

ORDINANCE NO. NO. 13-01

AN ORDINANCE CREATING THE CITY ENVIRONMENT MANAGEMENT OFFICE (CEMO) AND PROVIDING FOR ITS TASKS, FUNCTIONS, PERSONNEL AND APPROPRIATION THEREOF AND FOR OTHER PURPOSES

Introduced by Hons. DEBULGADO, ANTONIO, MASCUÑANA AND SANTILLAN

WHEREAS, Sec. 16, Article II of the Philippine Constitution guarantees the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature;

WHEREAS, Sec. 26 of the Local Government Code of 1991 mandates that “it shall be the duty of every national agency or government-owned or controlled corporation authorizing or involved in the planning and implementation of any project or programs that may cause pollution, climate change, depletion of non-renewable resources, loss of cropland, rangeland, or forest cover, and extinction of animal or plant species, to consult with the local government units, non-governmental organizations, and other sectors concerned and explain the goals and objectives of the project or programs, 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 effect thereof;

WHEREAS, national laws related to the protection and preservation of the environment, monitoring emissions/ discharges of harmful substances to the atmosphere and water systems, and management of ecological and natural resources have been devolved or to be devolved to the different LGUs;

WHEREAS, there is an imperative need for a focal person and office to handle the establishment, study, implementation, coordination, monitoring and centralization of all thrusts, activities, programs or projects present and future that are related to the effective and efficient preservation, protection, promotion and enhancement of the ecological balance and the environment of the City of San Carlos;

WHEREAS, Sec. 454 (b) provides that in addition to the officials mentioned in (a) of Sec. 454, the City Mayor may appoint among others, a city environment and natural resources officer;

NOW THEREFORE, in the light of foregoing considerations, the Sangguniang Panlungsod of San Carlos City, in a regular session assembled hereby ordains that:

SECTION 1. TITLE. This Ordinance shall be known as an “**AN ORDINANCE CREATING THE CITY ENVIRONMENT MANAGEMENT OFFICE (CEMO) AND PROVIDING FOR ITS TASKS, FUNCTIONS, PERSONNEL AND APPROPRIATION THEREOF AND FOR OTHER PURPOSES**”.

SECTION 2. POLICY. It is the policy of the City to promote the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature hand in hand with sustainable economic growth and development founded on citywide education, reliable and infrastructure and good governance.

Recognizing the vulnerability as an island being part of the Philippine archipelago, its local communities, particularly the poor, women, and children, to potential dangerous consequences of climate change such as rising seas, changing landscapes, increasing frequency and/or severity of droughts, fires, floods and storms, climate-related illnesses and diseases, damage to ecosystems, biodiversity loss that affect the country's environment, culture, and economy, the city shall cooperate with the global community in the resolution of climate change issues, including disaster risk reduction.

SECTION 3. SCOPE AND COVERAGE. This Ordinance shall be in effect within the territorial jurisdiction of San Carlos City and shall be observed by the City Government including all its branches, instrumentalities and subdivisions.

SECTION 4. CREATION. There is hereby a partial reorganization in the plantilla of personnel of the City Government of San Carlos in pursuance to Section 76 of RA 7160 by creating the department named **City Environment Management Office (CEMO)**.

SECTION 5. OBJECTIVES. The **CEMO** shall be responsible for making the City of San Carlos (1) one of the most environmentally compliant LGU in the country, (2) most responsive to the environmental concerns of this component city, and (3) able to sustain environmental programs at pace with economic thrust and development.

SECTION 6. GENERAL FUNCTIONS.

