

Republic of the Philippines
PROVINCE OF LEYTE
Municipality of Alangalang

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OFFICE OF THE SANGGUNIANG BAYAN

EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION OF THE
SANGGUNIANG BAYAN OF ALANGALANG, LEYTE HELD AT THE LEGISLATIVE
SESSION HALL ON JUNE 16, 2014.

PRESENT:

Hon. Mario V. Bague - Municipal Vice Mayor,
Presiding Officer
Hon. Vanessa D. Salazar - Sangguniang Bayan Member
Hon. Edwin B. Jomadio - -do-
Hon. Reynaldo B. Capon, Sr. - -do-
Hon. Anthony Mervin P. Varona - -do-
Hon. Ramel Ryan C. Laceras - -do-
Hon. Epifania B. Salazar - -do-
Hon. Lilia V. Antoni - -do-
Hon. Marilou C. Gayas - -do-
Hon. Ester A. Yu - ABC/LIGA President

ABSENT: None

OTHERS PRESENT:

Ms. Emma J. Caones - Market Supervisor,
O I C-General Services Officer

RESOLUTION NO. 097-2014

APPROVING ON 3RD AND FINAL READING A MUNICIPAL ORDINANCE ENTITLED:
AN ORDINANCE PROTECTING THE PEATLANDS IN THE MUNICIPALITY,
ESTABLISHING A LOCAL CONSERVATION AREA IN ALANGALANG, LEYTE,
INITIATING ITS ESTABLISHMENT AS A CRITICAL HABITAT, PROVIDING FUNDS
THEREFOR, AND FOR OTHER PURPOSES.

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

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

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

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

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

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

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

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

WHEREAS, Section 16 of the Local Government Code, states that every LGU shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance , and those which are essential to the promotion of the general welfare , and directs LGU to ensure and support the preservation and enrichment of culture , promote health and safety , enhance the right of the people to a balanced ecology , preserve the comfort and convenience of their inhabitants , among other things;

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

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

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

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

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

NOW THEREFORE , on motion of the Honorable Ramel Ryan C. Laceras, seconded by the Honorable Vanessa D. Salazar, **BE IT ENACTED , AS IT IS HEREBY ENACTED , BY THE SANGGUNIANG BAYAN OF ALANGALANG IN SESSION ASSEMBLED, BY VIRTUE OF THE POWERS VESTED IN IT BY LAW, THAT:**

MUNICIPAL ORDINANCE NO. 2014-001

Section 1. Title of the Ordinance – The ordinance shall be known as the " Peatland Protection and Conservation Ordinance ", hereinafter referred to as the " Peatland Ordinance".

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

Section 3. Coverage – This ordinance shall apply to areas identified by the DENR as Peatlands, specifically the peatlands located in Leyte Sab-a Basin peatlands.

Section 4. Definition of Terms – As used in this ordinance , the following terms shall have the corresponding meanings:

- a.) *Agricultural Lands* – refer to lands released as alienable and disposable and devoted to agricultural activity and not classified as mineral, forest, residential, commercial or industrial;
- b.) *Biodiversity* – refers to the variability among all living organism from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes or which they are part : this includes diversity within species , among species and of ecosystem .
- c.) *Critical Habitat* – refers to areas outside the National Integrated Protected Areas System (NIPAS) where threatened species are found and designated by the Secretary of DENR o for its protection, in coordination with the local government units and other concerned group, from any form of exploitation or destruction which may be detrimental to the survival of the threatened species
- d.) *Draining* – refers to the act of removing water from peatlands by means of excavating ditches, canals and other water ways :
- e.) *Ecotourism* – refers to low – impact , environmentally sound and community – participatory tourism activity in a given natural environment that enhances the conservation of bio-physical and cultural diversity , promotes environmental understanding and education, and yields socio-economic benefits to the concerned community ;
- f.) *Peat* – refers to organic material formed from dead organic matter partly decayed leaves , stems and roots of plants that have accumulated in a water saturated environment in the absence of oxygen. Peat comprises more than 90% water and has a unique ability to store large amount of water;
- g.) *Peatland* – refers to an area with a naturally accumulated layer of peat at the surface;
- h.) *Threatened Species* – is a general term to denote species or subspecies considered as critically endangered, endangered, vulnerable or other accepted categories of wildlife whose population is at risks of extinction :
- i.) *Wetland* – refers to land that has water table at, near or above the land surface or that is saturated for a long enough time to promote wetland or aquatic processes and various kinds of biological activity that are adapted to the wet environment . It includes fen, bog, swamp, marsh, and shallow open water

