



Republic of the Philippines
Region XII
Province of Cotabato
MUNICIPALITY OF KABACAN
LOCAL GOVERNMENT UNIT



EXCERPTS FROM THE MINUTES OF THE 54TH REGULAR SESSION OF THE 10TH SANGGUNIANG BAYAN OF KABACAN, COTABATO HELD ON OCTOBER 26, 2017 IN THE DATU BUNDAS L. MAMALUBA SESSION HALL.

The session was called to order by the Presiding Officer at 9:00 o'clock in the morning and the following were:

PRESENT: Hon. Myra Dulay-Bade, Vice-Mayor/Presiding Officer
Hon. Herlo C. Guzman, SB Member
Hon. Rhosman S. Mamaluba, SB Member
Hon. Reyman L. Saldivar, SB Member
Hon. Manny K. Pedtamanan, SB Member
Hon. George E. Manuel, SB Member
Hon. Romeo G. Mantawil, SB Member
Hon. Ayesha J. Quilban-Flores, SB Member
Hon. Datuan L. Macalipat, SB Member
Hon. Raymundo B. Gracia, SB Member

ABSENT: NONE

ORDINANCE NO. 044, S. 2017

“AN ORDINANCE DECLARING A WETLAND PART OF BARANGAY CUYAPON, KABACAN, COTABATO A BIODIVERSITY PROTECTED AREA.

Sponsor: Committee on Environmental Protection and Ecology

Chairperson: Hon. George E. Manuel

Vice-Chairperson: Hon. Reyman L. Saldivar

Member: Hon. Ayesha J. Quilban-Flores

Be it ordained by the Sangguniang Bayan of Kabacan that:

SECTION 1. Title – This Ordinance shall be known and cited as the **“AN ORDINANCE DECLARING A WETLAND PART OF BARANGAY CUYAPON, KABACAN, COTABATO A BIODIVERSITY PROTECTED AREA”**

SECTION 2. Objectives – This Ordinance aims to:

- a) Provide appropriate local measure to seriously and effectively conserve and protect the remaining wetland Biodiversity Resources along the Ligawasan Marsh within the territory of Barangay Cuyapon.
- b) Establish policies and guidelines in the conservation and utilization of the Biodiversity Resources that are presently available and those that will be developed in the future.
- c) Contribute in fulfilling and achieving the government's commitment for environmental conservation and protection and arresting global warming and responding to changing climates.

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SECTION 3. Legal Bases – This Ordinance gets its legal bases from the following national and local statutes:

- a) The Local Government Code, Republic Act 7160, mandates that Local Government Units 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 this Code and national policies;

Through the Environment and Natural Resources Officer, the LGU provide extension services to beneficiaries of forest development projects and render assistance for natural resources-related conservation and utilization activities consistent with ecological balance.

- b) The **Republic Act 9147** otherwise known as "*An Act Providing for the Conservation and Protection of Wildlife Resources and their Habitat*" - This act shall be the policy of the State to conserve the country's wildlife resources and their habitats for sustainability.

The Wildlife Resources Conservation and Protection Act aims to conserve and protect wildlife species and their habitats to promote ecological balance and enhance biological diversity; to regulate the collection and trade of wildlife; to pursue, with due regard to the national interest, the Philippine commitment to international conventions, protection of wildlife and their habitats; and to initiate or support scientific studies on the conservation of biological diversity

- c) The National Integrated Protected Area System (NIPAS), **Republic Act Number 7586 – An act providing for the establishment and management of national integrated protected areas system, defining its scope and coverage, and for other purposes.**

The NIPAS law mandates that it is the policy of the state to secure for the Filipino people of present and future generations the perpetual existence of all native plants and animals through the establishment of a comprehensive system of integrated protected areas within the classification of National park as provided for in the Constitution.

NIPAS is the classification and administration of all designated protected areas to maintain essential ecological processes and life-support systems, to preserve genetic diversity, to ensure sustainable use of resources found therein, and to maintain their natural conditions to the greatest extent possible.

- d) **The DENR Executive Order (EO) Number 26 series of 2011** which mandates LGUs to sustainably manage, protect, and conserve the country's forest resources while reducing poverty, promoting food security, environmental stability and biodiversity conservation; enhancing climate change mitigation and adaptation and providing a favorable investment environment with adequate Environmental, Cultural, and Social Safeguards; enhancing the participation of women and men through the implementation and expansion of the coverage of the National Greening Program (NGP).

