

Republic of the Philippines
Province of South Cotabato
OFFICE OF THE SANGGUNIANG PANLALAWIGAN
City of Koronadal

**EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE
SANGGUNIANG PANLALAWIGAN OF SOUTH COTABATO, HELD IN ITS
SESSION HALL, CITY OF KORONADAL, ON WEDNESDAY, JUNE 09, 2010**

PRESENT:

Hon. Eliordo U. Ogena,	Vice Governor - Presiding Officer
Hon. Franklin C. Bona,	SP Member
Hon. Dardanilo N. Dar,	SP Member
Hon. Cecile E. Diel,	SP Member
Hon. Jose R. Falcon,	SP Member
Hon. Rene B. Jumilla,	SP Member
Hon. Samuel L. Ladot,	SP Member
Hon. Jose M. Madanguit,	SP Member
Hon. Romar A. Olivares,	SP Member
Hon. Elmo B. Tolosa,	SP Member
Hon. Relly A. Leysa,	SP Member - Ex-Officio Member PCL President
Hon. Patricio M. dela Cruz,	SP Member - Ex-Officio Member FABC President
Hon. Jinky P. Avance,	SP Member - Ex-Officio Member SK President

ABSENT:

Hon. Clemente C. Tubo,	SP Member
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RESOLUTION NO. 84

Series of 2010

*Hon. Eliordo U. Ogena
Hon. Jose R. Falcon
Hon. Rene B. Jumilla
Hon. Relly A. Leysa*

*Hon. Jose M. Madanguit
Hon. Clemente C. Tubo
Hon. Dardanilo N. Dar
Hon. Patricio M. dela Cruz*

*Hon. Romar A. Olivares
Hon. Elmo B. Tolosa
Hon. Jinky P. Avance*

**A RESOLUTION ENACTING THE ENVIRONMENT CODE OF THE PROVINCE OF
SOUTH COTABATO**

WHEREAS, the number of decades of untrammelled use, misuse, abuse and exploitation of the existing mineral, forestry and other natural resources, encompassing the various habitats and ecosystems of South Cotabato, has degraded, if not practically destroyed its once upon a time lush and beautiful green forest and vegetation, polluted its cold and refreshing air, contaminated its water resource and thereupon causing the drying up of some of its clean and pristine river system;

WHEREAS, this environmental degradation has gravely contributed to the greenhouse effect causing undesirable climatic change that has adversely affected (1) the fertility and productivity of the soil (2) the health and lives of the people (3) as well as the quality of life of the people of South Cotabato;

WHEREAS, the matter of maintaining, protecting and enhancing the quality of the environment, as well as upholding its ecological integrity and biodiversity is no longer an exclusive responsibility of the state through the Department of Environment and Natural Resources (DENR) but an obligation shared by the Local Government Units and its constituents pursuant to the provisions of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, particularly Sections 2(a), 2(c), 3(d), 3(e), 3(f) up to 3(m), 5(a), 16, 17, 26, 27, 33, 34, 35, 36, 129, 186, 289, 389 (b) (9), 444(b)(3)(vii), 455(b)(3)(v), 465(b)(3)(v), 447(a)(1)(vi), and Section 468(a)(1)(vi) thereof;

WHEREAS, the provincial government, in its sincere desire to involve all stakeholders pursuant to the aforesaid legal mandate, has decided to take a lead in holding the Three-Day First Environmental Summit held in Lake Sebu, South Cotabato on January 26-27, 2006, which brought forth vital environmental issues and concerns imminently affecting not only South Cotabatenos but also the people of the entire country and its future generations;

WHEREAS, consolidating all vital inputs, issues and concerns on environment, the Sangguniang Panlalawigan of South Cotabato has decided to come up with a reasonable and practicable measure that will ensure 1) the protection, conservation and rehabilitation of the environment; 2) the judicious and equitable use of natural resources; 3) the enactment and strict enforcement of pertinent laws and issuances on environmental development related activities; 4) the active involvement of the people of South Cotabato in all environmental undertakings;

WHEREFORE, premises considered, on motion of the Hon. Jose M. Madanguit, duly seconded by the Hon. Rene B. Jumilla, the august Body, by a majority vote of nine (9) members , namely: Hon. Madanguit, Hon. Jumilla, Hon. Tolosa, Hon. Falcon, Hon. Avance, Hon. Leysa, Hon. dela Cruz, Hon. Dar and Hon. Olivares, with one (1) voting against, namely: Hon. Franklin C. Bona and with two (2) abstentions, namely: Hon. Cecile E. Diel and Hon. Samuel L. Ladot, the Body

RESOLVED, as it is hereby resolved, to enact the following ordinance:

ORDINANCE NO. 04

Series of 2010

AN ORDINANCE PROVIDING FOR THE ENVIRONMENT CODE OF THE PROVINCE OF SOUTH COTABATO

Be it ordained by the Sangguniang Panlalawigan of South Cotabato that:

CHAPTER 1 – GENERAL PROVISIONS

ARTICLE I - TITLE, POLICIES, PRINCIPLES AND TERMINOLOGIES

SECTION 1. TITLE. This code shall be known and cited as “THE SOUTH COTABATO ENVIRONMENT CODE” and shall hereinafter be referred to as THE CODE.

SECTION 2. DECLARATION OF POLICY. Pursuant to the powers granted by the 1987 Constitution, and in conjunction with the General Welfare clause of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, it is hereby declared the policy of the Provincial Government of South Cotabato to fully exercise genuine and meaningful local autonomy as an effective partner of the national government, its people and the civil society in the enhancement of the rights of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature.

SECTION 3. GENERAL OPERATIVE PRINCIPLES. The formulation and implementation of policies and measures for the protection of the environment, sustainable utilization of the natural resources, and the promotion of healthful ecology, shall be guided by the following general operative principles:

- a. A local network that will promote and sustain relevant, efficient strategies and modern technologies for the protection of the environment and natural resources, primarily in the areas of research and management, shall be developed and enhanced;
- b. There shall be formulated relevant and effective policies and strategies that will ensure proper implementation of environmental programs and projects as well as the strict enforcement of pertinent laws, rules and regulations;
- c. An accountable, efficient and dynamic organizational structure and operating mechanism shall be established that will plan, implement, direct, assist, coordinate, monitor and/or evaluate all environmental laws, policies, programs and projects in South Cotabato;
- d. The vesting of duties, responsibilities and accountabilities of personnel shall be accompanied with the provision for reasonably adequate resources to enable them to discharge their powers and functions;
- e. The local government units and non-government organizations within the territorial jurisdiction of South Cotabato may group themselves for purposes most beneficial to them and their respective constituencies;

- f. There shall be institutional mechanisms that will sustain or reinforce the implementation of this CODE, pertinent existing laws and issuances and promote proper and mutual consultation with the people on matters involving the utilization, development and conservation of natural resources;
- g. The promotion, development and protection of human resources shall be the paramount consideration in the formulation and implementation of all environmental programs and activities; and
- h. Adherence to the basic fundamentals of co-management approach allowing multi-sectoral participation in the discussion and resolution of environmental issues.

SECTION 4. DEFINITION OF TERMS. As used in this Code, the following terms shall mean or be construed as follows:

AFFECTED COMMUNITIES - the communities, regardless of proximity to the project site, where the existing or the potential adverse impact of a project affects said communities.

AGRICULTURAL WASTES - the wastes generated from planting or harvesting of crops, trimming or pruning of plants and wastes or run-off materials from farms or fields.

AQUATIC RESOURCES - include fish, all other aquatic flora and fauna and other living resources of the aquatic environment, including salt and corals.

BIODIVERSITY - a variety of life formed and found on earth; comprises all living things and the genes they contain, the ecosystem they build and the way they live and interact together.

BIOPIRACY - refers to the transfer of biological wealth and knowledge from indigenous communities to transnational corporations for the manufacture of commercial products with or without inadequate remuneration or acknowledgement of traditional users of the resources, such as the patenting of biological organisms.

BUFFER ZONES - identified areas outside the boundaries of and immediately adjacent to designated protected areas pursuant to Section 8 of Republic Act No. 7586 that need special development control to avoid or minimize harm to the protected area.

CARRYING CAPACITY - a capacity of natural and human environments to accommodate and absorb change without experiencing conditions of instability and attendant degradation.

CO-MANAGEMENT - a collaborative or joint management by two or more social actions. All actions negotiate a fair share of functions and responsibilities for a given development interest. It is a sharing of responsibilities, accountabilities and benefits achieved as result of an integrated and coordinated actions.

CRES – Conservation of Rare and Endangered Species.

CRITICAL WATERSHED - a drainage area for a river system supporting existing and proposed hydro-electric power and irrigation works needing immediate rehabilitation as it is being subjected to widespread denudation that cause erosion and flood.

CULTIVAR - a plant variety developed from a natural specie and maintained through cultivation.

“DE FACTO” OPEN ACCESS - a condition resulting from the inability of a resource owner or manager, such as the State, in the case of marine resource, to enforce its ownership and authority by way of effectively excluding or regulating non- owners from the use thereof, thereby rending the utilization of the resource under open and unregulated conditions as if there is no owner or manager. The failure of regulatory controls by resource owners or managers inevitably result in the destruction of the resources and the over all losses in public welfare. In the case of marine resource, “de facto” open access conditions lead to the eventual decline in marine productivity, particularly fish catches in the municipal waters.

DESIGNATED NON-ATTAINMENT AREAS - area that does not meet one or more of the National Ambient Air Quality Standards for the criteria pollutants designated in the Clean Air Act.

DIPTEROCARP FOREST - a forest dominated by tree species with “two winged” seed that can reach a height of over 20 feet, such as red lawaan, tanguile, white lawaan, bagtikan, mayapis of Philippine mahogany group, apitong and yakal.

DISTRIBUTION UTILITY - any electric cooperative, private corporation, government-owned utility or existing local government unit with franchise to operate a distribution system.

ECOSYSTEM - an ecological community considered as a unit that consists of non-living factors and its environment.

ECO-TOURISM - a form of sustainable tourism aimed to converse and promote the sustainable use of biological and cultural biodiversity, that facilitates income generation, provides job and business opportunities and shares its benefits equitably with local communities and indigenous people by obtaining their informed consent and full participation in planning and management of ecotourism in a protected area.

EIA SYSTEM – a process which consists of identifying and predicting impacts of proposed projects and programs in the biophysical environment and on man's health and well being. *(DAO 03-30)*

ENDEMIC - a situation peculiar to a particular locality.

ENDANGERED SPECIES - threatened or vanishing species of flora and fauna.

ENVIRONMENTAL COMPLIANCE CERTIFICATE (ECC) - a document issued by the DENR certifying that the project under consideration will not bring about an unacceptable environmental impact and that the proponent has complied with the requirements of the environmental impact statement system.

ENVIRONMENTAL GUARANTEE FUND (EGF) – a fund to be set up by a project proponent which shall be readily accessible and disbursable for the immediate clean-up or rehabilitation of areas affected by damages in the environment and the resulting deterioration of environmental quality as a direct consequences of a project's construction, operation or abandonment. It shall likewise be used to compensate parties and communities affected by the negative impacts of the project, and to fund community-based environment related projects including, but not limited to, information, education and emergency preparedness programs. *(DAO 03-30)*

ENVIRONMENTAL IMPACT ASSESSMENT (EIA) - a process that involves evaluating and predicting the likely impacts of a project (including cumulative impacts) on the environment during construction, commissioning, operation and abandonment. It also includes designing appropriate preventive mitigation and enhancement measures and addressing these consequences to protect the environment and the community's welfare. The process is undertaken by, among others, the project proponent and/or EIA Consultant, EMB, a Review Committee, affected communities and other stakeholders. *(DAO 03-30)*

ENVIRONMENTAL IMPACT STATEMENT (EIS) - a document of studies on the environmental impacts of a project including the discussions on direct and indirect consequences upon human welfare and ecological and environmental integrity. The EIS may vary from project to project but shall contain in every case all relevant information and details about the proposed project or undertaking, including the environmental impacts of the projects and the appropriate mitigating and enhancement measures. *(RA 7942)*

ENVIRONMENTALLY CRITICAL AREA (ECA) – refers to an area that is environmentally sensitive and is listed under Presidential Proclamation No. 2146, series of 1981 as well as other areas which the President of the Philippines may proclaim as environmentally critical in accordance with Section 4 of Presidential Decree No. 1586.

FISH SANCTUARIES - a natural area where fishes are hatched, bred and protected until they are fully-grown.

FISHERFOLKS' COOPERATIVE - an organized group, association, federation, alliance of an institution or fisherfolks which has at least fifteen (15) members, a set of officers, a constitution and by-laws, an organizational structure and a program of action, registered with the Cooperative Development Authority.

FISHERIES - all activities relating to the business of fishing, culturing, processing, marketing, developing and managing of aquatic resources and fishery areas, with the privilege to fish or take aquatic resource thereof.

GRAVEL- particles of rock passing 75mm (3 in.) U.S. standard sieve mesh.

GENETIC ENGINEERING - shall be understood as the introduction of genes by laboratory techniques. *(RA 9168 or the Philippine Plant Variety Protection Act of 2002)*

HAZARDOUS WASTES - the combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may pose a substantial or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise mismanaged.

ILLEGAL LOGGING – the cutting, removing, collecting, gathering, possessing and the transporting of forest products without license or permit issued by proper authorities. (PD 705)

INDEPENDENT POWER PRODUCER (IPP) – an existing private power generating entity not owned by the National Power Corporation.