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- j.) *Wildlife* – refers to wild forms and varieties of flora and fauna, in all developmental stages, including those which are in captivity or are being bred or propagated :
- k.) *Wildlife habitat* – refers to a place or environment where wildlife species or subspecies naturally occur or has naturally established its population :
- l.) *Zoning Ordinance* – refers to a local city or municipal legislation which logically arranges, prescribes, defines and apportions a given political subdivision into specific land uses as present and future projection of needs:

Section 5.) Operative Principles in the Protection and Conservation of Peatlands –

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

Section 6.) Strategies to Promote Sustainable Management of Peatlands – To promote the sustainable management and wise use of peatlands, the following must be immediately undertaken :

1. Awareness raising on the values and importance of peatlands in the affected Barangays, especially Barangays *Divisoria, Langit and Tabangohay*.
2. Capacity building of relevant local government agencies and communities on peatland management;
3. Through the DENR, reversion of abandoned agricultural areas within peatlands;
4. Refilling or blocking or plugging of abandoned drainage canals; and
5. Implement sustainable and alternative livelihood for local communities

Section 7.) Establishment of Local Conservation Areas—The following areas are hereby established as local conservation area (LCA) for the protection and conservation of peatlands;

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

Section 8.) Establishment of Critical Habitats – The Municipal Environment and Natural Resources/MPDO (MENRO) shall lead in the preparation of the establishment of peatlands as critical habitats, in accordance with pertinent DENR issuances. Within six (6) months from the effectivity of this Ordinance, the Municipal MPDO shall submit the requirements for the adoption of a resolution or enactment of an ordinance by the Sangguniang requesting DENR to establish the critical habitats.

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

Section 10.) Existing Agricultural Activities in Peatlands. – In coordination with the DENR and the DA , the municipality shall adopt best management practices to be followed by existing agricultural activities in peatlands . The Municipality shall promote the transition to planting agricultural products that are more suited to peatland conditions .The municipality shall also promote the modification of agricultural practices to adapt to peatland conditions .

Section 11.) Ecotourism in Peatlands . – The Municipal Mayor shall coordinate with the DENR and issue appropriate directives, circulars, and advisories for the purpose of promoting Ecotourism in Peatlands and regulating visitor behavior therein .

Section 12.) Public Awareness Campaigns – The Municipality shall periodically conduct activities geared at raising awareness of peatlands and communicating the importance of conservation and sustainable use of peatlands to local communities. The Municipal shall also inform and educate local communities on the dangers of peatland fires and enlist their participation in fire prevention and control strategies .

Section 13. Illegal Acts. – The following acts are prohibited inside peatlands :

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

Section 14.) Penalties – Commission of any of the illegal acts in the foregoing section shall be penalized by imprisonment of up to six (6) months and/or a fine of not less than **One Thousand Pesos (PhP 1,000.00)** or both but not statute 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 , ordinances and provisions there of with different penalties or in case filing more charges than one may amount to double jeopardy .

Section 16.) Funding – An initial funding to defray the expenses necessary for or incidental of the implementation of this Ordinance in the amount of P 100,000.00 shall be sourced from the Municipal general fund and is hereby allocated . Every year thereafter , at least a certain amount shall automatically be included in the Annual Budget of the Municipality for the implementation and enforcement of this Ordinance, based on Municipal plans and programs .

Section 17.) Repealing Clause – All ordinances contrary to or inconsistent with this Ordinance are hereby repealed or modified accordingly .

Section 18.) Separability Clause – If any part or provision of this Ordinance is declared unconstitutional or invalid , the same shall not affect the validity and effectivity of the other parts or provisions hereof.

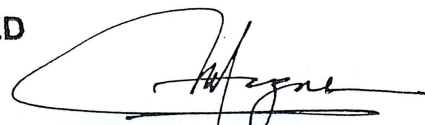
Section 19.) Effectivity Clause – This Ordinance shall take effect after the lapse of ten (10) days from publication in a newspaper of general circulation , after posting for three (3) consecutive weeks in three (3) conspicuous places in the Municipality and after a review of the Sangguniang Panlalawigan .


UNANIMOUSLY APPROVED.

I HEREBY CERTIFY to the correctness of the following ordinance.



DANI R. DE VEYRA
Board secretary V

**ATTESTED AND CERTIFIED
TO BE DULY ENACTED:**


MARIO V. BAGUE
Municipal Vice Mayor
Presiding Officer

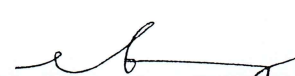

VANESSA B. SALAZAR
SB Member


EDWIN B. JOMADIO
SB Member


REYNALDO B. CAPON, SR.
SB Member



ANTHONY MERVIN P. VARONA
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RAMEL RYAN C. LACERAS
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EPIFANIA B. SALAZAR
SB Member


LILIA V. ANTONI
SB Member


MARILOU C. GAYAS
SB Member


ESTER A. YU
SB Member
ABC/LIGA President

APPROVED:


LORETO T. YU
Municipal Mayor