Cuatro Islas. As to the broken glasses/bottles, the LGU also has a glass pulverizer, so, the pulverized glasses are made into bricks or Decoratives (sample are now used at the LGU and bay walk). And at the moment, the LGU is in need of more or less 12 thousand bricks for Baywalk improvement, hence, Mr. Galo, Jr. took the chance informing/convincing the participants to let the garbage collectors collect their broken



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(minutes of the public hearing of the proposed municipal ordinance of the 15th sangguniang bayan of inopacan, leyte held on june 6, 2024, continued)

glasses, unused ceramics and the like for the production of bricks and or hollow blocks.

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As to the question of Mr. Polisitico about the compost. Mr. Galo, Jr. explained that because the barangays do not have the so-called Material Recovery Facility (MRF) due to budget limitations, hence, could not afford to construct a building, plus the procurement of the lot for the purpose, purchase of the necessary machineries and the manpower set-up required, hence, this Ordinance and the Unified Ordianance to be enacted by the twenty (20) barangays of this municipality, to regulate the solid wastes. Said Ordinance required every household to have its own compost pit/compost heap. So that all the biodegrable and compostable wastes will be deposited thereto. And as to the technology transfer on how to process the aforementioned wastes, the LGU do not have yet the same, but still the LGU is collecting the wastes from Brgy. Poblacion and Tinago. To this, the LGU tied up with the Agriculture Department and the DENR. The Department of Agriculture provided the Bio-shredding machine, Bio-reactor and the Rotary Composter while the DENR provided also the Bio-shredding machine and the Rotary Composter, now situated at the LGU's Central Material Recovery Facility (CMRF). However, the following are not in use yet since the LGU is waiting for the training to be conducted as to the operation of the same. As to his part, dumpsite personnel has already attended a training (including the maintenance of the machines) in Tacloban conducted by the Environmental Management Bureau (EMB). The operation of the aforementioned machines would be of great advantage as the LGU is in the process of compliance to SGLG requirements.

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To this, Mr. Polistico said that he also had shredder and composter, and soon he will be discussing more about technologies with Mr. Al Galo for more developments in the future. He also shared his best practices in his organic farm in relation to composting, as he also intends to assist and help the farmers in the locality. Mr. Galo Jr. agreed as it is as well an opportunity to the local farmers.

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Honorable Siao expound the opportunities that Mr. Polistico could offer, relative to organic farming and he encourages the participants to visit Mr. Politico's farm for more tips and inputs which local farmers could have benefit from it.

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Since there being no more queries from the participants, Honorable Siao asked them if they are okay with the penalties stipulated in the proposed ordinance and there being no poses of objection from the participants.

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Mr. Galo Jr. elaborates Section 15, Compromised Penalty – relative the 50% compromise settlement as an advantage to constituents. This is stipulated in the ordinance since per their observation, during the evaluation, solid waste violators, upon payment of penalties, often negotiates the LGU for a lower penalty. Views and opinions were aired.

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Honorable Dedal also enjoined the participants to review the provisions on Section 14 (Prohibited Acts and Its Fines and Penalties), par 1 to 9.





(minutes of the public hearing of the proposed municipal ordinance of the 15th sangguniang bayan of inopacan, leyte held on june 6, 2024, continued)

Honorable Siao expound Section 16 Citizen Suits which provides that "For purposes of enforcing the provisions of this Ordinance, any citizen may file an appropriate civil or criminal action against any person who violates or fails to comply with the provisions of this Ordinance", and explained it in Bisaya language. As the discussions developed, the consensus of the participants is to remove Section 16 from the Ordinance. Meanwhile, Mr. Galo Jr. explained that even if it will be removed from this Ordinance, it is stipulated under RA 9003, national law. Honorable Dedal added that the LGU has the prerogative as well, as to the formulation of an Ordinance.

Mr. Galo Jr. happily informed the group that Inopacan is advanced compared to other municipalities with regards waste segregation and collection. He expounds it further.

Ms. Judith G. Dalmacio from Brgy. Caulishan expressed her sentiments in behalf of Brgy. Caulishan residents, as the wastes become their problem due to the absence of a regular schedule on garbage collection. She expounds the problem regarding their MRF as well. She also informed the Body that Caulisihan is now passable. As to the question of Honorable about garbage collection, Ms. Dalmacio replied that it depends upon their request. She also confirmed that they do have compost pits. Also, their income from selling empty bottles were also utilized to buying of empty sacks for their garbage. Mr. Galo, Jr. relayed to Body the recommendations from the EMB, that, LGU Inopacan has to enter into MOA with the City Government of Baybay, so that garbage from Brgy. Caulisihan will be disposed at the designated area in Baybay City, however, providing that LGU Inopacan will pay certain fees to the City Government of Baybay. Mr. Galo Jr. explained that the advice was not taken into consideration and the LGU decided to just wait until Brgy. Caulisihan will be passable by the dump truck.