The office shall perform the following functions:

1. Enforce/implement national laws and local ordinances regulating the emission/dischage of harmful substances to the atmosphere, and water systems, solid waste management policies and directives, and recommend for the apprehension of violators and abatement of the pollution;
2. Manage the ecological and natural resources of the city, primarily promoting sustainability of local resources, such as but not limited to forests, watersheds, rivers, coasts and fishing grounds;
3. Implement programs for the protection and preservation of the environment, as well as rehabilitation of areas critically affected by industries, effects of natural calamities, result of man-made activities, etc.;
4. Provide technical assistance to the Local Chief Executive and the Legislative branch on policy and decision-making;
5. Conduct continuing education for the city's constituents stressing on environmental stewardship, awareness and responsibility;
6. Gather and maintain records of environmental data, activities, assets and compliments and evaluate the state of environment of the City;
7. Coordinate environmental activities within the territorial jurisdiction of the city and integrate it with the environmental master plan;

8. Facilitate capacity building for local adaptation planning, implementation and monitoring of climate change initiatives in vulnerable communities and areas;
9. Recommend key development investments in climate- sensitive sectors such as water resources, agriculture, forestry, coastal and marine resources, health, and infrastructure to ensure the achievement of local sustainable development goals.

SECTION 7. ORGANIZATIONAL STRUCTURE. The following position titles are hereby created in conformity with the qualification standards set by the Civil Service Commission and its index of Occupational Services, Position Titles and Salary Grade for local government units.

Title of Position	Grade/Step
One (1) Environment Management Officer	<u>25</u>
One (1) Ass't. Environment Management Officer	<u>23</u>
One (1) Supv'ng. Env. Mgm't. Specialist (CRM Div.)	<u>22</u>
One (1) Senior Env. Mgm't. Specialist (Forestry Div.)	<u>18</u>
One (1) Env. Mgm't. Specialist II(CRM Div.)	<u>15</u>
One (1) Env. Mgm't. Specialist II(Forestry Div.)	<u>15</u>
One (1) Computer Operator II (CRM Div.)	<u>9</u>

The CEMO shall be composed of the following divisions:

1. **Integrated Waste Management/Pollution Control Division**
2. Watershed, Parks, Protected Areas, Wildlife & Forestry Division
3. Coastal Resource Management Division
4. Regulatory Division
5. Climate Change Division
6. Administrative Support Services Division

SECTION 8. DUTIES AND RESPONSIBILITIES OF DIVISIONS.

1. Integrated Waste Management/Pollution Control Division

- 1.1. Establish and manage a comprehensive solid and liquid waste management information data base and dissemination system;
- 1.2. In collaboration with technically responsible government and private agencies relative to solid and liquid waste generation and management access techniques as well as the management, technical and operational approaches to resource recovery;
- 1.3. In collaboration with processors/recyclers, access the list of materials being recycled or bought by them and their respective prices; and
- 1.4. In coordination with the National Government Agencies and other technically responsible government and private agencies, access information on cleaner production/cleaner technologies that promote efficient solid and liquid waste management.

- 1.5. Promote the development of a recycling market through the establishment of a recycling network that will enhance the opportunity of recycling;
- 1.6. Act as the hub for networking of other local government units and barangays (especially within the province), non-government organizations and industry on voluntary compliance of the pertinent provisions of solid and liquid waste management act and clean air act as well as this ordinance;
- 1.7. Provide, facilitate technical assistance in pilot modeling of solid and liquid waste management facilities including technologies and techniques for effective solid waste management;
- 1.8. Develop, test and disseminate model waste minimization, emission control and Reduction auditing procedures for evaluation options;
- 1.9. Recommend policies to eliminate barriers to waste reduction programs and Maintain, service and operate the Ecological Center and all facilities within it and those attached to its operation such as the garbage collection, the Materials Recovery Facility (MRF), the Residuals Processing Facility, the Sanitary Landfill, the Receiving Area and Sorting Area and other facilities and equipment within the Facility. This is also to include the temporary storage and processing of household hazardous wastes such as but not limited to fluorescent bulbs, toy and appliance batteries, and paints, till its final purchase or disposal by a qualified specialist.

