

**LEYTE SAB-A BASIN PEATLAND RESOURCES MANAGEMENT  
and CONSERVATION ORDINANCE**

**“AN ORDINANCE PROVIDING FOR THE MANAGEMENT AND CONSERVATION OF  
THE LEYTE SAB-A BASIN PEATLAND and ALL OTHER PEATLAND RESOURCES  
WITHIN THE PROVINCE OF LEYTE, DEFINING ITS SCOPE and COVERAGE and  
FOR OTHER PURPOSES.”**

**I. RATIONALE and LEGAL BASIS**

a. Leyte Sab-a Basin Peatland Ecological Profile and Value

- i. 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 (CO<sub>2</sub>) concentrations;

b. Issues and Concerns

- i. 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;
- ii. 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;

c. Related Constitutional Provisions

- i. 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.<sup>1</sup> or
- ii. 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”;

d. Related Local Government Code Provisions

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<sup>1</sup> 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.

- i. WHEREAS, the Local Government Code of 1991 has devolved the management of the natural resources to the local government units.<sup>2</sup>
- ii. 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;

## II. ENACTING CLAUSE

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, the Sangguniang Panlalawigan of Leyte in session assembled, DO HEREBY ORDAIN, that:

### 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 in order to ascertain the existence of the natural resources found thereon to adequately 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;

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<sup>2</sup> 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.

- d. To promote and adhere to the precautionary measure 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:

- a. 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. 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**

- a. *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;
- b. *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;
- c. *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;
- d. *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;
- e. *Subsidence* - refers to the lowering or collapse of the ground level that results from draining water from peatlands;

- f. *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;
- g. *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;
- h. *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;
- i. *Anthropogenic causes* - refer to causes resulting from human activities or produced by human beings;
- j. *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;
- k. *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;
- l. *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;
- m. *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;
- n. *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;

- o. *Rewetting* - a peat restoration measure that aims to restore the hydrological conditions, structure and functions of degraded peat ecosystems to their near-natural state;
- p. *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;
- q. *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;
- r. *Species* - refers to smallest population which is permanently distinct and distinguishable from all others. It is the primary taxonomic unit of an organism;
- s. *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;
- t. *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;
- u. *Endangered species* - refers to a species that is not critically endangered whose survival in the wild is unlikely if the causal factors continue operating;
- v. *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;
- w. *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;
- x. *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;
- y. *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;

- z. *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;
- aa. *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;
- ab. *Fisheries* - refers to all activities relating to the act or business of fishing, culturing, preserving, processing, marketing, developing, conserving and managing fishery resources;
- ac. *Fishery License* - a document that qualifies a person/cooperative/partnership/corporation to engage in fishery activities within the municipal waters;
- ad. *Fishers/Fisherfolk* - people directly, or personally and physically engaged in taking and/or culturing and processing fishery/coastal/marine resources;
- ae. *Fishery Resources* - include all flora and fauna found in the peatland/peat swamps, including their habitat;
- af. *Fishing* - the taking of fishery species from the wild state or habitat, with or without the use of fishing vessels;
- ag. *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;
- ah. *Balatik* - Improvised bomb, Improvised shotgun which if triggered will explode;
- ai. *Tubli* - a form of fish poisoning;
- aj. *Gratuitous Permit* - a permit issued to marginal and subsistence municipal fishers free of any charges;
- ak. *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;
- al. *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;

- am. *Permit* - a document issued to license holders before engaging in any activity within the Peatlands or Peatswamps;
- an. *Persons* - natural or juridical entities such as individuals, associations, partnership, cooperatives corporations;
- ao. *Drainage* - the removal of excess water from an area;
- ap. *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. Peatland Boundary and Zoning of the Leyte Sab-a Basin Peatland.