Mr. Galo Jr. proudly said that Brgy. Caulisihan is compliant to Solid Waste Management as it is a consistent awardee, if not 1st, 2nd in rank. He expounds it in details. Since Brgy. Caulisihan is already passable by the dump truck, Mr. Galo Jr. scheduled a garbage collection at Brgy. Caulisihan collection point (MRF) (not house to house) either on Saturday (June 8) or Sunday (June 9), or both days, if possible. He told Ms. Dalmacio that only segregated garbage will be collected. He also recommends that the regular schedule for Brgy. Caulisihan is once a month. As to their concern with empty sacks, Mr. Galo Jr., said, the office will procure the same so that Brgy. Caulishan will not be burdened as to the procurement expenses. He also solicits understanding from all the participants about this favor for Caulisihan.

 As Mr. Galo Jr. mentioned about the problem concerning Brgy. De Los Santos, considering it is not still passable by four-wheel vehicles. He mentioned as well that the garbage collection in Barangays Caminto, Cabulisan and Hinabay is at the same schedule. So, he then proposed to the Punong Barangay, to wit a) prior the collection schedule of the aforementioned three (3) barangays, Brgy: De Los Santos will gather their garbage to Brgy. Cabulisan's MRF (during the pick-up schedule to avoid the garbage from being scattered), so their garbage will also be

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(minutes of the public hearing of the proposed municipal ordinance of the 15th sangguniang bayan of inopacan, leyte held on june 6, 2024, continued)

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collected. Honorable Ramil Bague said he is okay with the arrangement; **b**) if the Punong Barangay of De Los Santos is okay, if upon the transport of garbage from its Barangay to Brgy. Cabulisan; and that their motorcycles will be their counterpart while the fuel will be the LGU's counterpart. Honorable Cristino Vincure expressed his sentiments relative the attitude of his constituents. Views and opinions were aired.

Ms. Eliza P. Payoy, Teacher, Esperanza Elementary School, aired out also her sentiments as to putting their respective garbage at their front yard, due to the absence of the MRF. And during pick up delays, wastes are surely scattered by the stray dogs.

To this, Mr. Galo Jr. replied that the responsibility of the barangay is supposedly the house-to-house collection of garbage to the MRF, so the brgy. supposedly to assign somebody to take charge of the MRF. On the other hand, the LGU's responsibility is the collection from the transfer point to the dump site. But due to budget constraints, the LGU did the collection.

As to the concern of Ms. Payot, Honorable Alan Ramos, Brgy. Kagawad of Esperanza, replied that the schedule for house-to-house collection/monitoring is every Friday. And that the Purok leaders are the in-charge of monitoring at its respective assigned purok. He then assured Ms. Payot that the purok leader in-charge will be reminded.

Mr. Galo Jr. added that the system is effective, as he also mentioned and commends Honorable Teotimo Lapasa, Punong Barangay of Conalum, where wastes are really segregated and color coded. The latter then requested to include Sitio Biaong in garbage collection. Views and opinions were aired.

As to Brgy. tao-taon, the barangay representative voiced out that they have garbage collectors in the barangay, which for Mr. Galo Jr., it is a good initiative of the barangay which the others don't have the same. As having this initiative assures a segregated wastes considering the barangay itself is collecting its own wastes. He also reiterates that the barangay collection should be a day prior to the collection by the LGU.

Since there being no other questions/queries, Honorable Yamson assured that all the suggestions and recommendations are well-noted and will be deliberated in the SB session, as the Ordinance is calendared under Second Reading.

"AN ORDINANCE ON WETLAND CONSERVATION AND WISE USE OF WETLAND RESOURCES DECLARING PROHIBITIONS AND PENALTIES, AND FOR OTHER PURPOSES"

As the MC gave the floor to Honorable Dedal, the latter acknowledge first those who were not mentioned earlier, particularly, Teachers from different Schools and the Rural Bank of Hindang representative.