INLAND FRESHWATER FISHERY - a freshwater fishery and brackish water fishpond.

IN-PLACE MANAGEMENT SYSTEM - the technique used in utilizing the capacity of resources including manpower existing in the place covered by management.

KAINGIN – the clearing of a tract of land through the cutting/slashing/burning of trees, bushes and other plants, as in a forest, so that the area being cleared will be utilized for the planting of crops.

MANAGEMENT ZONE - is a relatively homogeneous unit of land, identifiable, locatable and whose inherent characteristics dictates that the response or effects of management will be relatively the same for all hectares within the area considering each suitable management prescription and the stated decision variables. *(DENR Circular No. 93-04)*

MINERAL RESOURCES - any concentration of metallic and non-metallic minerals/rocks.

MINERALS - the naturally occurring inorganic substance in solid, gas, liquid or any intermediate state, including energy materials such as coal, petroleum, natural and radioactive materials and geothermal energy.

MINING OPERATION - the mining activities involving exploration, feasibility, development, utilization and processing.

MUNICIPAL WATERS - are streams, inland bodies of water and tidal waters within the municipality which are not included within the protected areas as defined under Republic Act No. 7586. (*The NIPAS Law*)

NATURALLY GROWING TREES - any tree that grows naturally in any area (forest or private land) without human intervention.

OPEN DUMPS – the disposal areas wherein the solid wastes are indiscriminately thrown or disposed of without due planning and consideration for environmental and health standards.

OPEN-PIT MINING - a surface mining operation in which blocks of earth are dug from the surface to extract the ore contained therein. Open-pit mining also refers to a method of extracting rock or minerals from the earth by their removal from an open pit or burrow. The term is used to differentiate this form of mining from extractive methods that require tunneling into the earth.

OZONE DEPLETING SUBSTANCES – means those substances that significantly deplete or otherwise modify the ozone layer in a manner that is likely to result in adverse effects on human health and environment such as, but not limited to, chlorofluorocarbons, halons and the like.

POLLUTION - an addition of a chemical, physical or biological agent into the air, water or soil in an amount or rate that threatens human health, wildlife, plants or disrupt the orderly functioning of the environment; a contamination.

PRECAUTIONARY PRINCIPLE - the 1990 Bergen Declaration which declares: "In order to achieve sustainable development, politics must be based on the precautionary principle. Environmental measures must anticipate, prevent and attack the causes of environmental degradation. Where there are threats of serious and irreversible damage, lack of scientific certainty, should not be used as a reason for postponing measures to prevent environmental degradation".

PRODUCTION FOREST - refers to forestlands designated as such for the sustainable production of timber and/or non-wood forest products. (*DAO 99-53*)

PROTECTION FOREST – refers to forestlands not the subject of commercial or industrial activities that include all areas under NIPAS and such other areas the DENR Secretary of may designate. *(DAO 99-53)*

QUARRY RESOURCES - any common rock or other mineral substances as the Director of Mines and Geosciences Bureau may declare as quarry resources, such as, andesite, basalt, conglomerate, coral sand, diatomaceous earth, diorite, decorative stones, gabbro, granite, limestone, marble, marl, red burning clays for potteries and bricks, rhyolite, rock phosphate, sandstone, serpentine, shale, tuff, volcanic glass, Provided, that such quarry resources do not contain metals or metallic constituents and/or other valuable minerals in economically workable quantities. Non-metallic minerals such as kaolin, feldspar, bull quartz or silica, sand and pebbles, bentonite, talc, asbestos, barite, gypsum, bauxite, magnetite, dolomite, mica, precious and semi-precious stones and other non-metallic minerals that may later be discovered and which the Director of Mines declares the same to be or economically workable quantities shall not be classified under the category of a quarry resource.

QUARRYING - a process of extracting, removing and disposing quarry resources found on or underneath the surface of private or public land.

RATIONALIZATION - refers to the action of an organization of a business or industry using scientific business management principles and simplified procedures to obtain greater efficiency of operation.

RECREATION FOREST - a track of public lands, forested or non-forested, which may contain production and protection forests, developed for additional or for the primary purpose of providing non-destructive recreational pursuits.

REPLEVIN - an action to recover possession of movable property.

RICH – Rescue Important Conservation Hotspots.

SANITARY LANDFILL - a waste disposal site designed, constructed, operated and maintained in a manner that exerts engineering control over significant potential environmental impacts arising from the development and operation of the facility.

SMALL-SCALE MINING - a single unit mining operation having an annual production not exceeding 50,000 metric tons of run-off-mine ore with the following requisites: (1) the working area is artisanal, either open cast or shallow underground mining, without the use of sophisticated mining equipment; (2) minimal investment on infrastructures and processing plant; and (3) heavy reliance on manual labor.

SEWAGE – means water-borne human or animal wastes, excluding oil or oil wastes, removed from residences, buildings, institutions, industrial and commercial establishments together with such groundwater, surface water and storm water as maybe present including such waste from vessels, offshore structures, other receptacles intended to receive or retain wastes, or other places or the combination thereof. (*RA 9275 – Phil. Clean Water Act of 2004*)

SOCIAL ACCEPTABILITY – the acceptability of a project by affected communities based on timely and informed participation in the EIA process particularly with regard to environmental impacts that are of their concern. (*DAO 03-30*)

SOLID WASTE - means all discarded household, commercial waste, non-hazardous institutional and industrial waste, street sweepings, construction debris, agricultural waste, and, other non-hazardous/non-toxic solid waste.

STAKEHOLDERS - are individuals, groups or communities, institutions and entities who are directly or indirectly affected by any undertaking or activity.

STRICT PROTECTION ZONE - an area possessing some outstanding ecosystem, features and/or species of flora and fauna of national scientific importance maintained to protect nature and maintain processes in an undisturbed state in order to have ecologically representative examples of natural environment available for scientific study, environmental monitoring, education, and for the maintenance of genetic resources in a dynamic and evolutionary state.

SUBSISTENCE FISHING - refers to the taking of fish through hook and line by municipal fisherfolks, using fishing vessels less than three (3) gross tons, or fishing not requiring the use of fishing vessels. (*Joint DENR-DA-DILG-DND Memorandum Order No. 2000-01*)

SUSTAINABLE DEVELOPMENT - the harmonious integration of sound and viable economy, responsible governance, social cohesion/harmony and ecological integrity to ensure that development is a life-enhancing process for human beings for the present and future generations.

USUFRUCT PERMIT - gives a right to enjoy the property of another with the obligation of preserving its form and substance, unless the title constituting it or the law otherwise provides. (*Civil Code*)

WATERSHED - refers to a land area drained by a stream or a fixed body of water and its tributaries having common outlet for surface run-off which filters pollutants along the way and provide water to households, farms and industries. It also refers to the esoteric basin, barrel catching precipitation that falls on land and channeling the same to streams, rivers, aquifer and lakes. (*Based on PD 705*)

WATERSHED MANAGEMENT – shall mean as the process of guiding and organizing the management of land and other resources used to provide desired goods and services, without adversely affecting soil and water resources.

WILDLIFE SANCTUARY - an area which assures the natural conditions necessary to protect nationally significant species, groups of species, biotic communities or physical features of the environment where these may require specific human manipulation for their perpetuation.

ARTICLE II - MANDATE AND OBJECTIVES

SECTION 5. MANDATE. Pursuant to Section 16 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, the Provincial Government of South Cotabato “shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare of its constituents as enshrined in the 1987 Constitution.” Within its territorial jurisdiction, the Provincial Government shall ensure and support among other things; programs, policies and measures geared towards the promotion of health and safety, the enhancement of the people's lives in a balanced ecology, the encouragement and development of appropriate environment-friendly technologies, improvement of public morals and social justice and the preservation of the comfort and convenience of its inhabitants.

SECTION 6. OBJECTIVES. This Code is promulgated to provide the Provincial Government of South Cotabato policy direction in the planning and execution of programs and strategies, that will:

- a. Ensure ecologically sound and sustainable development through collaborative efforts of concerned government agencies, non-government agencies, business communities and other concerned sectors;
- b. Establish policies and mechanisms for the protection, preservation and management of the province's natural resources and environment; and
- c. Ensure strict enforcement of environmental laws, regulations, policies and issuances; and consider socio-cultural interests and strengthen people's participation.

CHAPTER II - NATURAL RESOURCES MANAGEMENT

ARTICLE I - FOREST RESOURCES

SECTION 7. SCOPE OF POWERS. In the exercise of their respective mandates, the local government units shall:

A. Provincial Government of South Cotabato shall:

1. Enforce forestry laws pertaining to illegal logging, unlawful occupation and destruction of forest lands;
2. Apprehend violators of forest laws, rules and regulations and assist in the preparation and filing of criminal complaint in the Office of the Prosecutor;
3. Assist in the confiscation, forfeiture and disposition of illegally cut and transported conveyed forest products, conveyances, equipment and other implements used in the commission of offenses penalized under existing laws;
4. Establish Integrated Social Forestry, Communal Forests and watersheds or sub-watersheds;
5. Participate in the inventory of forest products and issue clearance for the establishment of wood processing and treatment plants prior to the approval of DENR for utilization and disposition; and
6. Issue clearance and monitor activities inconsistent with laws, rules and regulations of wood processing and treatment plants, logs and lumber dealer permittees and furniture shops.

B. City and Municipal Governments shall:

1. Implement the following:
 - a. Integrated social forestry programs and similar projects, pursuant to Section 17 of Republic Act No. 7160, except those located in protected areas and critical watersheds;
 - b. Regular reforestation projects, including those located in protected and critical watershed areas;
 - c. Community-based contract reforestation projects and other similar projects subject to policies and procedures prescribed by the Department of Environment and Natural Resources (DENR);
 - d. Forest Land Management Agreement and/or Community-Based Forest Management Agreement in accordance with the policies promulgated by the DENR; and
 - e. Rules and Regulations pursuant to Section 12 of Executive Order No. 263, and other DENR guidelines.
2. Establish and maintain communal forests with an area not exceeding fifty (50) square kilometers, pursuant to Section 17 of Republic Act No. 7160;

provided, that the concerned local government unit shall endeavor to convert into a community based forestry projects;

3. Establish a locally-based forest management program considering the model established which is operationally known as the Barangay Forest Protection and Management Scheme, a project under the Provincial Co-Management Model;
4. Manage, protect, rehabilitate and maintain small watersheds which are sources of local water supply as identified or to be identified by the DENR and/or the LGU concerned;
5. Establish, protect and maintain tree parks, greenbelts, pursuant to Section 17 of Republic Act No. 7160 and other tourism related areas identified and delineated by the DENR and/or LGU, except those within protected areas, and collect fees for services rendered and the use of facilities established therein;
6. Regulate extraction, utilization and introduction of flora and fauna outside National Integrated Protected Areas (NIPAs), including industries and businesses engaged in their propagation and development, such as orchidaria and nurseries, as well as exportation and importation of the same; provided, that such businesses and industries are registered with the DENR for monitoring purposes;
7. Implement the Rehabilitation in Conservation Hotspots (RICH) and Conservation of Rare and Endangered Species (CRES) activities in areas identified and delineated by the DENR and/or by LGU concerned, except within the protected areas; and
8. Implement Soil Resource and Conservation Projects.

C. Barangay Government shall:

1. Protect and manage remaining forest pockets;
2. Establish community-based nurseries;
3. Create Barangay Forest Protection and Management Committee, (BFPMC) unit through a Barangay Resolution and a Memorandum of Agreement (MOA) headed by the Barangay Chairman with the following members from the People's Organization (PO), Department of Environment & Natural Resources (DENR), Municipal Local Government Unit (MLGU), Provincial Local Government Unit (PLGU) and National Commission on Indigenous People (NCIP), if Indigenous People (IP) are involved; and Tribal Council, if the same is present in the area;
4. Pass Ordinances on Barangay Forest Protection;

5. Implement tree planting activities;
6. Monitor projects on the ground.

SECTION 8. OPERATIVE PRINCIPLES. The Forest Resources Management initiatives of this Code shall be consistent with the following:

- a. The right of the future generation to enjoy the benefits from forest resources shall be recognized and protected;
- b. The Barangay Council, with the participation of locally-based POs involved in environmental protection, shall establish its own BFPMC to directly protect, conserve and manage its local forest resources;
- c. The establishment and enforcement of a rational system of utilization and conservation of forest resources, wildlife and biodiversity to ensure sustainable productivity;
- d. Everyone shall have the right to information and education on forestry laws, rules and regulations;
- e. Through an integrated watershed management system a sustainable water supply to the city, municipality and barangay shall be ensured;
- f. The development of private tree farms and other forest products supportive of wood requirements of construction, wood processing, furniture, handicrafts and other wood industries shall be encouraged;
- g. The In-Place Management System of forest occupants through Community-Based Forestry Management Programs shall be adopted and implemented to enhance participation of the communities in activities involving forest development management and protection;
- h. Penalties, incentives and reward systems shall be the guiding policy in the implementation of forestry laws;
- i. A forest resource management information system shall be installed as an effective tool in planning, policy making and implementation;
- j. The participation of Indigenous Peoples (IPs) shall be tapped in the implementation of programs and projects; and
- k. A monitoring and evaluation system for forest resources shall be established to ensure proper compliance with existing policies, rules and regulations and effective implementation of programs and projects.

SECTION 9. FOREST RESOURCE MANAGEMENT FRAMEWORK. In coordination with the Department of Environment and Natural Resources (DENR), other concerned national government agencies (NGAs), and non-government organizations (NGOs), the local government units (LGUs) shall formulate the Provincial Strategic Forest Resource Management Framework which shall reflect a collaborative initiative on the conservation, protection and sustainable development of forest resources.