Figure 1. Peatland Boundary with Area in Hectares

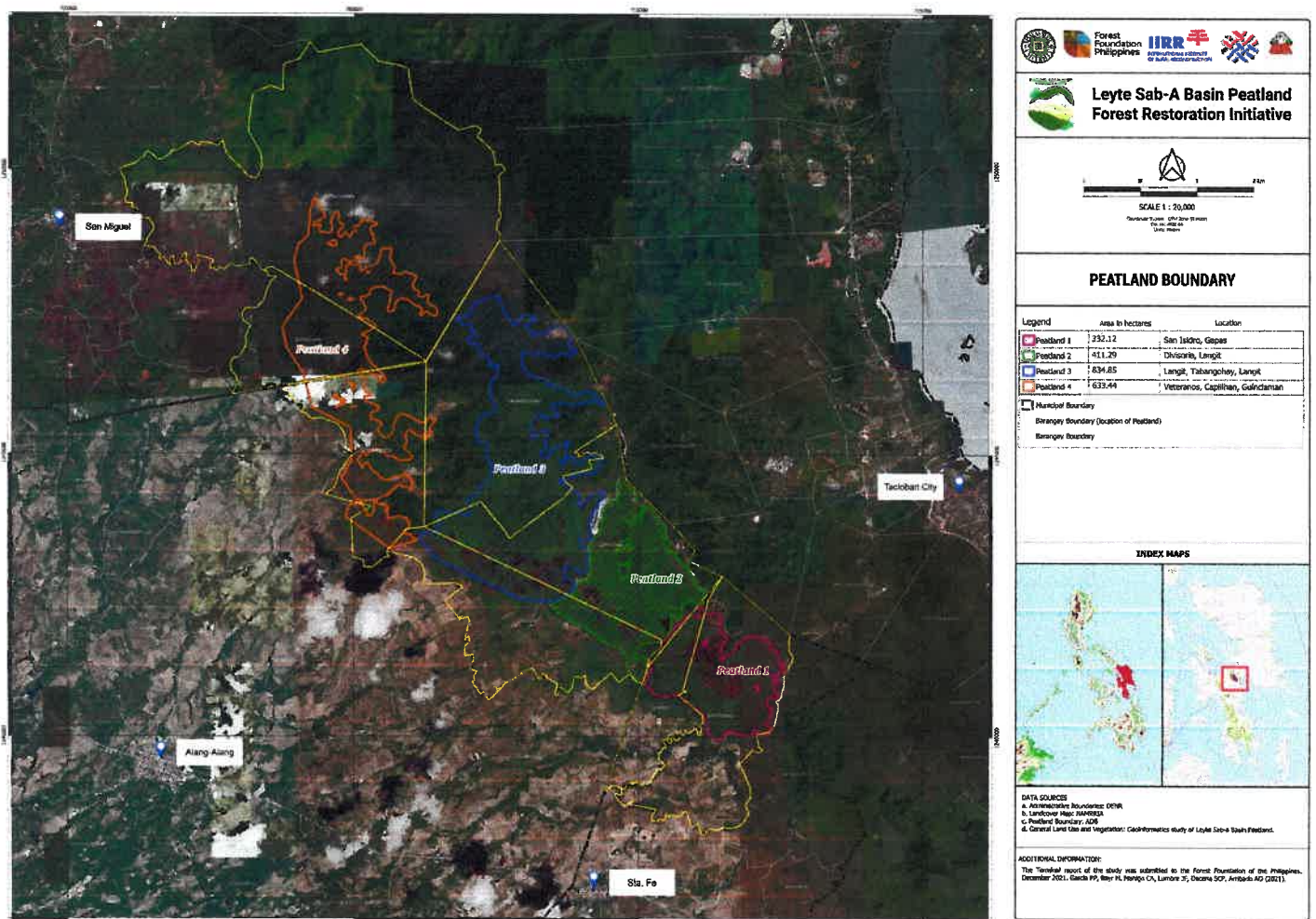
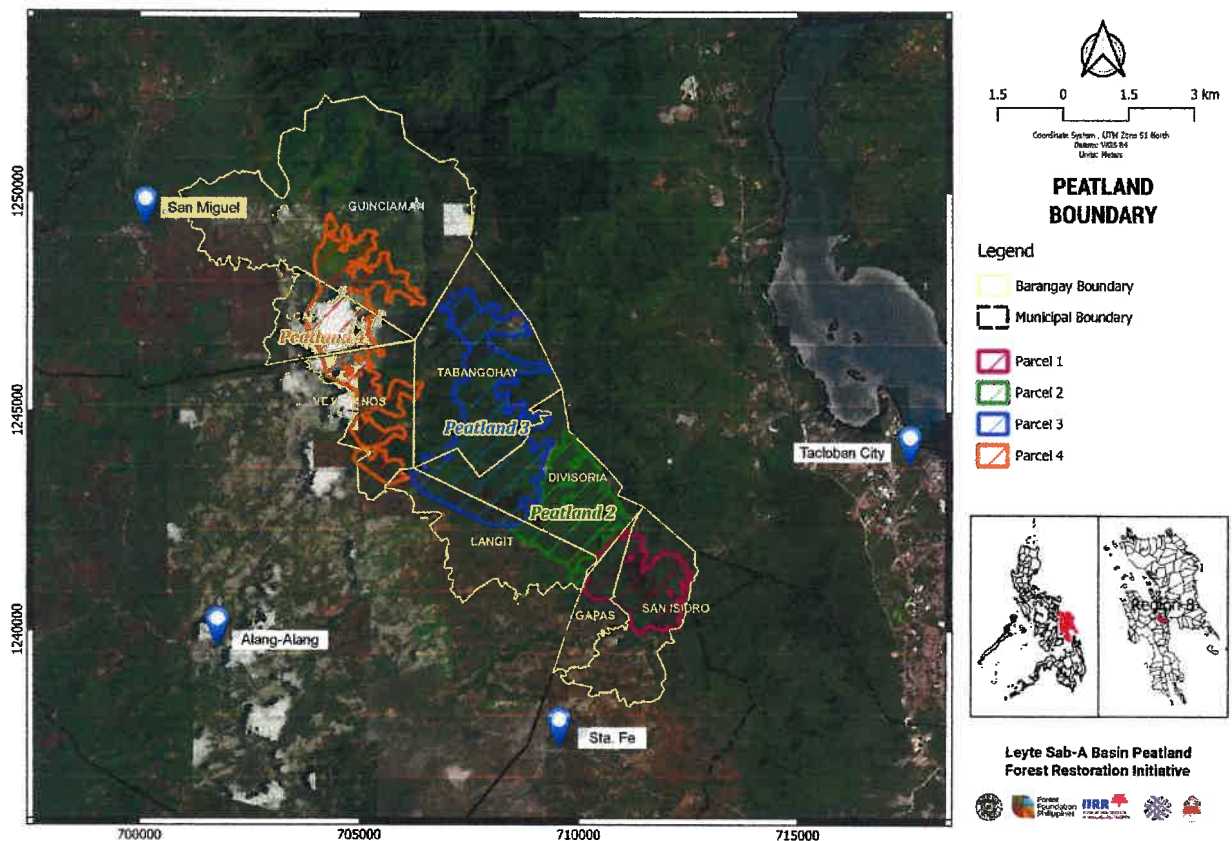