2. Watershed, Parks, Protected Areas, Wildlife & Forestry Division

- 2.1 Implementation of community based forestry projects, such as integrated social forestry, establishment of new regular reforestation projects, except to those located in protected areas and critical watersheds, completed family and community based contract reforestation projects, subject to policies and procedures prescribed by the DENR, Forest Land Management Agreements, in accordance with DAO No. 71, Series of 1990 and other guidelines that the DENR may adopt and Community Forestry Projects, subject to concurrence of financing institutions, if foreign assisted, pursuant to Section 3.1 (a) of DAO 30, Series of 1992;
- 2.2 Establishment and maintenance of the city's tree parks, greenbelts and other tourist attractions through beautification projects, except those in protected areas and the collection of fees for their services and the use of facilities established therein, pursuant to Section 3.2 (a) of DAO 30, Series of 1992;
- 2.3 Except import and export, regulation of flora outside protected areas, including industries and business engaged in their propagation and development, such as orchidaria and nurseries;
- 2.4 Implementation and rehabilitation in conservation hotspots and the conservation of rare and endangered species activities, in areas identified and

delineated by the DENR, pursuant to Section 3.2 (a) of DAO 30, Series of 1992;

- 2.5 Implement plans and programs for the protection and preservation of natural resources, rehabilitation of beauty of natural spots and maintain ecological balance of the man and his surroundings;
- 2.6 Ensure optimization as well as promote conservation in the use and utilization of all natural resources found within the territorial limits of the city through education and training of the citizens for the preservation and protection of the natural beauty of the environment and the resources it provides; and perform other duties that may be assigned by law ordinance.
- 2.7 Maintain, or whenever applicable restore the beauty of nature spots within the territorial jurisdiction of the city through the conduct regular survey and inventory on the flora and fauna found within the boundaries of the city and make the same available to the public;

3. Coastal Resource Management Division

- 3.1 Implementation of community based marine protected area, marine sanctuary and mangrove forest reserves within the territorial jurisdiction of San Carlos City;
- 3.2 Enforcement of Fishery laws in municipal waters, both national and locally promulgated, including the conservation of mangroves, extension and on – site research services and facilities related to fishery activities
- 3.3 Regulation of coastal/marine tourism facilities and other marine/coastal tourist attraction, including the acquisition of equipment, regulation and supervision of business concessions and security services for such facilities, pursuant to Section 17 (b)(2)(xi) of RA 7160 and DENR Administrative Order No. 30, Series of 1992;
- 3.4 Enforcement of community based mangrove reforestation and other laws relative to its protection, pursuant to Section 17 (b)(c)(iii) of RA 7160

4. Regulatory Division

- 4.1 Conduct inspection of commercial and industrial establishments regarding their air emissions and water discharges;
- 4.2 Conduct survey and prepare inventory of establishments and industries concerning their emissions and discharges in coordination with the Geographic Information System (GIS);
- 4.3 In coordination with the Environment Management Bureau (EMB), implement laws for the achievement of clean environment and such other laws enacted to pursue EMB's mandate;
- 4.4 Recommend closure of business that repeatedly violates environmental laws and regulations;

- 4.5 Enforce environment related laws and ordinances for the protection of health and well-being of the citizenry;
- 4.6 Conduct sampling and analysis of pollutants and other toxic substances found in the environment;
- 4.7 In partnership with the Department of Science and Technology (DOST), Environment Management Bureau (EMB) and other government agencies, increase the capacity of the LGU in technical know-how and laboratory sciences.
- 4.8 Collect and collate data from various organizations/ institutions who sample, analyze and/ or monitor pollution from air, water and/or land; and propose means for the collection of data, when not immediately available from other sources on the ambient environment.
- 4.9 In coordination with the Department of the Environment and Natural Resources (DENR), implement forestry, fishery, mining and quarrying laws and such other laws that would be enacted to pursue DENR's mandate;