SECTION 10. DEVELOPMENT OF PRODUCTION FOREST. In order to provide adequate raw materials to meet the demands of households, infrastructure, agriculture and industry for wood and other forest products, the following strategies and measures shall be implemented:

- a. Operationalization of Production Forest and Related Management Functions. The provincial government shall promote and encourage the city/municipal government for the establishment and operationalization of communal forests, community based-forestry projects and similar reforestation undertakings;
- b. Management of Integrated Social Forestry (ISF). The Provincial Government shall periodically conduct monitoring and evaluation of the performance of city/municipal ISF projects;
- c. Establishment of Sustainable Agro-forestry and Other Income Generating Projects. The provincial government shall encourage agro-forestry and other income generating support programs for the benefit of the ISF stakeholders and other Production Forest area beneficiaries; *(E.O 263 Sec. 1 and Sec. 2)*
- d. Establishment of the South Cotabato Tree Enterprise Development Program (SCTEDD). The SCTEDD shall be established as a regular program of the provincial government intended to assist the city and municipal government in the promotion of commercial tree farming, harvesting, furniture and handicraft making and wood processing enterprises;
- e. Forest Resource Information Management System (FRIMS). The provincial government shall establish and maintain a forest resource database which shall be the basis in policy decision-making, planning, monitoring and evaluating the forest resource management programs. Such information system may include the following data: thematic maps, timber inventory and other vital informations;
- f. Formulation and Enforcement of Total Log Ban Policy for Naturally Grown Trees. The provincial government, in coordination with the DENR, shall formulate and enforce a Total Log Ban Policy for naturally growing trees within forest lands, alienable and disposable lands and private lands;
- g. Establishment of Seed Production Area. There shall be established in every city/municipality a Seed Production Area of dipterocarps and other naturally growing trees, reforestation and ornamental species which shall supplement the seed requirements of public and private nurseries;
- h. Rationalization of Community Sawmills Lumber Dealers and Wood-Processing Plants. The establishment of community sawmills and wood processing plants shall be regulated to ensure that only planted

species shall be processed. The provincial government in coordination with the DENR and city/municipal governments, shall establish a system for the issuances of licenses or business permits for the establishments and operations of community sawmills, lumber dealers and wood-processing plants. Appropriate guidelines for its regulation shall be promulgated therefor;

- i. Registration and Monitoring on the Use of Chainsaw. The Provincial Environment Management Office (PEMO) shall issue clearance prior to registration of chainsaws by the DENR. In coordination with the Department of Environment and Natural Resources (DENR), it shall monitor the usage of chainsaws in the province. All unlawful unregulated chainsaw operations shall be meted with appropriate penalties in accordance with the provisions of Republic Act No. 9175; and
- j. Information and Education Campaign (IEC). The Provincial Government through the PEMO shall, in coordination with the City/Municipal ENROs, DENR – PENRO/CENRO and other concerned offices and agencies shall periodically conduct IEC activities to promote awareness and involvement in forest protection and conservation activities by all sectors.

SECTION 11. MANAGEMENT OF PROTECTED FORESTS. In the effective management of Protected Forests, the following strategies are hereby adopted:

- a. Design measures which will ensure shared responsibilities with the national government, particularly the DENR and the Protected Area Management Board (PAMB), MLGU, BLGU and the communities within the area as primary stakeholders, in securing the continuous existence of all endemic and endangered species of flora and fauna in the province; and
- b. In partnership with all concerned agencies, the Provincial Government shall undertake programs and projects geared towards the effective management of the protection of forests for sustainable water supply, inland habitat protection, conservation of waterways, water basins and right-of-ways, forest based recreation, biodiversity conservation and scientific and educational advancement.

SECTION 12. WATERSHED MANAGEMENT AND PROTECTION. The Provincial, City, Municipal and Barangay Governments, in the proper management and protection of watersheds shall:

- A. Identify, delineate and declare their respective watersheds. The identification, delineation and declaration of particular areas shall be

coordinated with the following government agencies:

- a. The DENR for areas within public forest lands;
 - b. The DA and DAR for alienable and disposable lands;
 - c. The PAMB for watersheds within protected areas; and
 - d. The NCIP for areas covered by CADC, CADT and CALT.
- B. All LGUs with identified and declared watersheds shall prepare their own Watershed Management Plan, which shall include the following:
- a. Comprehensive Watershed Protection Plan;
 - b. Short, medium and long term Vegetative Rehabilitation Program which shall encourage the involvement of local communities within the area;
 - c. Conduct of immediate census of existing occupants in the identified watershed areas;
 - d. Establish Barangay Forest Protection Management Scheme, a scheme designed to involve local people to co-manage forest resources together with the concerned BLGU and MLGU, DENR, NCIP, among others;
 - e. Prohibition of the entry of new migrants in the area and limiting the area occupancy of existing forest occupants;
 - f. Introduction of sustainable alternative livelihood projects to existing watershed occupants;
 - g. Sound infrastructure planning and bio-engineering intervention on critically erodable areas;
 - h. Identification and delineation of key production area; adoption of appropriate bio-dynamic and organic farming technologies for sustainable agricultural production, with emphasis on soil conservation and protection; and
 - i. The conduct of massive and sustained information-education and advocacy campaign.
- C. Identify critical watersheds and recommend appropriate strategies and measures for immediate rehabilitation of damaged areas.

SECTION 13. FOREST PROTECTION AND LAW ENFORCEMENT. Inherent to their duties and responsibilities, the Governor/Mayors/Punong Barangays shall provide effective leadership through:

- a. Creation, operationalization and strengthening of inter-agency, inter-municipality and multi-sectoral efforts for forest protection and law enforcement in close collaboration with the DENR and other law enforcement agencies;
- b. Capability building for all LGU officials and personnel relative to forestry laws, policies, rules and regulations, its implementation, enforcement and litigation;
- c. Coordination with the DENR for the periodic assessment of forestry laws implementation and formulation of schemes to improve enforcement;
- d. Establishment of a legal desk under the Office of the Provincial Environment Management Office (PEMO) to assist in the preparation and filing of environment and natural resources cases; and
- e. Creation and operationalization of the Multi-Sectoral Forest Protection Committee (MFPC) in every component city/municipality.

SECTION 14. REGULATION OF PASTURE AND GRAZELANDS. Pasture and graze lands within the Province of South Cotabato shall be identified, delineated and regulated in accordance with existing laws. Issuance of lease agreements within these areas shall require clearance from the Governor through the PEMO in coordination with the Local Chief Executive of the concerned barangay/municipality/city to ensure compliance with social acceptability and environmental standards.

SECTION 15. DEVELOPMENT OF RECREATION FORESTS. All local government units shall be encouraged to establish community-based forest recreation projects, such as, forest parks, botanical gardens and camping grounds.

SECTION 16. ROLE OF INDIGENOUS PEOPLE. Cognizant of the inherent rights of the Indigenous People (IP) to enjoy to the fullest the benefits of their heritage as provided for by the Indigenous Peoples Rights Act (IPRA), all local government units shall ensure full participation of IPs and that their indigenous knowledge, systems and practices are harmonized in the protection, conservation, rehabilitation, development and management of forest resources of their respective ancestral domains.

ARTICLE II - MINERAL AND OTHER QUARRY RESOURCES

SECTION 17. SCOPE OF POWERS. In the exercise of their respective mandates, the local government units shall:

A. Provincial Government -

1. Operationalize the Provincial Mining Regulatory Board;
2. Require the proponent to undertake Environmental Impact Assessment (EIA) and to submit EIS, IEE or Project Description as the case maybe;
3. Participate in the monitoring of any mining activity as a member of the Multipartite Monitoring Team referred to in Section 5 of DAO 96-40, as amended (Revised IRR of RA 7942); and
4. Participate as a member of the Mine Rehabilitation Fund Committee as provided for in Sections 182 to 187 of DAO 96-40, as amended (Revised IRR of RA 7942).

B. City/Municipal Government -

1. Intensify information and education campaign on the economic and environmental considerations of mineral resources utilization and exploration; and
2. Participate in the monitoring of any mining activity as a member of the Multipartite Monitoring Team referred to in Section 5 of DAO 96-40, as amended.

C. Barangay Government -

1. Educate the community about their participation, roles and responsibilities in proposed projects or activities; and
2. Monitor the safety and environmental protection measures in mining and quarrying in its respective areas.

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

- a) Enforcement of Provincial Ordinance No. 07, series of 2003, otherwise known as the Small-Scale Mining and Processing Operation Ordinance of the Province and Revenue Ordinance No. 03, series of 2005 of the province, particularly Article 4 thereof, in consonance with Republic Act No. 7076 (the Small-Scale Mining Law of 1991);
- b) Enforcement of Revenue Ordinance No. 03, series of 2005, of the province, particularly Chapter III, Articles I and II relative to the imposition of tax, fees and charges and the issuance of permits for the extraction of sand, gravel and other quarry resources from public lands or from the beds of seas, lakes rivers, streams, creeks and other public waters and public lands within the territorial jurisdiction of the province;

- c) Enforcement of the above-said ordinance, particularly Chapter III, Article III, relative to the imposition of tax, fees and charges and the issuances of permits for the extraction of guano from caves and/or confined sites within the territorial jurisdiction of the province; and
- d) Verification and adjudication of conflicts arising from the extraction of quarry resources in public lands and privately owned lands, extraction of guano and mineral resources. *(DAO 92-30 Sec.3.4c)*

SECTION 18. Cave Resources. In coordination with the DENR and other concerned agencies, the Provincial Government shall:

- a. Formulate policies and guidelines governing the management and protection of cave resources in the province;
- b. Enter into a memorandum of agreement with DENR for the preservation, development and management of cave or caves located in the province; and
- c. Tap the cooperation of people's and non-governmental organizations as active partners in the conservation and protection of our caves and cave resources. *(RA 9072)*

SECTION 19. GOVERNING LAWS. The pertinent mineral resources provision of this Code shall be governed by, but not limited to, the following national laws and regulations:

- a. Republic Act 7160 otherwise known as the Local Government Code of 1991;
- b. Republic Act No. 7942 (Philippine Mining Act of 1995);
- c. Republic Act No. 7076 (Small-Scale Mining Law); and
- d. DENR Administrative Order No. 23, series of 1995, as amended by DAO 96-40, series of 1996 entitled "Implementing Rules and Regulations of the Mining Act of 1995.

SECTION 20. OPERATIVE PRINCIPLE. Development of resources shall be governed by the principle that the use of mineral wealth be based on contributions to the economic growth and general welfare of the constituents of the province, subject to the following terms:

- a. Social acceptability shall be the foremost consideration before any activity/operation is implemented; thus prior consultation with the local government units concerned, civil society, IPs and other concerned stakeholders of the community shall be made and prior approval of the local

sanggunian concerned shall be obtained to ensure maintenance of an acceptable and sound ecology;

- b. There shall be a system of utilization, exploration and extraction of mineral resources in accordance with environmental laws, rules and regulations; and
- c. Mining and other quarrying activities shall be allocated to projects geared towards sustainable environmental development.

SECTION 21. QUARRY OPERATION. Quarry resources within the province may be operated/utilized by public or private entities only through a permit issued exclusively by the Provincial Governor upon the endorsement of the Provincial Mining Regulatory Board (PMRB). The permit will only be given to qualified persons; provided, all individuals, partnership, corporations or public entities engaged in the development and utilization of quarry resources for construction of infrastructure project, shall be required to restore or rehabilitate the subject areas thereof or those affected thereby.

SECTION 22. REGULATORY PROVISIONS. Quarrying and extraction of quarry materials and mineral deposits shall be governed by the following provisions:

- a. Mining and quarrying activities within the Province of South Cotabato shall be subject to prior Environment Impact Assessment, as provided under the Philippine Environmental Impact Assessment System;
- b. Open-pit mining method shall not be allowed in the Province of South Cotabato;
- c. The extraction or removal of mineral resources and other materials other than by open pit method shall be allowed beyond a distance of one (1) kilometer from the boundaries of reservoirs established for public water supply, archaeological, historical sites and any public or private works or structures; and
- d. The extraction or removal of quarry resources shall be allowed except those within one kilometer from the bridges and dams upstream and downstream. The desiltation shall be allowed provided that a written consent is secured from government agencies or private entities concerned.

SECTION 23. MONITORING AND EVALUATION. It shall be the responsibility of the Provincial Environment Management Office (PEMO) in coordination with concerned agencies to monitor and evaluate the mining and quarrying activities in the province, for the purpose of ensuring compliance of the permittees and/or licensees with the provisions stipulated in the permits and/or licenses issued, pursuant to existing laws, rules and regulations. *(Revised based on Section 19 of RA 7942)*

SECTION 24. REHABILITATION. Environmentally damaged or degraded portions of areas subjected to quarrying and mining shall be immediately rehabilitated by the proponent during or upon completion of operations. Said rehabilitation program shall be included in the program of work to be submitted while securing the permit for the operation. *(Revised based on Section 19 of RA 7942)*

SECTION 25. USER'S FEE. There shall be a user's fee to be collected from quarrying and mining operators which shall be deposited as trust fund/revolving fund for environmental management programs.