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- e) **Republic Act No. 9729-** “An act mainstreaming climate change into government policy formulations, establishing the framework strategy and program on climate change, creating for this purpose the climate change commission, and for other purposes.”
- f) **Republic Act No. 10174-** “An Act Establishing the People’s Survival Fund to Provide Long-term Finance Streams to Enable the Government to Effectively Address the Problem of Climate Change, amending for the Purpose Republic Act No. 9279, otherwise known as the “Climate Change Act of 2009”, and for other purpose”
- g) **Municipal Ordinance No. 2009-001,** otherwise known as the “KABACAN INTEGRATED SOLID WASTE MANAGEMENT ORDINANCE OF 2008 which require constituents to abide with the mandatory segregation of solid waste categorized as compostable or biodegradable, recyclable, residual and special waste.”

SECTION 4. Definition of Terms – The different technical and critical terms are specifically defined in this Ordinance to avoid misunderstanding, misinterpretation, and confusion.

- a) **Biodiversity**– is the variety of all living things; the different plants, animals, and micro-organisms, the genetic information they contain and the ecosystems they form. Biodiversity is usually explored at three levels – genetic diversity, species diversity, and ecosystem diversity. These three levels work together to create the complexity of life on the Earth.
- b) **Ligawasan Marsh** – is a marsh within the Mindanao River basin located in south-central Mindanao, traversing the Provinces of Maguindanao, Cotabato, and Sultan Kudarat. It is the biggest among the three marshes (the other two being Libungan, and Ebpanan) and the most biodiverse. It is part of the critical habitat of the Philippine crocodile.
- c) **Wetland** – is an ecosystem that arises when inundation by water produces soils dominated by anaerobic processes, which, in turn, forces the biota, particularly rooted plants, to adapt to flooding.
- d) **Marsh** – is a wetland that is dominated by herbaceous rather than woody plant species. Marshes can often be found at the edges of lakes and streams, where they form a transition between the aquatic and terrestrial ecosystems.
- e) **Global Warming** – a gradual increase in the overall temperature of the earth's atmosphere generally attributed to the greenhouse effect caused by increased levels of carbon dioxide, chlorofluorocarbons, and other pollutants.
- f) **Climate Change** – refers to a change in climate that can be identified by changes in the mean and/or variability of its properties and that persists for an extended period typically decades or longer, whether due to natural variability or as a result of human activity.

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- a) **Flora** – are all plant life in an ecosystem. *It* is of Latin origin referring to Flora, the goddess of flowers. The term can refer to a group of plants or to bacteria.
- b) **Fauna** – are all the animals in an ecosystem. It can also refer to the animal life or classification of animals of a certain region, time period, or environment.
- c) **Habitat** – is an ecological or environmental area that is inhabited by a particular species of animal, plant, or other type of organism. The term typically refers to the zone in which an organism lives and where it can find food, shelter, protection, and mates for reproduction.
- d) **Critical Habitat** – is a habitat area essential to the conservation of a listed species, though the area need not actually be occupied by the species at the time it is designated.
- e) **Sustainable Development** – is the organizing principle for meeting human development goals while at the same time sustaining the ability of natural systems to provide the natural resources and ecosystem services upon which the economy and society depends.

SECTION 5. Mandated Coverage – This Ordinance mandates to cover and is applicable only within the following areas, situations, and concerns:

- a) First, it shall cover the total wetland area of 25 hectares more or less in Purok *Lower Silangan* and in *Purok Maligaya of Barangay Cuyapon* as established and defined in the attached Memorandum of Agreement (MOA) signed between the area's land claimants and the barangay government; it may also be equally applied to other areas where the community of Cuyapon may agree to expand Biodiversity conservation and protection.
- b) Second, it covers all flora and fauna within the identified Biodiversity Conservation and Protection site. All species of flora and fauna – both presently existing and those that will exist in the future – are effectively conserved and protected by this Ordinance and, thus, any destructive or abusive act or practice against them is prohibited.
- c) Third, the Biodiversity Conservation and Protection effectivity of this Ordinance is equally enforced in other wetland areas within Barangay Cuyapon where this concern will be expanded; any expansion area should be covered with a MOA between the land claimants and the Barangay government.

SECTION 6. Maintenance and Sustainability of the Biodiversity Conservation and Protection Site – The maintenance and sustainability of the Biodiversity site shall be done through the following interventions:

- a) The Barangay Government of Cuyapon shall sustain the organization of the Bantay Pawas (Guardians of the Marsh) composed of volunteers from the groups of land claimants, Barangay Peacekeeping Action Team (BPAT) members, and community members trained on Biodiversity protection; the organization should be

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- a) represented in the Barangay Development Council, in the Peace and Order Council, and in other Barangay level bodies related to Environment and Fish & Aquatic Industry, Climate Change, Waste Management, and others.
- b) The Barangay Government of Cuyapon, in cooperation with Bantay Pawas, BPATs, and other community volunteers shall enact, through Barangay Ordinance, policies and guidelines, or rules and regulations, on the security and safety, on replanting and improvement, and on the sustainable utilization of the Biodiversity resources found in the Biodiversity site.
- c) The Barangay Government of Cuyapon should lead in calling for or convening a community consultation for getting community consent if ever there are proposed investments or development project that will affect the Biodiversity site; community consent should be secured before other projects that may affect the Biodiversity site is approved for implementation.