Figure 2. Peatland Boundary with Municipal Boundaries



\*Pages 8 to 87 contain the Coordinates of Peatland 1, 2 and 3 Boundaries.

### 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.

Figure 1. Zone Map with Barangay and Municipal Boundaries

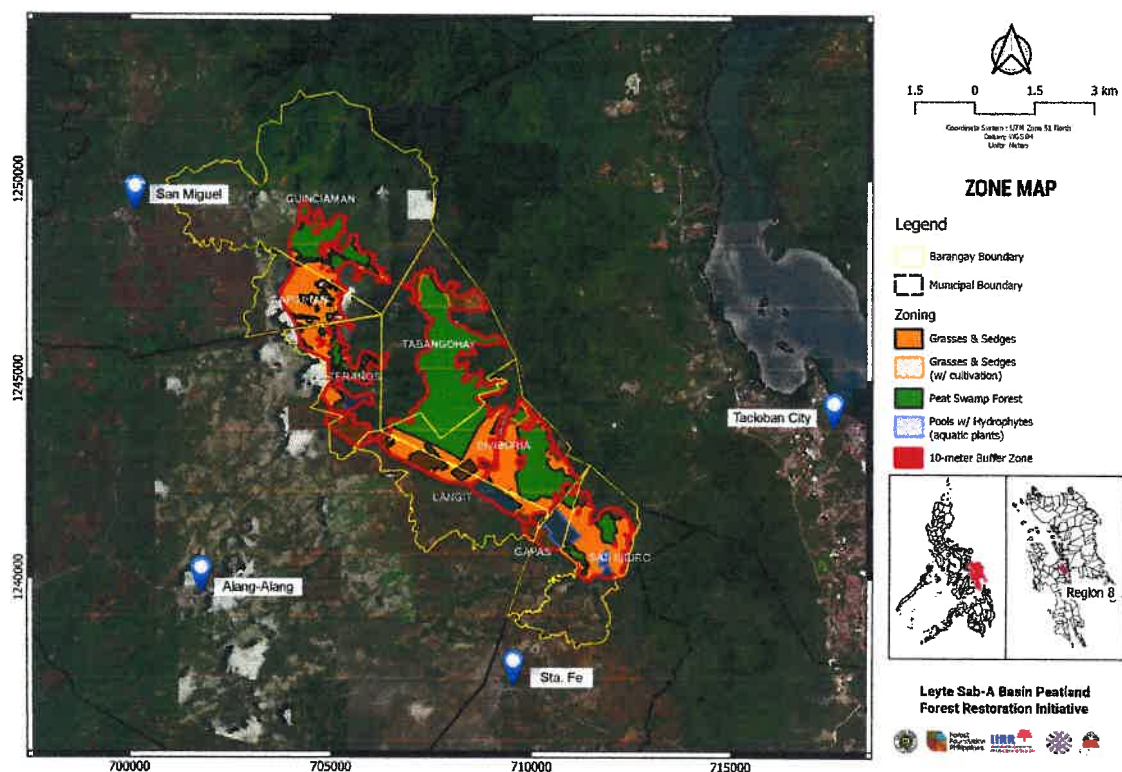




Figure 2. Zone Map with Area in Hectares

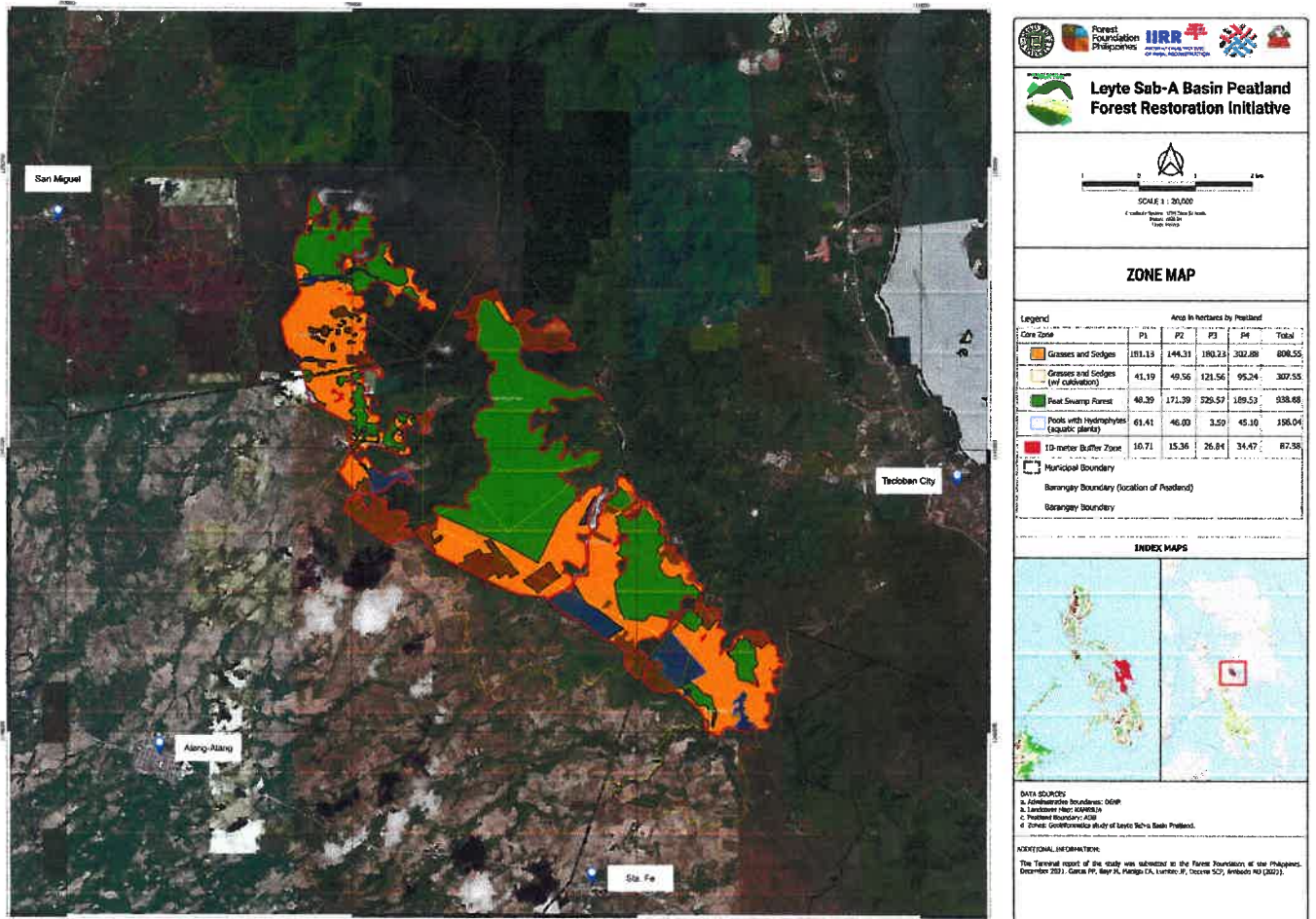
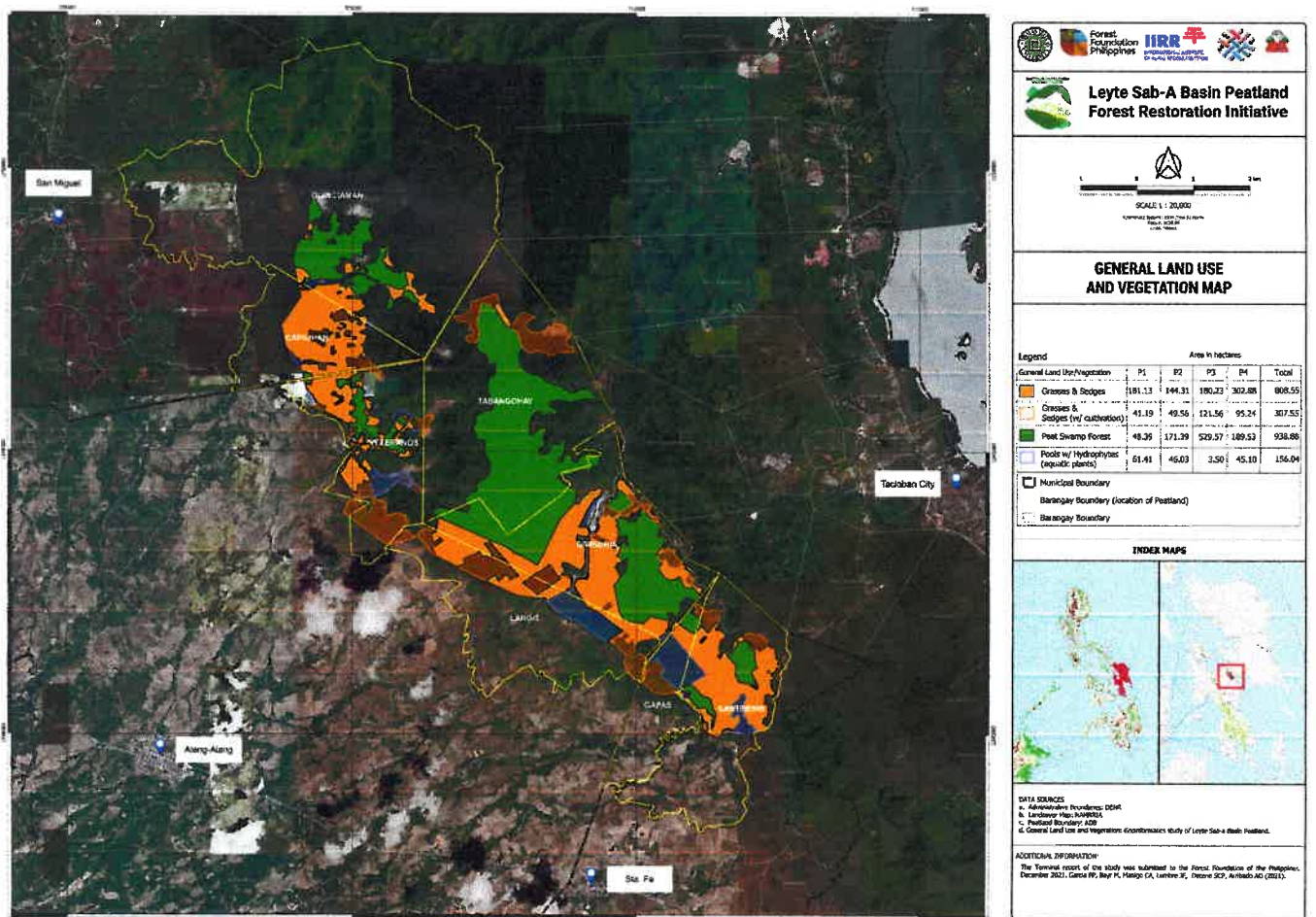