ARTICLE III - WATER RESOURCES

SECTION 26. SCOPE OF POWERS. In the exercise of the powers, functions and responsibilities to regulate and monitor the exploitation and utilization of the water resources of the province, the LGUs shall:

- a. Ensure effective management, protection and maintenance of small watershed which are sources of local water supply;
- b. Conduct comprehensive study on hydrological mapping of water resources;
- c. Undertake immediate rehabilitation of critical watershed of irrigation systems;
- d. Implement measures for safe and adequate water supply; and
- e. Collect fees and charges to water users in accordance with Section 289 of RA 7160.

SECTION 27. OPERATIVE PRINCIPLES. Water resources protection, conservation, management and utilization shall be guided by the following:

- a. Water resources shall be managed:
 1. primarily, to meet the basic requirement for potable water of all residents and for sustained agricultural production;
 2. secondarily, to secure the availability of adequate supplies of water for the growing industrial, recreational and commercial development activities;
- b. Effective institution of pollution control measures to ensure safe water supply;

- c. Sustainable water supply requires conservation of protection forest and restoration of forest cover; and
- d. Adopt the principle of integrated water resources management.

SECTION 28. WATER RESOURCES AND WATERSHED MANAGEMENT PLAN. A strategic plan for the South Cotabato Watershed Network shall be formulated and form part of the South Cotabato Provincial Environment Plan.

SECTION 29. SOUTH COTABATO WATERSHED NETWORK. The South Cotabato Watershed Network (SCWN) is hereby created to be composed of the watersheds of the Mt. Matutum Watershed, Allah Valley Watershed, Kabulnan Watershed in Brgy. Ned, Marbel Watershed, the Silway-Klinan Watershed, Banga Watershed, Tantangan Watershed, Koronadal Watershed and the Tasaday-Blit Reservation and such other areas identified by the LGUs and DENR which shall be managed and governed pursuant to provincial laws, rules and regulations and the on-site management agreements, subject to pertinent laws and issuances.

SECTION 30. ADDITIONAL AREAS TO THE SOUTH COTABATO WATERSHED NETWORK. The SCWN shall include watersheds and sub-watersheds established by the city, municipal and provincial governments and those deemed as strict protection zones for water sources.

SECTION 31. BUFFER ZONES. There shall be established peripheral buffer zones of identified water sources as provided for by law, to protect the same from activities that will result to direct or indirect damages.

SECTION 32. ESTABLISHMENT OF WATER RESOURCES TRUST FUND. There is hereby created a Water Resources Trust Fund comprising all amounts dominated as “share of national wealth” generated from the operation of water utilities, corporate users, national government agencies and instrumentalities and Communal Irrigation Systems (CIS) which shall be managed and administered by the Provincial Government. It shall be used for the purpose of vegetative rehabilitation, livelihood project support and capability building of watershed occupants upon the recommendation of the Multi-Sectoral Water Resources Watershed Committee (MSWRWC), subject to government accounting and auditing rules and regulations.

SECTION 33. PROTECTION OF RIVERBANKS, EASEMENTS, RIGHT-OF-WAY AND GREENBELTS. The Provincial Government shall adopt adequate measures for establishing clearance and greenbelts along river banks and lake areas as prescribed by law, to recover easements as provided by Presidential Decree No.1067 and other applicable laws which provides that banks of rivers and streams and the shores of the lakes throughout their entire length and with a zone of three (3) meters in urban areas, twenty (20) meters in agricultural areas and forty (40) meters in forest areas, along

margins are subject to easement for public use in the interest of recreation, navigation, floatage and fishing.

SECTION 34. SEWERAGE SYSTEM. The Provincial Government shall adopt necessary measures to ensure that all drainage systems are adequately established and maintained to prevent the negative effects of all types of effluents on both surface and underground water.

SECTION 35. LIQUID WASTE DISPOSAL. To avoid deterioration of the quality of a Receiving Water Body (RWB), no industrial plant with high waste load potential shall discharge into a body of water where the dilution or assimilative capacity of said water body during dry weather conditions is insufficient to maintain its prescribed water quality according to its usage and classification. Further, no person, entity or establishment shall discharge, wholly or partially, untreated or inadequately treated industrial effluents directly into bodies of water or through the use of bypass canals and/or pumps and other unauthorized means.

SECTION 36. HEALTH AND SANITATION MEASURES. The Provincial Government shall adopt appropriate measures to assist city/municipal governments improve environmental sanitation by expanding the use of sanitary toilets for waste disposal. Such assistance shall include direct investments in public health education and strict enforcement of the Building and Sanitation Code.

SECTION 37. SOIL AND WATER CONSERVATION. The Provincial Government shall assist the city and municipalities to improve soil and water conservation techniques in agricultural and industrial activities.

ARTICLE IV - INLAND FRESHWATER RESOURCES

SECTION 38. SCOPE OF POWERS. The Provincial Government shall provide the following inland freshwater fishery resources management and services:

- a. Enforcement of Fishery Laws in municipal waters, both nationally and locally promulgated, including the conservation of inland waters;
- b. Regulation of fish ports and landing centers;
- c. Assist in the Enforcement of pollution control and environmental laws, rules and regulations;
- d. Assistance to fisherfolks' cooperatives and other organizations, schools and training centers offering aquaculture courses in terms of the transfer of ecological and environmental protection technology;
- e. Extension and conduct of on-site research services; and.

- f. Deputation of Lake/River Wardens (Bantay-Lawa Bantay-Ilog).

SECTION 39. OPERATIVE PRINCIPLES. Management, protection, conservation, and utilization of inland freshwater resources shall be guided by the following principles:

- a. Cognizant of the threats of de facto open access to the municipal waters including Lake Sebu, Lake Seloton, Lake Lahit, and Lake Holon, and consistent with the provisions of Article XII, Section 2 of the Philippine Constitution, the Provincial Government shall ensure the protection of the rights of subsistence fishing communities and marginal fisherfolk to the preferential use of communal fishing resources;
- b. The capabilities of local government units, in the exercise of their duties, powers and responsibilities towards proper management of inland waters shall be enhanced;
- c. The utilization, development and management of city/municipal waters shall not jeopardize the conservation of biodiversity and preservation of cultural heritage; and
- d. Unique freshwater features and productive habitats such as fish sanctuaries, breeding grounds, declared and delineated parks and other lakes which are not declared as production zones in the approved management plan shall be conserved and protected.

SECTION 40. PROVINCIAL INLAND FRESHWATER RESOURCES MANAGEMENT FRAMEWORK. The Provincial Government shall formulate a Provincial Inland Freshwater Resources Management Framework (IFRMF) to serve as guide for city/municipality in undertaking, among others, the delineation, establishment, legislation, management, maintenance and protection of their municipal waters within six (6) months upon the effectivity of this Code.

SECTION 41. MUNICIPAL ZONING AND MANAGEMENT GUIDELINES. In addition to the IFRMF cited in Section 39 hereof, the Provincial Government shall formulate provincial inland freshwater zoning and management planning guidelines which will serve as bases in formulating city/municipal inland freshwater zoning and management plans. The plan shall be based on co-management approach where the city/municipal government shall work with resource users and build upon existing laws, particularly in the institutionalization of the Fisheries and Aquatic Resource Management Councils (FARMCs).

SECTION 42. DELINEATION OF CITY/MUNICIPAL WATERS. The Provincial Government, in collaboration with the city and municipal governments and

concerned national government agencies, shall complete the delineation of municipal waters in their respective areas within two (2) years upon the effectivity of this Code.

SECTION 43. COMMUNITY PARTICIPATION AND INTEGRATION OF NATIONAL AGENCIES. Management of the freshwater resources and city/municipal waters shall be undertaken by communities in close collaboration with the national/city/municipal/barangay governments and the civil society.

SECTION 44. ESTABLISHMENT OF THE SOUTH COTABATO INLAND WATERS AND RIVER SYSTEMS DEVELOPMENT BODY (SCIWRSDB). The Provincial Government shall work with concerned municipalities, other government agencies and the civil society for the establishment of the South Cotabato Inland Waters and River Systems Development Body (SCIWRSDB) as the overall management and planning center of present and future initiatives and interventions for the rehabilitation and development of the province' inland waters and river systems.

SECTION 45. ENVIRONMENTAL IMPACT ASSESSMENT (EIA). All inland freshwater projects are subject to EIA in coordination with PEMO.

ARTICLE V - SUSTAINABLE AGRICULTURE DEVELOPMENT

SECTION 46. SCOPE OF POWERS. In the exercise of its powers, functions and responsibilities, the LGU among others shall prescribe measures to safeguard the environment and natural resources, by promoting rural development through sustainable agriculture within their respective areas of jurisdiction through:

- a. Promotion and development of environmentally sound and economically viable agricultural production systems for both lowland and upland ecosystems, preferably of organic, diversified and integrated agriculture, in reference to; and consistent with; existing Barangay Development Plans and Comprehensive Land Use Plans;
- b. Provision of efficient support services and incentives to farmers practicing sustainable agriculture and to strengthening the participation of; and cooperation among: concerned entities such as; the Department of Agriculture, Local Government Units, civil society, the academe and other stakeholders;
- c. Establishment of Geophysical Information System (GIS)-based Resource Management Information System (RMIS) as a tool in the assessment on the impact of existing agricultural production systems to the agricultural resource base in the province and as basis for the formulation of Sustainable Agriculture Master Plan (SAMP); and

- d. Creation and capacitation of community-based agricultural extension teams through:
 - 1. Establishment of community learning centers for appropriate technologies;
 - 2. Diversified Farming System including use of short-term, medium-term and long-term crops and propagation of small livestock production;
 - 3. Promotion of Soil and Water Conservation measures in both lowland and upland areas;
 - 4. Enforcement of laws and ordinances banning or regulating the use of synthetic chemical agricultural inputs;
 - 5. Adoption of the Sloping Agricultural Land Technology (SALT) in the rolling areas; and
 - 6. Maximize recycling of agricultural waste, minimize external inputs and optimize internal inputs.

SECTION 47. OPERATIVE PRINCIPLES. Policies on agricultural/cropland resources in the Province are anchored on the following operative principles:

- a. The integrity and carrying capacity of the agricultural resource base, especially land, water and genetic resources of both plant and animals shall not be degraded in the process of development;
- b. Inclusion of sustainable agricultural development practices as essential component of agro-ecological considerations towards maximum productivity and profitability;
- c. Policy of piloting or on-the-ground testing as an essential requisite for adaptability, adoptability, efficiency in local situations and bias for the environment for acceptability and utilization of research-based generated technologies;
- d. Policy decisions are based on studies on biological limits and scientific result of agricultural and natural resource productivity;
- e. Access and autonomy in the management of common resource such as water and biodiversity of domesticated animal and plant genetic resources in agriculture shall be assured;
- f. Environmental management tools shall be adopted in policy and decision-making for all stages of economic productivity;
- g. Environmental protection is a shared responsibility of all;

- h. Environment-friendly and location-specific technologies in sustainable agriculture shall be promoted;
- i. In agricultural genetic engineering, precautionary principle must always be upheld; and
- j. Food self-sufficiency and security shall be of utmost consideration in all economic and development activities.

SECTION 48. AGRICULTURAL POLICY REVIEW AND AGRICULTURAL IMPACT ASSESSMENT. The Office of the Provincial Agriculturist (OPA), in collaboration with research institutions and concerned agencies, shall conduct a comprehensive survey, benchmark study and assessment of the impact of agriculture to various ecosystems every five (5) years, or as the case so require, shall be the basis in the conduct of agricultural policy review.

SECTION 49. PROVINCIAL SUSTAINABLE AGRICULTURE MASTER PLAN. Within one (1) year upon the approval of this Code, the Office of the Provincial Agriculturist shall formulate a Provincial Sustainable Agriculture Master Plan (PSAMP).

SECTION 50. PLANT AND ANIMAL GENETIC RESOURCE BASE. The Province of South Cotabato shall assist, support, encourage and access South Cotabato-based institutions of higher learning offering agriculture courses to establish their own Gene Bank of indigenous species, traditional varieties and cultivars of rice, corn and other food crops, as well as a data bank of indigenous knowledge systems and practices related to traditional farming inherent to the people.

SECTION 51. PROTECTION FOR SMALL FARMERS. There shall be an Agri-Business Section in the Office of the Provincial Agriculturist that is responsible for marketing information and networking with informal and institutional buyers, to facilitate information dissemination of farm and other products to producers and potential market outlets. The section shall ensure that small farmers are protected from exploiters from among the traders, financiers or any market forces or groups.

SECTION 52. CONSERVATION OF ANIMAL AND PLANT GENETIC RESOURCES. There shall be a program for breeding, conservation and sustainable utilization of animal and plant genetic resources for food and sustainable agriculture in the province through the process of participatory technology development which shall be managed and directed towards the primary stakeholders, the farmers.

SECTION 53. MARKETING SUPPORT. Special Marketing and Promotions support mechanisms for all programs under this Article shall be provided by the South Cotabato Investment and Promotion Center (SCIPC) in coordination with concerned government agencies and LGUs.

SECTION 54. SOUTH COTABATO ORGANIC CERTIFICATION COUNCIL.

There is hereby created the South Cotabato Organic Certification Council (SCOCC) composed of civil society representatives and concerned government agencies with the responsibility of undertaking certification of organic products and the accreditation of organic producers.

ARTICLE VI - WILDLIFE, GENETIC RESOURCES AND BIODIVERSITY

SECTION 55. SCOPE OF POWERS. In the exercise of their powers, functions and responsibilities, the LGUs shall enforce biodiversity conservation and formulate legislation for the protection of species of flora and fauna endemic to the province.