SECTION 7. Specific Roles of the Bantay Pawas – The Bantay Pawas, with the support of the Barangay government of Cuyapon and other agencies, should perform the following specific tasks and functions:

- a) To continuously monitor the situation and status of the Biodiversity site, making sure that every indication of abuse and violation is reported to the Barangay government through the Barangay Chairperson or immediately acted upon based on the specific provisions of this Ordinance.
- b) To perform corrective or improvement measures such as replanting of damaged plants, restoring markers, fences, or signage, and cleaning the site of debris, wastes, and other elements that are potentially polluting, poisonous, and destructive.
- c) To prevent the entry or effect the arrest of any individual who is not authorized or would illegally enter the Biodiversity site. The arrested individual should be turned over immediately to the Barangay government for proper disposition.

SECTION 8. Resource Utilization Policies – The policies or rules and regulations on the utilization of productive resources developed within or outside of the Biodiversity site shall be designed and formulated by the Barangay Government, together with the Bantay Pawas, land claimants, and other bodies and influential individuals (like the Elders and Religious Leaders) in Barangay Cuyapon. It is recommended that the Policies shall cover or include the following concerns for and of the Biodiversity site:

- a) Protection and security;
- b) Maintenance and sustainability;
- c) Benefits to and of the community of Cuyapon, especially the land claimants;
- d) Protection of the biodiversity site from other projects like Libi/Nipa, and other similar interventions.

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SECTION 9. Prohibited Acts and Practices – The following acts, behaviors, and practices are deemed prohibited, banned, and, thus, should be prevented from happening in the Biodiversity site:

- a) Hunting, harvesting, catching, processing, or other similar acts involving the use of flora and fauna, and land and water, resources within the identified Biodiversity site.
- b) Trafficking of wildlife taken from within or in the immediate vicinity of the Biodiversity site.
- c) Electro-fishing or using other destructive methods in catching fish and other aquatic resources within or in the immediate vicinity of the Biodiversity site.
- d) Doing farming or planting harvestable introduced species, and similarly, making fishpond or constructing fish pens or installing fish nets, for purposes of producing food and generating income within the Biodiversity site.
- e) Forest camping, constructing and installing military or amusement or any other facility that requires destroying or decimating portion of the Biodiversity site.
- f) Introducing highly poisonous chemicals and substances to control pests and diseases, and other external interventions using destructive artificial means.
- g) Littering and dumping of garbage in the Biodiversity site.
- h) All Illegal Acts stipulated in Section 27 of Republic Act 9147.

SECTION 10. Enforcement and Penalties – The enforcement of this Ordinance will be led by the Bantay Pawas clothed with authority from the Barangay government through this Ordinance. The following is the schedule of penalties for violating the Prohibited Acts and Practices indicated in Section 9 above:

1. **First Offense:** Penalty of **PhP 2,500.00** and/or imprisonment of one (1) to six (6) months at the discretion of the court.
2. Fines and Penalties for succeeding offenses shall be based on the penalties imposed by Republic Act 9147.

SECTION 11. Appeal Process – Any individual or organization found to be in violation of this Ordinance shall have the right to appeal and the case can be elevated for hearing at the Barangay Justice System headed by the Barangay Chairperson. The decision after this appeal is immediately executory unless elevated to the level of the Municipality or other higher level of authority.

SECTION 14. Separability Clause – If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason held to be invalid or unconstitutional by a

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competent authority, such decision shall not affect the validity of the other remaining portions of this Ordinance.

SECTION 15. Repealing Clause. Any ordinance or parts thereof inconsistent with the provisions of this ordinance are hereby repealed or modified accordingly.

SECTION 16. Effectivity Clause – This ordinance shall take effect after thirty (30) days following its publication in a local newspaper of general circulation.

ENACTED: October 26, 2017

CERTIFIED CORRECT:

SGD ALMA B. ULLO
LLSO II
Temporary Secretary to the
Sanggunian

ATTESTED TO BE DULY ENACTED/ADOPTED:

SGD MYRA DULAY-BADE
Vice-Mayor /Presiding Officer

APPROVED.

SGD HERLO P. GUZMAN, JR.
Municipal Mayor

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