Figure 3. General Land Use and Vegetation Map



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

*\*Pages 89 to 249 contain Peat Swamp Forest Boundaries in Peatland 1, 2, 3, and 4*

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

*\*Pages 249 to 495 contain Grasses and Sedges Boundary in Peatland 1, 2, 3, and 4*

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

*\*Pages 495 to 555 contain Pools with Hydrophytes Boundaries in Peatland 1, 2, 3, and 4*

**b. Buffer Zones** - This is a 10-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.

*\*Pages 555 to 760 contain Buffer Zone Boundaries in Peatland 1, 2, 3, and 4*

**c. Sustainable development zone** – This is the area right after the 10-meter-wide buffer zone. Multi use activities are 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 under existing laws or ordinances shall have been obtained prior to the conduct of 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.** The use, utilization, and exploitation of the resources of the Leyte Sab-a Basin Peatland shall be reserved for residents of concerned municipalities where portions or 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 Government Unit in consultation and with the endorsement of the Provincial Peatland Resources Management and Conservation Council.

**Section 9. Registry of Resource Users.** 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 10. Preferential Treatment to Agrarian Reform Beneficiaries (ARBs) and their Organization in the Grant of Exclusive Privileges.**

Exclusive privileges shall include those that are already defined under existing laws, such as but not limited to those that are granted by the Revised Forestry Code (PD 705), the Philippine Fisheries Code (RA 8550) as amended by R.A. 10654, the Local Government Code (R.A. 7160) and such other natural resource utilization related laws. The Local Government Unit concerned may enact such local ordinances in relation to the grant of exclusive privileges not otherwise covered by any law; provided, that such grant shall only be exclusive within the area of their jurisdiction and authority and that it shall specifically be inclusive to those resources which are not covered by any existing laws.