SECTION 56. OPERATIVE PRINCIPLES. Policies on wildlife, genetic resource and biodiversity conservation, protection and development in the province shall be guided by the following operative principles:

- a. The integrity and carrying capacity of resource base, especially genetic resources of both plant and animals shall not be degraded in the process of development;
- b. Policies shall be based on studies of biological limits of natural resource capacity, resilience and renewability;
- c. Environmental protection especially of wildlife habitat, niche and genetic biodiversity belts shall be viewed by all as a shared responsibility;
- d. Biological diversity shall be conserved through institutional support and direct involvement of local communities especially the Indigenous Peoples; and
- e. The Precautionary Principle shall at all times be upheld in the face of contentious issue of genetic-based erosion and genetic pollution vis-a-vis transgenic organisms through genetic engineering.

SECTION 57. RESOURCE PROFILING. The Provincial Government in coordination with concerned government agencies and Civil Society Organizations (CSOs) shall conduct resource profiling of existing vegetative cover, endemic species of flora and fauna, particularly threatened and endangered species, as well as their important habitat, nesting and breeding sites.

SECTION 58. DECLARATION OF THE SPECIFIC AREAS/HABITATS AS GAME REFUGE AND WILDLIFE SANCTUARY. The Provincial Government shall coordinate with concerned agencies in the identification of specific areas within its territorial jurisdiction, which shall be declared as game refuge and wildlife sanctuary/ies.

SECTION 59. SANCTUARY FOR PHILIPPINE EAGLE, TARSIER AND OTHER ENDANGERED AND ENDEMIC SPECIES. Each city/municipal government shall identify and delineate habitats for endangered and endemic species in their localities. Appropriate ordinance shall be passed declaring sanctuaries for the same as well as the establishment of refuge and rescue centers.

SECTION 60. REGULATION OF PROSPECTING BIOLOGICAL AND GENETIC RESOURCES, THEIR BY-PRODUCTS AND DERIVATIVES FOR COMMERCIAL, SCIENTIFIC AND OTHER PURPOSES. All individuals and business entities engaged in the prospecting of biological and genetic resources, their by-products and derivatives for scientific and other purposes shall be subject to existing rules and regulations for said purposes. The Provincial Government shall formulate policies and regulations for the protection and conservation of endemic species and habitat diversity protection. Such policies shall give priority for the promotion of local capability and indigenous knowledge systems, science and technology.

SECTION 61. PROVINCIAL GENETIC RESOURCES BIODIVERSITY AND SEED BANK. The Provincial Government, in collaboration with the DENR, local research centers, appropriate government research centers, concerned government agencies and civil society organizations shall establish, operate and manage community-based "*in-situ*" and "*ex-situ*" Provincial Genetic Resources Biodiversity and Seed Bank.

SECTION 62. PARTICIPATION OF THE INDIGENOUS PEOPLES IN BIODIVERSITY PROTECTION. The Provincial Government, in recognition of the natural link of Indigenous Peoples to nature, shall harness their participation in the protection of genetic biodiversity resources from extinction and biopiracy.

CHAPTER III - ENVIRONMENT MANAGEMENT

ARTICLE I - ECOLOGICAL SOLID WASTE MANAGEMENT

SECTION 63. SCOPE OF POWERS. In the exercise of their respective mandate, the local government units shall:

- a. Establish a solid waste management system that promotes waste reduction, segregation, reusing, recycling, recovery and composting;
- b. Provide services and facilities related to general hygiene and sanitation, beautification, and solid waste collection particularly on compostable and recyclable wastes;

- c. Ensure the proper segregation, collection transport, storage, treatment, and disposal of solid waste through the formulation and adoption of the best environmental practices;
- d. Enforce pollution control laws and other laws for the protection of the environment in coordination with other agencies; and
- e. Formulate and enforce solid waste management in conformity with R. A. 9003 “ Ecological Solid Waste Management Act of 2000”.

SECTION 64. OPERATIVE PRINCIPLES. The initiatives of the Provincial Government on general hygiene and sanitation, environment protection and sustainable development shall be governed by the following principles:

- a. The people have the right to a balanced, beautiful and healthful environment;
- b. Efficient management of solid waste shall be a shared responsibility of the populace and government; and
- c. Sustainable ecological solid waste management shall be guided by the 3Rs: Reduce, Reuse and Recycle.

SECTION 65. PROVINCIAL SOLID WASTE MANAGEMENT PLAN. The Provincial Government, through the Provincial Solid Waste Management Board, shall formulate a 10-year Provincial Solid Waste Management Plan based on thorough evaluation of the existing best practices and/or the solid waste management plans of the barangays and municipalities/city.

SECTION 66. MONITORING, EVALUATION AND UPDATING. The Provincial Government shall oversee the implementation of the Provincial Solid Waste Management Plan and regularly assess solid waste management within the province through periodic monitoring and evaluation of the plan’s implementation. Further, the local government units shall undertake parallel activities through their respective Local Solid Waste Management Boards and committees.

SECTION 67. LOCAL WASTE CHARACTERIZATION SCHEME. The Provincial Government shall enforce compliance of the LGUs in the characterization of waste in its jurisdiction.

SECTION 68. PROVINCIAL SOLID WASTE DIVERSION TARGET. The Provincial Government shall enforce the mandated solid waste diversion target of 25% of all solid wastes from waste disposal facilities through the 3Rs approach, and adopt waste diversion target set by the National Solid Waste Management Commission (NSWMC).

SECTION 69. CLOSING OF OPEN DUMPS AND GRADUAL PHASING OUT OF CONTROLLED DUMPS FOR SOLID WASTE. The Provincial Government shall assist the lower LGUs in the closing of open dumps and gradual phasing out of controlled dumps and the establishment of sanitary landfill or cluster sanitary landfills. That the LGUs shall appropriate funds to support the establishment and operation of sanitary landfill.

SECTION 70. IDENTIFICATION OF AREAS AND LGUs WITH COMMON SOLID WASTE MANAGEMENT PROBLEMS. The Provincial Government, through the Provincial Solid Waste Management Board, shall identify areas and LGUs with common solid waste management problems, in accordance with existing guidelines, and integrate the existing 10-year Solid Waste Management Plans of concerned LGUs.

SECTION 71. SUPPORT TO COMPONENT CITIES/MUNICIPALITIES. The Provincial Government may provide or augment the basic services and facilities assigned to lower level LGUs when such services or facilities are not available or inadequate to meet the requirements of its constituency. Likewise, component municipalities and city shall assist barangay LGUs and ensure that segregation and collection of wastes are implemented at the barangay level.

SECTION 72. SUPPORT TO ECONOMIC ENTERPRISE. The Provincial Government shall extend technical support to cooperatives, individuals and entities who shall engage in project/enterprise that will complement the efforts of LGUs in mitigating solid waste management problems, subject to reasonable guidelines.

SECTION 73. PENALTIES AND ADMINISTRATIVE SANCTIONS. Imposition of penalties and administrative sanctions for violations of the provisions of RA 9003, specifically Sections 88, 49 & 50 and the solid waste management ordinance shall be determined by the respective City/Municipal Sanggunian.

ARTICLE II - AIR QUALITY, WATER QUALITY AND NOISE POLLUTION MANAGEMENT

SECTION 74. SCOPE OF POWERS. In the exercise of their inherent powers, the local government units shall:

- a. Monitor air quality, water quality and noise pollution management of industries, motor vehicles, slaughterhouses, markets, agri-industries, hotels, businesses and other activities that contribute to pollution;
- b. Implement measures to prevent and control, air, water and noise pollution in coordination with LGUs and other agencies/offices;
- c. Enact measures for the abatement of air, water and noise pollution; and

- d. Enforce air, water and noise pollution control laws, rules, and regulations.

SECTION 75. OPERATIVE PRINCIPLES. The policies on air quality, water quality and noise control management shall be governed by the following:

- a. Air/water quality and effective noise management are imperatives to authentic human development and progress; and
- b. Maintenance of air/water quality and noise control is a shared responsibility of all stakeholders.

SECTION 76. VEHICLE EMISSION CONTROL. The Provincial Government, in collaboration with the Department of Transportation and Communication (DOTC), Land Transportation Office (LTO) and Department of Environment and Natural Resources (DENR), shall establish a monitoring system to ensure that the emissions of vehicles operating within the province are in accordance with the approved air quality standards.

SECTION 77. POLLUTION CONTROL. Industrial, commercial firms and other pollution point sources operating in the province shall comply with the air/water quality standards prescribed by law.

SECTION 78. SMOKING REGULATION. The LGUs shall enforce the prohibition of smoking in public places and ensure that the owner, proprietor, possessor, manager or administrator of such places has established or establishes smoking areas pursuant to Republic Act No. 9211.

SECTION 79. MONITORING. A Multi-Sectoral Monitoring Team is hereby created to monitor the compliance of industrial and commercial firms with the air quality standards and to respond to complaints on air, water and noise pollution.

SECTION 80. BAN ON BURNING. Burning of any material contributory to air and water pollution shall be banned except for traditional small-scale method of community/neighborhood sanitation "siga", traditional, agricultural, cultural, health and food preparation and crematoria.

SECTION 81. ZONING CLEARANCES AND BUILDING PERMITS. The city/municipal governments shall be responsible in enforcing compliance with zoning and building regulations in all infrastructure projects and other economic activities which may generate air, water and noise pollutions.

SECTION 82. MANAGEMENT OF AIRSHEDS AND NON-ATTAINMENT AREAS. The South Cotabato Air Shed Governing Board (SCAGB) is hereby created

which shall perform the following functions:

- a. Formulation of policies;
- b. Preparation of a common action plan;
- c. Coordination of functions among its members; and
- d. Submission and publication of an annual air quality status report for each airshed.

In coordination with other appropriate government agencies, the LGUs shall prepare and implement a program and other measures including relocation and indemnification, whenever necessary, to protect the health and welfare of residents in the area. *(Sec. 9 and 10 of RA 8749)*

SECTION 83. BAN ON PERSISTENT ORGANIC POLLUTANTS (POPs).

The processing, sale, distribution, use and disposal of Persistent Organic Pollutants (POPs) and mixtures to include organochlorine pesticides such as but not limited to aldrin, dieldrin, DDT, hexachlorobenzene, lindane, toxaphene and chlordane; and organochlorine by-products such as hexachlorobenzene, dioxins and furans shall be prohibited unless a special permit from concerned government agencies shall be secured because of the exigency of use of such material. *(UNFCCC and the Kyoto Protocol)*

SECTION 84. REDUCTION OF GREENHOUSE-CAUSING GAS EMISSIONS.

Together with concerned agencies, the Provincial Government shall fully implement plans and programs to reduce greenhouse-causing gas emissions from deforestation, industrial activities, motor vehicles, waste management practices and intensive agriculture.

SECTION 85. PHASE-OUT OF OZONE DEPLETING SUBSTANCES (ODS).

Pursuant to the Stockholm Convention of 2001, the Provincial Government, together with concerned agencies, shall implement plans to phase-out ozone-depleting substances which are known to cause harmful effects on the ozone layer, and enforce the ban on persistent organic chemicals.

SECTION 86. SEWERAGE SYSTEM. The Provincial Government in coordination with other agencies shall adopt necessary measures to ensure that all drainage systems are adequately established and maintained to prevent flooding and the negative effects of all types of effluents on both surface and underground water.

SECTION 87. LIQUID WASTE DISPOSAL. To avoid deterioration of the quality of a Receiving Water Body (RWB), no industrial, commercial and agricultural plants with high waste load potential shall discharge into a body of water where the dilution or assimilative capacity of said water body during dry weather conditions is insufficient to maintain its prescribed water quality according to its usage and classification. Further, no person, entity or establishment shall discharge, wholly or

partially, untreated or inadequately treated industrial effluents directly into bodies of water or through the use of bypass canals and or pumps and other unauthorized means of disposal.

SECTION 88. HEALTH AND SANITATION MEASURES. The Provincial Government shall adopt appropriate measures to assist city/municipal governments in improving environmental sanitation by expanding the use of sanitary toilets for waste disposal. Such assistance shall include direct investments in public health education and strict enforcement of the Building Code.

SECTION 89. ZONING IN THE USE OF PYROTECHNICS AND FIRECRACKERS. The use of pyrotechnics and firecrackers, especially during celebrations and special events, must be regulated. It shall be the responsibility of the respective sanggunians of the component city and municipalities, in consultation with all concerned sectors, to pass an ordinance designating specific areas where the manufacturing of pyrotechnics and firecrackers shall be done, away from residential areas in the community.

SECTION 90. NOISE LEVEL REGULATION AND MONITORING. The city/municipal governments and concerned agencies shall strictly regulate and monitor the operation of all noise-producing equipment such as; but not limited to; construction and transportation equipment, stationary engines, electrical, electronic and similar equipment and contrivances to ensure that the generated noise and vibration levels are within the noise level standards.

SECTION 91. INFORMATION, EDUCATION AND ADVOCACY. The Provincial Government shall assist the city/municipal LGUs, in cooperation with the academe, civil society and the business community, in the implementation of continuing information and education campaign to encourage awareness and vigilance among the citizenry on air/water quality and noise pollution management.