5. Climate Change Division

- 5.1 Prepare and formulate management plans for climate change adaptation and mitigation for the city;
- 5.2 Coordinate the efforts of city departments and other LGU's, national government agencies, NGO's and other organizations aimed at addressing environmental issues and collaborate with such organizations in the implementation of projects and programs related to climate change adaptation and mitigation measures;
- 5.3 Provide decision makers with reliable, verifiable and validated information regarding the state of environment so that they may act on these information in connection with climate change mitigation adaptation contingency plans;
- 5.4 Prepare and formulate environment quality frameworks for the city and develop a dynamic and progressive environmental management system concurrent to the national framework for climate change adaptation and mitigation program implementation;

6. Administrative Support Services Division

- 6.1. Maintain records of personnel, including but not limited to Personnel Data Sheet (PDS), Performance Evaluation Form (PEF), Daily Time Record (DTR), Leave of Absence, etc.
- 6.2. Prepare necessary documents for the procurement of supplies and equipment, as well as maintain records and inventory of supplies and equipment according to government standards and forms;

- 6.3 Facilitate internal and external communications and maintain a centralized record management system for the department;
- 6.4. Facilitate official transactions for department personnel, including following-up of procurement documents, payments/ reimbursements and such other documents relative to the function of the office;
- 6.5 Assess and prepare performance evaluations of personnel, as well as formulate a system for easy review and referencing;
- 6.6 Prepare financial and administrative plans for the department as well as annual financial and administrative reports.

SECTION 9. QUALIFICATIONS, DUTIES & FUNCTIONS OF THE CITY ENVIRONMENT MANAGEMENT OFFICER. No person shall be appointed **City Environment Management Officer** unless he is a citizen of the Philippines, of good moral character, a holder of a college degree preferably in environment, forestry, agriculture or any related course from a recognized college or university, and a first grade civil service eligible or its equivalent. He must have acquired experience in environmental and natural resources management, conservation, and utilization, of at least five (5) years.

The **City Environment Management Officer** shall take charge of the city environment management office and shall:

1. Formulate measures for the consideration of the Sanggunian and provide technical assistance and support to the mayor, in carrying out measures to ensure the delivery of basic services and provision of adequate facilities relative to environment and natural resources services as provided for under Section 17 of R.A. No. 7160;
2. Develop plans and strategies and upon approval thereof by the mayor, as the case may be, implement the same, particularly those which have to do with climate change adaptation strategies and environmental programs which the mayor is empowered to implement and which the Sanggunian is empowered to provide for under R.A. No. 7160;
3. In addition to the foregoing duties and functions, the **city environment management officer** shall:
 - 3.1. Establish, maintain, protect and preserve communal forests, watersheds, tree parks, mangroves, greenbelts and similar forest projects and commercial forest, like industrial tree farms and agro-forestry projects;
 - 3.2. Provide extension services to beneficiaries of forest development projects and technical, financial and infrastructure assistance;
 - 3.3. Manage and maintain seed banks and produce seedlings for forests and tree parks;
 - 3.4. Provide extension services to beneficiaries of forest development projects and render assistance for natural resources-related conservation and utilization activities consistent with ecological balance;
 - 3.5. **Regulate** the small-scale mining and utilization of mineral resources;

- 3.6. Coordinate with government agencies and non- governmental organizations in the implementation of measures to prevent and control land, air and water pollution with the assistance of the Department of Environment and Natural Resources and the Environment Management Bureau;
- 3.7. Be in the frontline of the delivery of services concerning the environment and natural resources, particularly in the renewal and rehabilitation of the environment during and in the aftermath of man-made and natural calamities and disasters due to global warming as to the effect of climate change;
- 3.8. Recommend to the Sanggunian and advise the mayor, on all matters relative to the protection, conservation, maximum utilization, application of appropriate technology and other matters related to the environment and natural resources; and
- 3.9. Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

SECTION 10. QUALIFICATIONS, DUTIES & FUNCTIONS OF THE ASSISTANT **CITY ENVIRONMENT MANAGEMENT OFFICER**. No person shall be appointed Assistant **City Environment Management Officer** unless he is a citizen of the Philippines, of good moral character, a holder of a college degree preferably in environment, forestry, agriculture or any related course from a recognized college or university, and a first grade civil service eligible or its equivalent. He must have acquired experience in environmental and natural resources management, conservation, and utilization, of at least three (3) years.