The Agrarian Reform Beneficiaries affected who were awarded with lands within the Leyte Sab-a Basin Peatland, 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 Provincial Peatland Resources Management and Conservation Council.

#### **Section 11. Limitations on the Grant of Exclusive Privileges.**

The following limitations shall be strictly followed:

- a. The exclusive privilege shall be binding and valid for three (3) years;
- b. The exclusive privilege shall not be sub-contracted or sub-leased, in whole or in part; and
- c. 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 12. Grounds for the Cancellation of the Exclusive Privilege.**

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

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

**Section 13. Licenses, Permits, Registration, and User's Fees.** Licenses, permits, registration and user's fees shall be subject to existing laws and shall be processed and paid pursuant to such related laws and regulations concerning the specific resources.

Subject to the provision of Section 186<sup>3</sup> of the Local Government Code, the Local Government Unit concerned may establish such regulations on the grant of permits, licenses, registration and a user's fee system; provided that same shall be specifically identified and legislated for any and all activities which may be allowed relative to the use of any peatland resources. These fees may also vary for individual users 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.

**Section 14. Limitations in relation to the grants of Licenses and Permits.** The grant of licenses and permits in relation to utilization of Peatland resources shall be regulated and shall be subject to the regulations of the Revised Forestry Code (PD 705), the Philippine Fisheries Code (RA 8550), as amended by R.A. 10654, the Local Government Code (R.A. 7160) and existing resource utilization related laws and such local ordinances which may be enacted by the concerned Local Government Units. The latter shall take into account such activities, tools, gears, period within which a certain activity may be allowed, the resources which should be open for harvest or gathering outside core zones as defined in Section 5 of this ordinance and taking into consideration the following:

- a. Forest-related activities allowed and prohibited by the Revised Forestry Code of the Philippines (PD 705)
- b. Fishery related activities allowed and prohibited by the Philippine Fisheries Code (R.A. 8550) as amended by R.A. 10654) of the Philippines as amended;
- c. Allowable gears, tools, methods, and means;
- d. Specific restrictions on the operations of eligible activities, gears and tools;
- e. Designation of Open and Closed Seasons
  - Harvest/Gathering of Raw Materials
  - Fishing Activities / Catching of certain species

#### **ARTICLE IV**

#### **Management and Conservation of Peatland Resources**

**Section 15. Management Strategies.** 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 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.<sup>4</sup>
- 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";
- 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 threatened 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 and nutrient dynamics.

## C. Socio-economic

- Intensify Information and Education Campaign and continuous awareness sessions in the community (Peatland awareness and environmental laws)

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

## **ARTICLE V**

### **Conservation Strategies and General Prohibitions**

**Section 16. Core Zones or Strict Protection Zones.** 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.

These zones shall be protected from direct impacts of human activities. It can be devoted to scientific and academic research, ensuring that it is maintained in its natural state and natural processes of evolution still occur within the conserved ecosystem. Other activities that will be allowed would be limited to educational trips in sections where boardwalks and planks may be installed traversing portions of the different ecotypes, such as the wetland forest, the boggy areas and the grassland and sedges areas of the Sab-a Basin. Bird and wildlife watching are some of the activities which may be allowed and could be part of the educational benefits of ecotour trips to the area. However, access to the area would be controlled so that wetland core zone is minimally disturbed.

Upland forest and the watershed, especially in the eastern side of the peatland shall likewise 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 17. Buffer Zone.** This zone surrounds 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 landscape 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. Activities in this zone may be permitted with limited to minimal resource extraction (i.e tikog for cottage industry) that is to be managed by the local community.

**Section 18. Grasslands and Sedges.** this zone may be open for entry to existing communities, but will not be permitted to cultivate the land and undertake other activities, except for some resource extraction such as harvesting of tikog; subject to the regulations as set forth in Article III hereof.

**Section 19. Sustainable Development Zone.** This represents the area right after the buffer zone which often supports human settlements and a range of human activities. These areas may allow some low impact agriculture such as fruit tree 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 these 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 this zone. This area has been partially and/or totally drained and converted to agriculture. This zone is also considered as

a transition zone which allows more access, but limits expansion for further development. The management plan should promote economic activities undertaken in this zone, which shall be carried out in an environmentally sustainable manner while providing for the economic and social requirements of the population.

## **ART. VI MUNICIPAL PEATLAND RESOURCES MANAGEMENT AND DEVELOPMENT PLANNING**

### **Section 20. Mandate For the Municipal Peatland Resources Management and Conservation 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 Provincial Peatland Resources Management and Conservation Council (PPRMCC) and such other concerned agencies, shall formulate a Peatland Resource Management and Conservation Plan, which shall be the basis for the long-term conservation and management of the peatland resources within their territorial jurisdiction.