ARTICLE III - CLIMATE CHANGE AND DISASTER RISK REDUCTION

SECTION 92. SCOPE OF POWERS. In the exercise of their respective mandates, the:

A. Provincial Government of South Cotabato shall:

1. Provide technical assistance, enforcement and information management in support of municipal and city climate change action plans; (*Sec. 14, RA 9729*)
2. Maximize the inter-local government unit collaboration in the conduct of climate-related activities;
3. Appoint the Provincial Environment Management Office (PEMO) for the formulation and implementation of the provincial climate change action plans; (*Sec. 18, RA 9729*)

4. Allocate from its annual appropriations adequate funds for the formulation, development and implementation, including training, capacity building and direct intervention of its climate change programs and plans; (*Sec. 18, RA 9729*)
5. Conduct, through the Provincial Environment Management Office (PEMO), public awareness campaigns on the effects of climate change and energy-saving solutions to mitigate these effects, and initiatives, through educational and training programs and micro-credit schemes, especially for women in rural areas;
6. Regularly update its action plan to reflect changing social, economic and environmental conditions and emerging issues;
7. Furnish the Climate Change Commission established under RA 9729 with copies of its action plans and all subsequent amendments, modifications and revisions thereof, within one (1) month from its adoption;
8. Mobilize and allocate necessary personnel, resources and logistics to effectively implement its climate change action plans; and
9. Coordinate with the national government agencies concerned in technical and financial assistance to LGUs, in accomplishing Local Climate Change Actions Plans.

B. City and Municipal Governments shall:

1. Consider climate change adaptation and mitigation as one of their regular functions;
2. Formulate, plan and implement their respective climate change action plans consistent with the provincial action plan;
3. Appoint the person responsible for the formulation and implementation of their local action plan; (*Sec. 18, RA 9729*)
4. Conduct, through their respective City/Municipal Environment and Natural Resources Office (C/MENRO), public awareness campaigns on the effects of climate change and energy-saving solutions to mitigate these effects, and initiatives, through educational and training programs and micro-credit schemes, especially for women in rural areas;
5. Regularly update their respective action plan to reflect changing social, economic and environmental conditions and emerging issues;
6. Furnish the Climate Change Commission established under RA 9729 with copies of its action plans and all subsequent amendments, modifications and revisions thereof, within one (1) month from its adoption; and
7. Mobilize and allocate necessary personnel, resources and logistics to effectively implement its action plans on climate change.

C. Barangay Government shall:

1. Be directly involved with the city and municipal governments in prioritizing climate change issues and in identifying and implementing best practices and other solutions; and

2. Mobilize and allocate necessary personnel, resources and logistics to effectively implement its climate change action plans.

SECTION 93. OPERATIVE PRINCIPLES. Cognizant of its share in the country's participation to the UN Framework Convention on Climate Change (UNFCCC), the provincial government adopts the following:

- a. The ultimate objective of stabilizing greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system;
- b. Precautionary principle shall be the guide of all decision-making in climate risk management.;
- c. Climate change and disaster risk reduction are closely interrelated and effective disaster risk reduction will enhance climate change adaptive capacity.; and
- d. The concept of climate change shall be systematically integrated in various phases of local policy formulation, development plans, poverty reduction strategies and other development tools and techniques by all LGUs.

SECTION 94. LOCAL CLIMATE CHANGE ACTION PLAN. The local government units shall be the frontline agencies in the formulation, planning and implementation of climate change action plans in their respective areas consistent with the provisions of the Local Government Code, the United Nation Framework on Climate Change, and the National Climate Change Action Plan. (Section 14, RA 9729). In the development and implementation of the Local Climate Change Action Plans, the LGUs shall coordinate with the national government agencies, local disaster coordinating councils, non-government organizations (NGOs), civic organizations, academe, people's organizations, the private and corporate sectors and other concerned stakeholder groups.

SECTION 95. FRAMEWORK STRATEGY AND PROGRAM ON CLIMATE CHANGE AND DISASTER RISK REDUCTION. Consistent with the National Framework Strategy, the LGUs shall formulate their respective Local Plan and Program on Climate Change and Disaster Risk Reduction as basis for planning, research and development, extension and monitoring of activities to protect vulnerable communities. The Plan shall be formulated based on climate change and disaster vulnerabilities, specific adaptation needs and mitigation potentials. (*Sec. 14, RA 9729*)

SECTION 96. FUNDING ALLOCATION FOR CLIMATE CHANGE AND DISASTER RISK REDUCTION. Local Government Units (LGUs) shall appropriate and use the amount from their Internal Revenue Allotment necessary to effectively implement the local plan on climate change, any provision in the Local Government Code to the contrary notwithstanding.

CHAPTER IV - TOURISM, ENERGY, LAND USE AND ENVIRONMENTAL IMPACT ASSESSMENT

ARTICLE I - ECOLOGICAL TOURISM

SECTION 97. SCOPE OF POWERS. In the exercise of their inherent powers, the local government units shall develop and promote programs on ecological tourism industry and regulate and/or supervise tourism-related business concessions and their operation in accordance with existing applicable laws and issuances.

SECTION 98. OPERATIVE PRINCIPLES. The pursuit of ecological tourism shall be guided by the following operative principles:

A. Ecological tourism is a strategy for:

1. The promotion of the natural attractions of the province as a tourist destination;
2. The preservation of the unique and cultural heritage;
3. The creation of employment opportunities for local residents and ground stakeholders;
4. The generation of revenues for the local government units and the communities; and
5. The conservation of biological diversity.

B. The prior consultation and consent of the affected community in an assembly called for the purpose shall be the primary consideration in the operation and/or utilization of ecological tourism sites. *(E.O No. 774, Sec. 16.c & Sec.16.d; LGC, Sec. 2.c; Sec. 2.i, Tourism Act of 2009)*

SECTION 99. COMMUNITY-BASED ECOLOGICAL TOURISM. The Provincial Government hereby adopts community-based ecological tourism to promote community entrepreneurship and biodiversity conservation subject to guidelines which may hereinafter be promulgated.

SECTION 100. SELECTION OF ECOLOGICAL TOURISM SITES. The Provincial Government, in collaboration with the Department of Tourism, DENR, concerned LGUs and stakeholders shall determine, authorize and prescribe parameters for ecological tourism sites visitation and development.

SECTION 101. PREPARATION OF PROVINCIAL ECOLOGICAL TOURISM FRAMEWORK PLAN. In the interest of environmental conservation, the Governor shall direct the development of a Provincial Ecological Tourism Framework Plan based on the ecological tourism standards and guidelines for the development of sustainable ecological tourism. In the absence of a city/municipal eco-tourism plan, the Provincial Government may provide technical assistance for the drafting of the said plan. No ecological tourism sites shall be authorized for commercial visitation, development or operation without a duly approved city/municipal ecological tourism plan.

SECTION 102. PROVINCIAL ECOLOGICAL TOURISM PLAN REVIEW. The Provincial Ecological Tourism Council (PETC) shall be created to review the Provincial Eco-Tourism Plan taking into consideration the following:

- A. Prioritization of existing ecological tourism sites for development on the basis of the following factors:
 - 1. market potential;
 - 2. infrastructure investment requirement;
 - 3. economic viability;
 - 4. strategic position for tourism expansion;
 - 5. community participation;
 - 6. Biodiversity conservation;
 - 7. environmental rehabilitation advantage; and
 - 8. institutional arrangement with LGUs, NGAs and CSOs
- B. Determination of appropriate type of development and management for each prioritized site.
- C. Regulation and control of the ecological tourism activities.

SECTION 103. ACCREDITATION SYSTEM. The Provincial Government through the Provincial Ecological Tourism Council shall institute a system for accreditation of tourist guides, drivers, escorts, promoters, service providers and coaches and conveyances including the rules and regulations governing the issuance and renewal of licenses and the related fees and charges thereof.

ARTICLE II - ENVIRONMENTAL IMPACT ASSESSMENT

SECTION 104. SCOPE OF POWERS. In the exercise of their inherent powers, duties and functions, the local chief executives shall ensure appropriate preventive and mitigating measures to safeguard the environment in the implementation of projects or undertakings.

SECTION 105. OPERATIVE PRINCIPLES. The Provincial Government recognizes the need of an effective instrument for ensuring environmental soundness of all development projects to achieve a balance between economic growth and community development and ecosystem in the province. As such, the Province adopts the following:

- a. The Environmental Impact Assessment (EIA) system shall be strictly required in the preparation, identification and implementation of all development projects covered by the system;
- b. The right of people to safe water and clean air shall be given paramount consideration in the identification and implementation of development projects; and
- c. The need for free-prior informed-consent of affected communities by the proposed development programs shall be secured aside from the Environmental Compliance Certificate (ECC). (*DENR Circular 08-2007*)

SECTION 106. VALIDATION OF SCOPING SESSIONS. The Governor, through the Provincial Environment Management Office (PEMO), shall participate in the scoping sessions and assist EIA preparers and EMB in identifying and validating the stakeholders.

SECTION 107. CONSISTENCY OF THE PROPOSED EIS DOCUMENT TO THE PROVINCIAL POLICIES AND PLANS. The Governor, through the PEMO, shall ensure that the proposed project or undertaking shall adhere to the over-all policies and plans of the Provincial Government relative to the environmental conservation and protection. This shall be undertaken in the early stage of the EIA process particularly during the conduct of scoping.

SECTION 108. SOCIAL ACCEPTABILITY. The acceptability of the environmental impact of a project or undertaking can only be fully determined through meaningful public participation and a transparent EIS process. In determining social acceptability, the provincial government shall consider, among others, the following factors:

- a. ecological/environmental soundness of the proposed project;
- b. effective and open public participation process;
- c. resolution of conflicts;

- d. promotion of social and inter-generational equity and poverty alleviation;
- e. participation and approval of concerned LGUs;
- f. effective environmental monitoring and evaluation; and
- g. mitigation and enhancement measures.

SECTION 109. ENDORSEMENT OF PROJECTS OR UNDERTAKINGS.

Projects or undertakings requiring EIA shall secure an endorsement through a Sanggunian resolution from the LGU/s at all levels.

SECTION 110. REVIEW OF THE IEE OR EIS DOCUMENT. When public interest so dictates or for other compelling reasons, the Provincial Governor, through the PENRO, shall convene the Provincial EIA Review Committee (PEIARC) to validate the IEE/EIS through appropriate methods such as ocular inspection/site visits and technical studies conducted by experts and relevant institutions prior to endorsing the project or undertaking through a resolution to the DENR-EMB.

SECTION 111. COMPOSITION OF THE PROVINCIAL EIA REVIEW COMMITTEE. There is hereby created an interdisciplinary and multi-sectoral Provincial EIA Review Committee (PEIARC) which shall be responsible for undertaking the substantive review of the IEE/EIS submitted by the proponent. However, only accredited reviewer can be a member of the PEIARC.

SECTION 112. LAW ENFORCEMENT. The Governor, through the EIA Multi-Sectoral Monitoring Team, and in coordination with the DENR, shall ensure the strict enforcement of existing environmental laws, rules and regulations and mitigating measures provided in the EIS.

SECTION 113. COMPLIANCE FOR PROJECTS COVERED BY THE EIA SYSTEM. The DENR, through its EMB, shall furnish the Governor list of projects and establishments covered by the EIA system.

SECTION 114. ENVIRONMENTALLY CRITICAL AREAS. The Provincial Government, in close collaboration with the DENR – EMB and other government agencies, shall identify the location of Environmentally Critical Areas (ECAs) for the integration of the identified ECAs in the Provincial Physical Framework Plan.

SECTION 115. ENVIRONMENTAL GUARANTEE FUND (EGF). The Provincial Government, through the Multipartite Monitoring Team (MMT) Executive Committee, shall participate in the negotiation and review of the Memorandum of Agreement (MOA) by and between the project developer and concerned parties for the establishment of an Environmental Guarantee Fund (EGF) for projects posing significant risks to answer for damage to life, health, property and the environment caused by such risk, or for those requiring rehabilitation or restoration measures.

ARTICLE III - ENERGY

SECTION 116. SCOPE OF POWERS. In the exercise of their powers, duties and functions, the Provincial Governor, City/Municipal Mayors and Punong Barangays shall adopt measures to safeguard and conserve the environment in general. Local government units shall adopt measures for the protection of the environment in relation to the development and generation of electric power from indigenous and renewable resources such as geothermal, solar, hydro and other natural sources.

SECTION 117. OPERATIVE PRINCIPLES. The Provincial Government recognizes the fact that it has varied renewable energy sources such as geothermal, solar, hydroelectric and other natural sources, and that unless appropriate proactive measures are put in place, energy development in the province will have irreparable damage to the environment and to the socio-cultural well-being of the people. Thus, energy utilization and management in the Province of South Cotabato shall be guided by the following:

- a. The free and favorably informed consent of the people and the prior endorsement through a sanggunian resolution from the LGUs at all levels shall be the paramount consideration in carrying out all energy development initiatives in the Province of South Cotabato.
- b. Every national agency or government-owned or controlled corporation authorizing or those involved in the planning and implementation of any project or program shall be required to consult with the local government units, civil society organizations and other sectors concerned and explain the goals and objectives of the project or program, its impact upon the people and the community in terms of environmental or ecological balance, and the measures that will be undertaken to prevent or minimize the adverse effects thereof pursuant to Section 26 of Republic Act No. 7160;
- c. Environmental laws, rules and regulations shall always govern the generation, distribution and transmission activities of power producers in the province;
- d. Host communities shall enjoy the right to an equitable share from the wealth generated from the utilization of the province's energy resources; and
- e. The primary consideration of the province in entering into agreements with power developers shall be the comparative cost advantage which the end-users of the province shall enjoy over those outside the province.