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(n.ingred of the public hearing of the proposed municipal ordinance of the 15th sangguniang bayan of inopacan, leyte held on june 6, 2024, continued)

Honorable Dedal, Co-Author of the above-captioned Measure, discussed the entirety of the Ordinance, with the following highlights: a) how to protect, conserve, and utilize the wetlands; b) this Ordinance is related to some parts of the Fisheries Law; c) Section 2. Declaration of Policy – the impacts; d) Section 4. Categories of Wetlands – has been discussed in detail; e) Section 6. Establishment of Wetland Conservation Area – protecting the ecosystem; f) Section 7. Development of Local Wetland Conservation Plans and Programs – plans and programs development; g) Section 8. Strategies within the Programs – with MENRO and DENR's expertise as to the technical aspect. As to the wetlands inventory, identification mocess is ongoing; h) Section 9. Prohibitions and Enforcement – discussions on easement (citing the scenario in Brgy. Mara-o); I) Section 10. Penalties – discussions on the amount; in case the offender is a corporation, partnership and the like; issuance/renewal of business permits. After the discussion of the entire Ordinance, Honorable Dedal opens the floor for queries and questions.

Mr. Benedick B. Lawagon, Municipal Agriculturist, this municipality, asked regarding the prohibitions relative to easements, in cases where structures already exist/established, prior this Ordinance. Honorable Dedal replied that since structures are already established, then it will be considered as is. However, in cases like in Brgy. Mara-o which Honorable Sabino Dedal, Punong Barangay of Mara-o explained that there is an area which is currently sold, and it is expected that the buyer would establish structures (esp. houses). Honorable Dedal explained that prior to any establishment, business permit is required, and it will be on that time that the easement issue will be assessed. As to the question of Mr. Lawagon relative the planting of bamboos and other trees along the rivers which is one of the programs of Agriculture, Honorable Dedal replied it is okay since it is a way of environment protection. As Mr. Benedick suggested to invite experts so that the Measure will expand into sustainability. Honorable Dedal explained that this Ordinance is crafted in generic template, to comply with the SGLG requirement, and the suggestion will be taken into consideration whenever the wetland areas will be identified. Mr. Galo, Jr. added that the DENR has already conducted an inventory of the wetlands and the profiling will follow soon. With this, specific wetland areas will be identified thereafter. With that, specific Ordinance can be crafted as well, including its mitigating measures. He further elaborates that this Ordinance is a regulatory Measure so that constituents will be aware on the prohibited acts, particularly, the establishment of any structures (e.g. houses, buildings, among others) at wetland areas, except for the developments established for government's use, however, the same will undergo into proper process and complies the requirements like feasibility study, ECC, among others. Mr. Galo Jr., expounds the classification of wetlands (inland, coastal, man-made) which the inventory and the profiling aims also to identify the damaged wetlands that need rehabilitation. Supposedly, if it is inflected by a private individual, then that certain private individual will be responsible for the rehab of the identified wetland area. However, since this ordinance is a bit late, and there are a lot of existing structures, then the recommendations would be no further development and no repair, no restoration for structures. He also talked about reiteration of the Water Code of the Philippines, in relation to legal easement. He also discussed about late reinforcement by the DENR, the reason why there are lot of easements, which the land title is named under private individuals, as well as the tax declarations. Moreover, currently, having some conflicts are the foreshore areas, with existing structures. Meanwhile, Mr. Lawagon also mentioned the agriculture's CBRMP (projects) in Brgy. Tahud which the area started with one structure only, currently, it became a residential area. Honorable Dedal added also the problem encountered with that area, in relation to a pathway project. As views and opinions were aired, Honorable Dedal agreed to the suggestion of Mr. Lawagon to invite





(midules of the public hearing of the proposed municipal ordinance of the 15th sangguniang bayari of inopacan, leyte held on june 6, 2024, continued)

experts/Resource Person when the inventory and profiling output are already available.

Mr. Ruy Polisitico expressed that he is into the Measure as it is a law and it is towards conservation and mitigation. He also explained that the river, particularly, near his farm in Tao-taon, which is now in silt and mud, far different than before. To this, he tried lobbying to the Honorable Body, to add an exception under Section 9 (Prohibitions and Enforcement) for those practicing an organic farming system, just like him, exerting efforts mitigating environmental problems by promoting biodiversity (biodiversification), and soil conservation, among others. As to him, he understands about SGLG compliance but he also hopes that his suggestion will be taken into consideration. If not, he asked if he will be penalized or be noted as violating the Ordinance, the fact that it is their personal initiative to restore the environment by planting along the river, a lot of native trees (Talisay, tipo and bamboo) to prevent soil erosion, and their system is in place. He then mentioned RA 11511 (Emending Organic Agriculture Act of 2010).

Honorable Siao agreed to the suggestion of Mr. Polistico as its system is not destroying, rather, it is helping the environment. As to him, it could be considered, however, he doesn't know the opinions of Mr. Galo and his co-SB Members. He also added unto the statement of Mr. Galo Jr., regarding problems with the foreshore lease.