### **Section 21. Planning Consultation**

Upon the effectivity of this ordinance and within ninety (90) days prior to each budgeting period, the Office of the Municipal Agriculturist in collaboration with the MENRO and the MPDC shall engage in public consultations with the concerned barangays/communities, lined government agencies, civil society organizations, non-government organizations and other stakeholders in order to determine the needs, goals, objectives and programs for protection, conservation, development and management of the peatland resources within their municipality. The output of such consultations shall be presented to the Local Development Council to serve as basis in the formulation of the Municipal Peatland and Management and Conservation Plan.

### **Section 22. Formulation of the Municipal Peatland Management and Conservation Plan**

All municipal local government units with identified peatlands within their territorial jurisdictions are enjoined to formulate a Municipal Peatland Resources Management and Conservation Plan in collaboration with the concerned government agencies. Such plan shall be integrated to their respective Local Development Plan which shall be based on the output of the public consultations made.

### **Section 23. Integration Into Local Development Plan**

Integration into Local Development Plan – After completion, the Peatland Resources Management and Development Plan shall be formally submitted to the Municipal Planning and Development Council 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 shall form part of the Annual Local Development/Investment Plan for the following year.

**Section 24. Integrated Peatland Resource and Management Planning.** Local Government Units within the Leyte Sab-a Basin Peatland and/or those which are within the peatland ecosystem are enjoined to collaborate with each other to develop an Integrated Peatland Management and Conservation Plan. Inter LGU planning is indispensable in the formulation of a more comprehensive and/or unified plan for a sustainable management and conservation of the peatland.

**Section 25. Financial/Budget Support**

The Municipal Local Government Units concerned are enjoined to allocate sufficient funding to support the development of the Peatland Resources Management and Conservation Plan and for the implementation of the activities for the conservation and protection of the peatland as identified in the said plan. Subject to the approval of the Local Chief Executive, the OMA, MPDC, and the MENRO shall submit and present a Work and Financial Plan on the different activities related to the preparation of the Peatland Resources Management and Conservation Plan of the municipality, which shall then be included in the annual budget and subject to the budgeting procedures as mandated by the Local Government Code.

**Article VII**  
**PEATLAND MANAGEMENT AND THE**  
**THE MUNICIPAL ENVIRONMENT AND NATURAL ROSOURCES OFFICE**

**Section 26. Peatland Management Function of the Municipal Environment and Natural Resources Office.**

The Municipal Environment and Natural Resources Office shall have the following functions, duties, and powers in relation to management of the peatland within their territorial jurisdiction.

- a. Lead in the development and implementation of plans, programs and activities for the conservation and protection of the peatland ecosystem within their territorial jurisdiction;
- b. Coordinate and collaborate with lined government agencies, communities, non-governmental organizations and all other stakeholders which promote sustainable management of peatland resources;
- c. Proposed short- and long-term programs and such other activities to carry out peatland conservation and protection initiatives;
- d. Lead in the enforcement of environmental laws in the peatland ecosystem;
- e. Establish/build partnerships and linkages with potential donors and such other institutions which could provide assistance in the formulation and implementation of the municipal Peatland Resources Management and Conservation Plan;
- f. Coordinate with other municipal local functionaries in the development of livelihood opportunities and/or alternative livelihood programs for the communities affected by the implementation of peatland conservation initiatives implemented by the municipality;



- g. Coordinate and collaborate with other Local Government Units within the Leyte Sab-a Basin Peatland for the formulation of an integrated and/or unified peatland resources management and conservation plan;
- h. Subject to the approval of the Local Chief Executive, represent the municipal mayor in all dealings, consultations and such activities devoted or designed for peatland protection, conservation and management;
- i. Recommend to the Sangguniang Bayan and advise the Municipal Mayor, as the case may be, on all other matters related peatland resource management.

**Article VIII**  
**PROVINCIAL PEATLAND RESOURCES**  
**MANAGEMENT AND CONSERVATION COUNCIL (PPRMCC)**

**Section 27. Creation of the Provincial Peatland Resources Management and Conservation 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 Management and Conservation Council is hereby created.

**Section 28. Composition of PPRMCC.** The composition of the council shall be the Provincial Government Unit of Leyte and its frontline offices, the Local Government Units of Palo, Sta. Fe, Alangalang and San Miguel, and its departments, the Regional and provincial offices of National Agencies, Higher Education Institutions and Non-Government Organizations. The initial composition shall be as follows:

**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, the Philippine National Police (PNP) and the Bureau of Fire Protection (BFP), which shall all 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 – Baybay and Alang-alang Campus (VSU), which shall be represented by its head or president;

Other members as may be necessary may be added in order to carry out the principles and policies as set forth in Sec. 2 and the provisions set forth in Articles IV and V in of this ordinance in relation to the management, conservation and protection of the peatland.