SECTION 118. RESOURCE UTILIZATION. Cognizant of the vital role of electric power in economic development, the Provincial Government shall encourage the development and utilization of indigenous and renewable energy sources such as solar, natural gas, biomass and hydropower for immediate and future applications.

SECTION 119. MANAGEMENT ZONE. Power producers are required to establish, protect, maintain and develop management zones.

SECTION 120. BENEFITS TO HOSTS.

- a. **COMMUNITIES.** Power generation facilities and/or energy resources development projects shall provide the inhabitants of host communities financial benefits and lower electricity cost either through subsidy and/or non-subsidy schemes.
- b. **LGUs.** Host LGUs shall be entitled to an equitable and just share of the proceeds derived from the development and utilization of the national wealth.
- c. **PROVINCE.** The Provincial Government hereby adopts the “One Province, One Electric Cooperative” policy.

Further, it shall enter into agreement with power generation companies and/or energy resource developers to commit funds to be managed by the Provincial Government for:

1. Research and Development;
2. Consumer Welfare;
3. Monitoring and Evaluation; and
4. Fund for affected communities.

SECTION 121. EDUCATION AND PROTECTION. The Provincial Government, in coordination with concerned national agencies, local government units, service utilities, academe, tri - media, civil societies and consumer groups or associations, shall undertake continuing education, information and consumer welfare and protection programs for energy sector consumers.

ARTICLE IV - LAND USE

SECTION 122. SCOPE OF POWERS. In the exercise of their inherent powers, duties and functions, the local government units shall adopt adequate measures to safeguard and conserve land, mineral, fresh water, forest and other resources pursuant to Republic Act No. 7160 and other related laws and issuances.

SECTION 123. OPERATIVE PRINCIPLES. Land Use Planning shall be based on the following operative principles:

- a. Watershed planning and disaster risk reduction approaches shall be paramount in the preparation of Comprehensive Land Use Plans (CLUPs) based on barangay land use plans;

- b. The formulation and updating of CLUPs shall be based on land suitability assessment without prejudice to the environment;
- c. Utmost precaution against the following conditions shall be considered in the conversion or reclassification of land:
 - 1. soil erosion, siltation and sedimentation, and destruction of critical habitats;
 - 2. reduction of agricultural lands beyond the limits prescribed by law;
 - 3. destruction of fishery grounds and the decline in fish catch; and
 - 4. destruction of natural heritage assets due to mining and quarrying activities in environmentally critical areas.
- d. Unless otherwise identified as eco-tourism sites, river banks, buffer zones and other public easements shall not be subject to human exploitation or manipulation;
- e. The rights of the indigenous people in their ancestral domain shall be protected;
- f. Appropriate management and maintenance of duly classified wetlands and production forest ensures sustainability, productivity and stability;
- g. Programs and projects affecting land use implemented within the territorial jurisdiction shall be co-managed by the LGU and respective national agencies; and
- h. Transparency, accountability and participatory process in the preparation of the CLUP shall be strictly observed.

SECTION 124. CLUP FORMULATION. The local government units shall formulate and update their respective CLUPs in conformity with the standards and guidelines prescribed by the Housing and Land Use Regulatory Board (HLURB) and the Provincial Physical Framework Plan.

SECTION 125. LAND USE RECLASSIFICATION. The local government units may cause the reclassification of agricultural lands where the land ceases to be economically feasible or sound for agricultural purposes as determined by the Department of Agriculture, or where land shall have substantially greater economic value for residential, commercial or industrial uses as determined by the Sanggunian concerned. All land reclassified as non-agricultural by virtue of the CLUP are hereby exempt from the Department of Agrarian Reform proceedings.

SECTION 126. CLUP REVIEW AND APPROVAL. The Sangguniang Panlalawigan shall review and approve the comprehensive land use plans enacted through zoning ordinance of component cities and municipalities. The CLUP technical review shall be conducted to:

- a. Ensure that the land use plans of component cities and municipalities are consistent with the Provincial Physical Framework Plan (PPFP);
- b. Recommend solutions to settle disputes among component units over alternative uses of land resources; and
- c. Promote community-based programs for sustainable development.

SECTION 127. PROVINCIAL LAND USE COMMITTEE (PLUC). The PLUC shall assist the Sangguniang Panlalawigan in reviewing the Comprehensive Land Use Plans of component cities and municipalities. For the purpose of policy coordination and uniformity in operation direction, the PLUC shall be under the Provincial Development Council. Any local planning and development coordinator, other officials of component units and field officers of national government agencies operating in the province or region may be called upon by the PLUC to assist in the formulation of the said land use plans. Among others, it shall be the duty of the PLUC to:

- a. Call upon the concerned City Planning and Development Coordinator (CPDC) or Municipal Planning and Development Coordinator (MPDC) and their respective City or Municipal Land Use Committee (C/MLUC) whenever their respective land use plans are deliberated on by the committee; and
- b. Submit its findings and recommendations to the Sangguniang Panlalawigan through the Chairman, Committee on City or Municipal Affairs.

SECTION 128. COMPOSITION OF THE PLUC. The PLUC shall be composed of the Provincial Planning and Development Coordinator as chairman, the Provincial Agriculturist, Provincial Assessor, the PEMO, Development Management Officer of the South Cotabato Provincial Investment and Promotion Center, representative/s of civil society organization that are represented in the Provincial Development Council and representatives from the concerned national government agencies as members.

CHAPTER V - MISCELLANEOUS AND PENAL PROVISIONS

ARTICLE I - INCENTIVES AND AWARDS

SECTION 129. INCENTIVES AND AWARDS SYSTEM. The Provincial Government shall adopt an incentives and awards system to recognize local government units, agencies, organizations and individuals that have undertaken

outstanding and innovative projects, techniques, initiatives or activities in the conservation of the natural resources and ecosystem of the Province.

ARTICLE II - SPECIAL ENVIRONMENTAL PROGRAMS AND PROJECTS

SECTION 130. SPECIAL ENVIRONMENTAL PROGRAMS. There shall be established special conservation and/or development programs and projects addressing specific environmental concerns aimed to accomplish long-term initiatives, such as:

- A. South Cotabato Environment Village and Provincial Forest and Eco-Tourism Park** to strengthen the community within the reservation and protected area that shall serve as showcase of indigenous heritage and culture to promote tourism. The occupants of the village shall be an integral part of the eco-tourism park. Its sub-projects may include the following:
 - 1. **Lingap-hayop Conservation Project** to protect and conserve the different species of endangered fauna including eagle, civet and tarsier sanctuary.
 - 2. **Butterfly Farm Dome and Orchidarium** for the conservation of different species of butterflies and endemic orchids.
 - 3. **Botanical Garden** to showcase different species and varieties of flora.
- B. Caves Preservation Program** which shall encompass the safeguarding of the existing wildlife, creatures and conservation of natural habitat and formations including archaeological , speleological and paleontological remains.
- C. Springs and Waterfalls Conservation Program** which deals with the conservation of the existing springs and waterfalls of the Province.
- D. Rivers, Streams and Creeks Conservation and Rehabilitation Program** which focuses on the protection from pollution, denudation and soil erosion through riverbank rehabilitation and vegetative means and provision of easements.
- E. Lakes and Waterfalls Development Program** which shall develop the marshes, lakes and waterfalls of the province. Communities surrounding these bodies of water shall be partners of the government to achieve sustainable and mass-based programs.
- F. Resorts Development Program** which shall encourage the development of environment-friendly resorts as avenues for the promotion of ecological awareness and advocacy campaign, natural habitat conservation, proper

waste management and other similar undertakings to further promote healthful ecology.

- G. “Luntiang-South Cotabato” Program** which shall provide a greener and healthier environment through massive reforestation and afforestation. The PEMO shall identify areas for community-based reforestation.
- H. “Grado Ko, Tanim Ko at Alagaan Ko” Program** which shall require all public and private grade school pupils, high school and college students to plant a number of trees equivalent to their educational level, i.e. Grade 1 – 1 tree, First Year High School – 7 trees, College Freshmen – 11 trees in designated or preferred area.
- I. Establishment of Agro-Forest Nurseries** for each city/municipality.
- J. Establishment of Seed Bank for** storage, propagation of endemic and indigenous seeds and seedlings as a backbone strategy in the Province’s reforestation and afforestation.
- K. “Bantay Kinaiyahan”** is a community-based program which shall be established to promote vigilance in the protection and conservation of the environment among the local residents.
- L. Sloping Agricultural Land Technology or SALT** shall require the gradual adoption of the SALT approach in all sloping agricultural areas.

ARTICLE III - PROHIBITED AND PUNISHABLE ACTS

SECTION 131. FOREST RESOURCES. Under Article I of Chapter II, the following acts shall be prohibited and punishable:

- a. Cutting, gathering, collection, removing or selling of natural growing trees from forest land, alienable and disposable lands and from private lands;
- b. Use of unregistered or unlicensed chainsaws and similar tree-felling equipment unless a current and valid license or permit for the use thereof is issued by authorized agencies;
- c. Operation of sawmills and other wood processing plants without the required permit to operate;
- d. Hunting, destroying or mere possession of any plant, animal or other forest product both living and non-living and other species considered endangered or threatened pursuant to existing laws; and

- e. Use of unregistered or unlicensed hunting paraphernalia such as airguns, shotguns, and similar devices unless covered by a valid permit.

SECTION 132. MINERAL AND OTHER QUARRY RESOURCES. Under Article II of Chapter II, the following acts shall be prohibited and punishable:

- a. Quarrying and mining activities without a permit or license duly issued by the Governor or appropriate agency having authority and jurisdiction thereto;
- b. Presentation of any false application, declaration or evidence to the government or publishes or causes to be published any prospectus or other information containing any false statement relating to quarrying and mining operation;
- c. Extraction or removal of quarry materials within public water supply within a distance of one kilometer radius from the boundaries of water source established and historical sites and any public or private works or structures; (*Ordinance No. 8, Series of 2003*)
- d. Extraction or removal of quarry material within the fifty-meter distance from riverbanks and tributaries and within one kilometer from bridges and dams upstream and downstream; and
- e. Preventing or obstructing the holder of any permit, agreement or lease from undertaking quarrying operations without justifiable cause.

SECTION 133. WATER RESOURCES. Under Article III of Chapter II, the following acts shall be prohibited and punishable:

- a. Discharging wastewater and sewage system without adequate and effective treatment facilities;
- b. Discharging treated or untreated industrial or domestic sewage into potable water source and water suitable for marine life;
- c. Building, installing or using any equipment concealing an effluent;
- d. Constructing houses and other physical structures within the lakes or riverbanks except for areas identified by the CLUP as multiple use or buffer zones;
- e. Developing a stream, lake, waterfalls, marshland or pond for recreational or commercial purposes without the necessary permit from the National Water Resources Board and the local government unit concerned in addition to an Environmental Compliance Certificate;

- f. Raising or lowering of the water level of a stream, river, lake, marsh or pond or draining of the same without the necessary government clearance and/or permit;
- g. Water impounding prejudicial to downstream or upstream communities; and
- h. Drilling of well for commercial and industrial purposes without a permit from the National Water Resources Board and the necessary clearances issued by the concerned local government units.

SECTION 134. INLAND FRESHWATER RESOURCES. Under Article IV of Chapter II, the following acts shall be prohibited and punishable:

- a. Fishing through the use of explosives, noxious or poisonous substances and electricity;
- b. Use of fine mesh net;
- c. Fishing in over-fished area and during closed season;
- d. Fishing in fishery reserves, refuge and sanctuaries; and
- e. Fishing or taking rare, threatened or endangered flora and fauna species.

SECTION 135. WILDLIFE, GENETIC RESOURCES AND BIODIVERSITY. Under Article VI of Chapter II, the following acts shall be prohibited and punishable:

- a. Exploitation, hunting and unauthorized collection of endangered species;
- b. Unauthorized bio-prospecting;
- c. Transfer and unauthorized sale of seeds from the seed bank; and
- d. Sale of flora and fauna from the protected areas.

SECTION 136. ECOLOGICAL SOLID WASTE/WATER MANAGEMENT. Under Article Chapter III, the following acts shall be prohibited and punishable:

- a. Littering in public places and improper disposal of garbage and other form of uncleanness pursuant to Presidential Decree No. 825, otherwise known as the "Garbage Disposal Law of 1975" and Presidential Decree 856, otherwise known as the "Code of Sanitation of the Philippines";
- b. Construction of dumpsites or industrial settlements and waste treatment plants within one (1) kilometer from rivers or any water bodies pursuant to existing laws;
- c. Dumping or disposing of waste into any body of water where waste are likely to be washed into the water; and
- d. Other prohibited acts as cited under Republic Act 9003, otherwise known as the Ecological Solid Waste Management Act of 2000 and similar laws, ordinances and issuances, such as:

1. Open burning of solid waste;
2. Squatting in dumpsites and landfills;
3. Open dumping, burying of biodegradable and non-biodegradable materials in flood prone areas;
4. Manufacture, distribution or use of non-environmentally acceptable packaging materials;
5. Dumping of toxic substances, nuclear and hazardous waste; and
6. Construction of any establishment within two hundred (200) meters from dump sites or sanitary landfills.

SECTION 137. AIR QUALITY, WATER QUALITY AND NOISE POLLUTION MANAGEMENT. Under Article II of Chapter III, the following acts shall be prohibited and punishable:

- a. The operation of any vehicle that discharges air pollutants above the prescribed levels;
- b. Burning of industrial, agricultural and hospital wastes;
- c. The processing, sale, distribution, use and disposal of persistent organic pollutants;
- d. Generating noise and vibration levels which are not within the acceptable noise standards;
- e. Smoking in non-designated smoking places and conveyances; and
- f. Misdeclaration and manipulation of emission test procedure and results.