The Assistant **City Environment Management Officer** shall perform the following functions;

1. Assist the **City Environment Management Officer** in the formulation of appropriate measures for the consideration of the Sanggunian and provide technical assistance and support to the mayor, in carrying out measures to ensure the delivery of basic services and provision of adequate facilities relative to environment and natural resources services as provided for under Section 17 of R.A. No. 7160;
2. Assist the **City Environment Management Officer** in the development of plans and strategies and upon approval thereof by the mayor, as the case may be, implement the same, particularly those which have to do with climate change adaptation strategies and environmental programs which the mayor is empowered to implement and which the Sanggunian is empowered to provide for under R.A. No. 7160;

SECTION 11. APPROPRIATIONS. The **City Environment Management Office (CEMO)** shall be provided with the necessary appropriation that shall be included in the City's Budget.

SECTION 12. SMALL SCALE MINING AND QUARRIES SECTION OF CITY PLANNING AND DEVELOPMENT OFFICE (CPDO), The Small Scale Mining and Quarries of the City Planning and Development Office (CPDO) shall be transferred to the **CEMO** and shall form part of the Regulatory Division. Appropriations for these office shall

likewise accrue to the **CEMO**, without prejudice to charges previously or already charged to the prior office.

SECTION 13. COASTAL RESOURCES MANAGEMENT SECTION. Secretariat functions, budget and equipment complements of secretariats for Boards, Councils and other bodies from the City Agriculture's Office concerning the protection and preservation of the marine and coastal ecosystem, including their personnel complement shall be transferred to the **CEMO** and shall form part of the Coastal Resource Management Division. Appropriations for these offices shall likewise accrue to the **CEMO**, without prejudice to charges previously or already charged to the prior office.

SECTION 14. FORESTRY SECTION. Secretariat functions, budget and equipment complements of secretariats for Boards, Councils and other bodies from the City Agriculture's Office concerning the protection and preservation of the upland ecosystem, including their personnel complement shall be transferred to the **CEMO** and shall form part of the Watershed, Parks, Protected Areas, Wildlife & Forestry Division. Appropriations for these offices shall likewise accrue to the **CEMO**, without prejudice to charges previously or already charged to the prior office.

SECTION 15. SOLID WASTE MANAGEMENT OFFICE. Secretariat functions, budget and equipment complements of secretariats for Commissions, Boards and other bodies from the City Mayor's Office concerning the protection and preservation of the urban ecosystem for healthy environment and balanced ecology, including their personnel complement shall be transferred to the **CEMO** and shall form part of the **Integrated Waste Management/Pollution Control Division**. Appropriations for these offices shall likewise accrue to the **CEMO**, without prejudice to charges previously or already charged to the prior office.

However, physical presence shall remain with their current stations until directed by the **CEMO** to transfer to the designated premises.

SECTION 16. SEPARABILITY CLAUSE. Any provision hereof which may be declared unconstitutional by a competent court shall not affect the rest of the provisions hereof not otherwise so declared.

SECTION 17. REPEALING CLAUSE. All ordinances, rules and regulations, or parts hereof, in conflict or inconsistent with any provisions of this Ordinance, are hereby repealed, amended or modified accordingly.

SECTION 18. EFFECTIVITY. This Ordinance shall have to be posted within five (5) days after approval thereof in the bulletin board at the entrance of the city hall and in at least two (2) conspicuous places in the City and takes **effect** on the day after copies of the duly approved ordinance shall have been posted for ten (10) days

4 MOTION TO RELEASE EXCERPTS

Hon. DEBULGADO, seconded by Hon. ANTONIO, MOVED to release excerpts of Ordinance No. 13-01, even before the approval of the Minutes. No objection. Unanimously Carried.