**Section 29. Alternate or Authorized Representative.** The parties hereto may 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 engaging partners in the community. Decisions which involve fund contributions and/or the use of it and the use of any equipment, machinery 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 30. Powers and Functions of the PPRCMC.**

Pursuant to the aforestated principles and policies, PPRCMC shall have the following powers and functions, to wit:

- a. Advocate and ensure that a unified Peatland Resources management and conservation 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 and such other peatlands/wetlands within the territorial jurisdiction of the province of Leyte which may be identified in the future.
- c. Advocate for the eradication of all illegal, indiscriminate and destructive activities that threaten 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 and such other peatlands/wetlands within the territorial jurisdiction of the province of Leyte which may be identified in the future.
- e. Conduct regular meetings and special meetings as the need arises, as well as overall monitoring and evaluation of activities of the council;
- f. Act on inter-municipal issues and concerns raised by a member of the LGU;
- g. Policy formulation review and assessment;
- h. Monitoring of activities within the Leyte Sab-a Basin Peatland Forest;

- c. PO representative;
- d. MCTC Clerk of Court;
- e. Representative from the academe or non-government organization;

**Section 35. Duties, Powers and Functions of the Administrative Adjudication Body.**

- a. Conduct hearings for purposes of imposing administrative sanctions;
- b. Decide on administrative cases within 15 days from the date of filing of the case;
- c. Renders summary judgment in case of non-appearance of offender/s and the immediate filing of criminal case before the regular court;
- d. Orders impoundment of gears pending resolution of the case;
- e. Impose other indemnities; and,
- f. Such other powers that will help in the early disposition of cases for violation of this ordinance.

**Section 36. 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 37. 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 38. Person and Deputies Authorized to Enforce this Ordinance.**

The Philippine National Police (PNP), the Municipal Mayors, Municipal Agriculturist, Municipal Environment and Natural Resources Officer, Punong Barangays 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, environmental laws, and related rules and regulations.

**Section 39. 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.

- b. Hunting of wildlife;
- c. Gathering/harvesting of any peatland resources without permit;
- d. The gathering/harvesting of any peatland resources made by an unregistered person or entity;
- e. Slash and Burn method in any area within the peatland ecosystem;
- f. Use of poisonous substances such as, but not limited to, cyanide or *tubli* and pesticides to stun or stupefy the fish to be collected;
- g. Use of Dynamite/blasting in fishing and use of any modified explosive such as *balatik* in hunting;
- h. Electro Fishing;
- i. Violation of any condition set forth in any permit, license or exclusive privileges granted;
- j. Draining of any water in the peatland;
- k. Diverting waterways and rechanneling of water flow;
- l. Unauthorized canal establishment;
- m. Unauthorized conversion of land use;
- n. Filling/Backfilling or any other similar activities which may interrupt the natural flow of water and/or create disturbance within the peatland ecosystem;

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%

## **Article X ADMINISTRATIVE ADJUDICATION**

### **Section 33. 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 34. Composition of the Administrative Adjudication Body.** - The administrative adjudication body will consist of the following:

- a. Municipal Mayor, or in his absence, the Municipal Administrator;
- b. Chief of Police;



- 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 the implementation of the provisions of this 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; and,
- p. Monitoring of the implementation of plans/programs and project execution within the Leyte Sab-a Basin Peatland Forest.

## **Article IX PROHIBITED ACTS AND PENALTIES**

**Section 31. Compliance to National Laws.** The provisions of existing environmental laws such as but not limited to the Revised Forestry Code of the Philippines (PD 705) as amended, the Chainsaw Act R.A. 9175, the Wildlife Resources Conservation and Protection Act (R.A. 9147), the Philippine Fisheries Code of 1998 (R.A. 8550) as amended by R.A. 10654, the Ecological Solid Waste Management of 2000 (R.A. 9003) the Philippine Clean Water Act of 2004 (R.A. 9275), the Environmental Impact Statement (EIS) System (P.D. 1586) shall be implemented. All prohibitions under such green laws shall be enforced within the ecosystem of the Leyte Sab-a Basin Peatland and violations thereof shall be punishable under such law.

### **Section 32. Other Prohibitions.**

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

- a. Entry and the conduct of any activities within the core and the buffer zones of the peatland ecosystem without the necessary permit from the local government unit concerned (*unauthorized entry*);

**Article XII**  
**FINAL PROVISIONS**

**Section 40. 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 41. 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 42. 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.**