SECTION 138. ECOLOGICAL TOURISM. Under Article I of Chapter IV, the following acts shall be prohibited and punishable:

- a. Developing ecological tourism sites, such as streams, lakes, marshlands, ponds, caves, mountain trails, hot springs, camp sites, springs, sanctuaries and waterfalls and other eco-tourism potential resources for recreational or commercial purposes, without appropriate permit from the agencies concerned;
- b. Unlicensed and unaccredited tourist guides, drivers, escorts, promoters, service providers, coaches, conveyances and other tourism-related services;
- c. Destruction and unauthorized collection and selling of wild flora and fauna in ecological tourism sites;
- d. Charging of exorbitant fees to tourists and visitors;
- e. Abusive behavior towards tourists and visitors and vice-versa;
- f. Vandalism;
- g. Deliberate and unauthorized entry to restricted areas;

- h. Desecration of sacred cultural , archeological and historical areas and sites;
and
- i. Indiscriminate disposal of garbage and wastes;

ARTICLE IV - PENAL PROVISIONS

SECTION 139. GENERAL PROVISIONS. The “person” or “persons” as used in this Chapter shall refer to individuals, corporations or entities who may be subjected to civil, penal or monetary liability and penalized as imposed, at the discretion of a competent court.

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

SECTION 140. FINES AND PENALTIES. Any person found guilty of violation of any provision of this Code shall be punished with an imprisonment of not exceeding one (1) year or a fine of not more than P5,000 or both in the discretion of the court, without prejudice to the filing of the appropriate administrative, civil or criminal action.

SECTION 141. ADMINISTRATIVE SANCTIONS. Government officials and employees who fail to comply with and enforce the provisions of this Code and its implementing rules and regulations shall be charged administratively in accordance with existing laws, rules and regulations.

SECTION 142. OTHER SANCTIONS. Violation of Sections 89, par. 2 and 126 – 133 hereof shall be penalized in accordance with the provisions of this Code. In addition to confiscation and/or cancellation of permits or licenses, closure of establishments and/or replevin, violators shall also be liable to any damages and compensation. In the case of associations, partnerships or corporations, the president and the governing board thereof shall be responsible for the acts committed by such entity.

CHAPTER VI - IMPLEMENTING MECHANISMS

ARTICLE I – SOUTH COTABATO ECOLOGICAL SOLID WASTE MANAGEMENT BOARD

SECTION 143. CREATION. The South Cotabato Ecological Solid Waste Management Board, hereinafter referred to as SCESWMB, is hereby established pursuant to Republic Act No. 9003, otherwise known as The Ecological Solid Waste Management Act of 2000.

SECTION 144. POWERS AND FUNCTIONS. The SCESWMB shall prepare, submit and oversee the implementation of plans for the safe and sanitary management of solid waste generated in areas within the province.

SECTION 145. MEETINGS. Regular meetings of the SCESWMB shall be at least twice a year. Special meetings may be called by the Chairperson as the need arises or at the request of at least four (4) members thereof; provided, that such notice of special meeting shall be served at least three (3) days before the scheduled date.

SECTION 146. COMPOSITION OF THE SCESWMB. The SCESWMB shall be composed of the following:

- a. All the mayors of the component cities and municipalities;
- b. One (1) representative from the Sangguniang Panlalawigan to be represented by the chairperson either by the Committee on Environment or the Committee on Health or their representatives to be nominated by the presiding officer;
- c. The Provincial Health and/or Provincial General Services Officer, whomever may be recommended by the Governor;
- d. The Provincial Environment Management Officer;
- e. The Provincial Engineer;
- f. Congressional representative from each congressional district within the province;
- g. Representative from the recycling industry, if there is any;
- h. Representative from the manufacturing or packaging industry, if there is any;
- i. Representative from each concerned government agency relevant to technical and marketing expertise as may be determined by the Board; and
- j. At least three (3) representatives from NGO.

ARTICLE II – SPECIAL CONCERNS

SECTION 147. THE SOUTH COTABATO RIVER SYSTEMS. The Provincial Government shall initiate programs and enact ordinances that aim to protect, preserve, rehabilitate and develop all the river systems within the Province of South Cotabato.

SECTION 148. THE LAKE SEBU REHABILITATION, CONSERVATION AND DEVELOPMENT COUNCIL (LSRCDC). The Provincial Government shall continue to support, strengthen and enable the Lake Sebu Rehabilitation, Conservation and Development Council created under Ordinance No. 06, series of 2001.

SECTION 149. ALLAH VALLEY LANDSCAPE DEVELOPMENT ALLIANCE (AVLDA). Pursuant to a Memorandum of Agreement entered into by the Provincial Government with concerned LGUs of South Cotabato and Sultan Kudarat, the regional offices of DENR, DPWH, NCIP, NIA and DILG, with the coalition of Social Development Organizations, the Province shall continue to support and lead in the pursuit of the

mandate of AVLDA for the rehabilitation, development and management of the Allah Valley Watershed and Landscape.

SECTION 150. LAKE HOLON CONSERVATION COUNCIL (LHCC). The Provincial Government shall adopt and support the Lake Holon Conservation Council (LHCC) for the preservation, management and development of Lake Holon (Lake Maughan).

SECTION 151. MT. MATUTUM PROTECTED LANDSCAPE. The Provincial Government shall work closely with the Protected Area Management Board (PAMB) in the management of the Mt. Matutum Protected Landscape and shall support government and private initiatives for its rehabilitation and development.

SECTION 152. SOUTH COTABATO AIRSHED GOVERNING BOARD. Subject to the provisions of RA 8749, also known as the Clean Air Act and its Implementing Rules and Regulations, the Provincial Government shall support the South Cotabato Airshed Governing Board.

ARTICLE III - ENVIRONMENTAL IMPACT ASSESSMENT MULTI-PARTITE MONITORING TEAM

SECTION 153. CREATION. The Governor, through an executive order, shall create an interdisciplinary-multi-partite Environmental Impact Assessment Monitoring Team, the officers of which shall be elected from among the members thereof.

SECTION 154. FUNCTIONS. The functions, duties and responsibilities of the Team shall be as follows:

- a. Monitor the implementation of projects within the context of the approved project proposal and conditions embodied in the EIS;
- b. Monitor the level of proponent's compliance on conditions set by the DENR on ECC and permits issued to projects operating in the province;
- c. Gather relevant information to determine cause of environmental damage and respond to public complaints about the subject project;
- d. Prepare, integrate and disseminate monitoring status reports and undertake community education and information dissemination;
- e. Participate in environmental law enforcement;
- f. Conduct regular inventory of establishments operating in the province;
- g. Submit proposed annual budget and periodic status reports to the Governor, through the PEMO; and
- h. Exercise visitorial power over all industries operating in the Province of South Cotabato.

SECTION 155. COMPOSITION. Membership of the Multi-Partite Monitoring Team shall include the following:

1. A representative from each of the host municipal government, DENR, academe, concerned ground stakeholders, Chairman of Environmental Committee of the Sangguniang Panlalawigan;
2. Two (2) members from the private sector, who are on-call and on a project specific bases.

SECTION 156. SUBMISSION OF THE ENVIRONMENTAL COMPLIANCE CERTIFICATE (ECC). All industries, permittees/licensees are required to submit a copy of their Environmental Compliance Certificate (ECC) to the Environmental Impact Assessment Multi-partite Monitoring Team (EIA-MMT).

CHAPTER VII

ARTICLE I - SPECIAL EVENTS AND DAYS OF ACTION

SECTION 157. SPECIAL EVENTS AND DAYS OF ACTION. The Provincial Government shall observe/celebrate/commemorate special events and days of action in coordination with all local government units, concerned government agencies and Civil Society Organizations (CSOs), to raise the level of environmental awareness and consciousness among the people of South Cotabato.

SECTION 158. OTHER CELEBRATIONS. Other days/events not provided herein shall be observed subject to existing laws, rules and regulations.

A) TREE PLANTING DAY

SECTION 159. PROVINCE-WIDE TREE PLANTING DAY. There shall be a regular observance of a province-wide annual synchronized tree planting day activity every last week of June and November of every year to be spearheaded by the Provincial Government in coordination with other local government units, national government agencies, academe, civil societies and business communities in any of the established or identified communal or community-based forest projects in the province.

SECTION 160. LEAD AGENCY. The PEMO shall be the lead agency in the conduct of the Province-Wide Tree-Planting Day.

B) EARTH DAY

SECTION 161. OBSERVANCE. Pursuant to United Nations Resolution of 1972, the Provincial Government shall lead in the celebration of Earth Day every 22nd day of April of every year.

C) ENVIRONMENT MONTH

SECTION 162. OBSERVANCE. The Province shall observe the month of June of every year as the Environment Month to culminate and showcase the year-round activity thereby synchronizing all efforts in the protection, preservation and conservation of the province's natural resources and ecosystems.

SECTION 163. ACTIVITIES. The Provincial Government, through the PEMO, shall conduct and/or undertake various activities in the observance of the environment month.

D) ENVIRONMENTAL AWARENESS MONTH

SECTION 164. OBSERVANCE. Pursuant to the Republic Act 9512 or the "National Environment Awareness and Education Act of 2008", the Province shall observe November as Environmental Awareness Month to promote awareness on the role of natural resources in economic growth and the importance of environmental conservation and ecological balance towards sustained development.

E) WORLD WATER DAY

SECTION 165. OBSERVANCE. The Province shall celebrate World Water Day on every 22nd of March of each year with appropriate and meaningful activities.

F) INTERNATIONAL DAY FOR THE PRESERVATION OF THE OZONE LAYER

SECTION 166. OBSERVANCE. The International Day for the preservation of the Ozone Layer shall be celebrated within the Province every September 16 of every year with activities that will highlight concern and awareness for the protection of the ozone layer.

G) CLEAN AIR MONTH CELEBRATION

SECTION 167. OBSERVANCE. The whole month of November of each year is hereby declared as Clean Air Month Celebration with appropriate activities.

CHAPTER VIII - TRANSITORY PROVISIONS

ARTICLE I - TRANSFER AND VESTED RIGHTS

SECTION 168. TRANSFER OF ENVIRONMENTAL OFFICES, PROGRAMS AND PROJECTS TO PEMO. The PEMO shall assume all the existing programs, responsibilities, facilities and appropriations of the different provincial government offices engaged in watershed management, solid waste management, small scale

mining, quarry regulation, integrated social forestry, eco-tourism, spring development and other concerns included in this Code. The personnel of the above-mentioned offices, projects and programs shall automatically become an integral part of the PEMO.

SECTION 169. VESTED RIGHTS. Rights and obligations existing on the date of effectivity of this Code and arising out of contracts shall be governed by the original terms and conditions of said contract or the law in force at the time such rights were vested.

ARTICLE II - FUNDING AND IRR

SECTION 170. FUNDING/APPROPRIATION. The Provincial Government shall appropriate funds to ensure effective enforcement of this Code.

SECTION 171. IMPLEMENTING RULES AND REGULATIONS. The Governor through a Technical Working Group, shall formulate the Implementing Rules and Regulations (IRR) necessary to effectively carry out the provisions of this Code within six (6) months from its approval.

CHAPTER IX

ARTICLE I - FINAL PROVISIONS

SECTION 172. PRIOR CONSENT OF SANGGUNIANs. Private entities, government agencies and its instrumentalities are hereby required to secure prior consent of the concerned Sanggunians in the implementation and development of investment programs or projects affecting the environment.

Natural resources development, utilization or processing project, lease, license or agreement or usufruct permit shall not be issued by national government agencies without prior consultation with; and consent of; local government units, affected communities and stakeholders in the province.

SECTION 173. APPLICABILITY CLAUSE. All other matters not covered by this Code shall be governed by pertinent laws, rules and regulations.

SECTION 174. CONFLICTING PROVISIONS OF CHAPTERS. If the provisions of different Chapters are in conflict with each other, the provision of each Chapter shall prevail as to specified matters and questions involved therein.

SECTION 175. CONFLICTING PROVISIONS OF SECTIONS. If the provisions of the different Chapters are in conflict with each other, the provisions of the Section which is the last in point of sequence shall prevail.

SECTION 176. SEPARABILITY CLAUSE. If, for any reason, any provision of this Code is declared invalid or unconstitutional, all other provisions hereof not affected thereby shall continue to be in full force and effect.

SECTION 177. SPECIAL PROVISION. The Governor through a Technical Working Group (TWG), shall provide for the mandatory review of this Code after five (5) years of its effectivity and shall proposed for the amendment of the same to be submitted to the Sangguniang Panlalawigan and for the august Body to legislate amendatory provisions as the need arises.

SECTION 178. REPEALING CLAUSE. All ordinances, executive orders, resolution and other Provincial memoranda or rules inconsistent with the provisions of this Code are hereby repealed or modified accordingly.

SECTION 179. EFFECTIVITY CLAUSE. This Code shall take effect fifteen (15) days following the posting requirements and after its full publication compliance for three (3) consecutive issues in a local newspaper of general circulation within the Province of South Cotabato, whichever occurs later.

I HEREBY CERTIFY to the correctness of the foregoing resolution.

ATTY. ELIORDO U. OGENA
Vice Governor
Presiding Officer

ATTESTED:

FELICITAS F. BIGCAS
Secretary to the Sanggunian

APPROVED:

DAISY P. AVANCE-FUENTES
Provincial Governor