Mr. Galo Jr., explained that to him, there is no need to stipulate the aforementioned exemption since according to him, what is prohibited in the Section is the construction of structures (e.g. houses, among others), but with regards to plating of bamboos and trees — reforestation, as buffer/natural protection, and that there is no problem with biodiversification or any project that will enhance the protection of the environment, actually, it is an advantage as it is part of the programs of projects of the DENR, BFAR, Agriculture and other NGOs and POs as well. However, when any structure is established within the prohibitions stated in Section 9, then it is now a violation. Just like the mangrove areas in Brgy. Tahud were now, made into a settlement area (a lot of houses already). He explained further about CBRMP and CBFMA initiated by the agriculture. Sadly, the DENR is not taking action towards the matter, according to Mr. Galo, Jr. In fact, the problem is that the LGU cannot reinforce because it is one of the functions of the DENR. The least that the LGU could do is to inform the DENR of the current situation thru a letter and the action is up to the discretion of the DENR.

Honorable Dedal added that as to Mr. Ruy Polistico's concern, his farm already exists prior this Ordinance which is currently, at Second Reading. Mr. Polistico replied that he is not only after of his own farm, but also, for those who are planning and going to establish the same. Given as well that the officials in the municipality is not permanent in nature. And this ordinance when approved, will become a law.

Honorable Yamson remarks that since the Measure is still at Second Reading, the SB will be discussing with all the suggestions and recommendations herein presented, on Monday, during the Special Session. To this, Mr. Polistico highlighted the purpose of the public hearing.

Honorable Siao added also that everything that had been discussed were all well taken and noted. Mr. Polistico stressed his point again of putting and adding an exemption.



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(minutes of the public hearing of the proposed municipal ordinance of the 15th sangguniang bayan of inopacan, leyte held on june 6, 2024, continued)

Mr. Galo Jr., aired out also his opinion as to the exemption, if it will be added. then, it is violating the National Law. Because under the Water Code of the Philippines, the prohibitions are still the same regarding the easements. Mr. Polistico asked the easement of the river and Mr. Galo Jr. replied its 20 meters wide. The former said that in the Ordinance, defined is urban, agricultural, and forest areas, as he is asking the coastal, the latter replied that it is the same, 20 meters. As Mr. Polistico asked if the coast is considered as an agricultural, Mr. Galo Jr. replied that the point of reference is not the sea, but the land area, since the sea couldn't be classified as urban, nor agricultural. Honorable Dedal added that it is in the Zoning Ordinance. As Mr. Polistico asked about establishing a resort, Mr. Galo Jr. replied that it depends on the classification of the lot area involved. He also reiterates that as he mentioned earlier, the law is already there long ago, the implementing agency is the DENR, including the issuance of lot/land title. The function of the LGU in the application of a resort is the issuance of a business permit, according to him. Some parts of the process are direct at the DENR, so the LGU has no hold on the matter. He expounds more about hazard and zoning Ordinance.

As to the opinion of Honorable Sao, Mr. Galo Jr., elaborates Section 7 (Development of Local Wetland Conservation Plans and Programs). And that, when this Ordinance is approved, development plans and programs must be formulated, so that this Measure will serve its purpose. So, at that time, the LGU needs the expertise of Mr. Polistico, and the DENR, other POs and NGOs as well to come up with an effective plan. According to him, the management plan will be based on the output/data from the inventory and profiling of wetlands. He discussed it further as he relayed that per DENR, the profiling takes a lot of time and effort, as it is technical and is based on the guidelines. The fact also that the LGU, really needs the technical assistance/expertise from the DENR. After the process, the valuation and the carrying capacity will then be established. Views and opinions were aired.

As Honorable de los Santos asked the participants if they are okay with the penalties, there being no objections.

Honorable Dedal also remarks that the suggestions/recommendations are subject for further study and deliberation.

Since there being no other queries and questions, the public hearing ended at 4:10 in the afternoon.

I HEREBY CERTIFY TO THE CORRECTNESS OF THE FOREGOING:

MELANIE M. MATIN-AO, MPA Secretary to the Sanggunian

ATTESTED:

HON. ALFIE JIAN B. YAMSON
SB Member
Author



#### Republic of the Millippines Province of Leyto Municipality of Inopacan



## 15<sup>th</sup> Sangguniang Bayan

## **Public Hearing**

- 1."ECOLOGICAL SOLID WASTE MANAGEMENT ORDINANCE, DECLARING CERTAIN ACTS PROHIBITED AND PROVIDING PENALTIES AND FOR OTHER PURPOSES".
- 2."AN ORDINANCE ON WETLAND CONSERVATION AND WISE USE OF WETLAND RESOURCES DECLARING PROHIBITIONS AND PENALTIES, AND FOR OTHER PURPOSES."

Date: June 06, 2024
Place: SB Session Hall
Time: 2:00 P.M.

## **ATTENDANCE SHEET**

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