

REPUBLIKA NG PILIPINAS
TANGGAPAN NG SANGGUNIANG PANLUNGSOD
LUNGSOD NG BAKOLOD

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CITY ORDINANCE NO. 961
September 22, 2021

CARE AND LOVE FOR TREES ORDINANCE

NOW, THEREFORE, be it ordained by the Sangguniang Panlungsod of the City of Bacolod in session assembled that:

SECTION 1. Short Title. - This Ordinance shall be known as the "CARE AND LOVE FOR TREES ORDINANCE".

SECTION 2. Declaration of Policy. - It is the policy of the State and the City of Bacolod to protect and advance the right of the Filipino people to a balanced and healthful ecology in accord with the rhythm and harmony of nature. Towards this end, the City shall continue to promote, as a policy, the preservation and conservation of trees as part of a healthy environment and as an indispensable element of a sound ecological community.

SECTION 3. Moratorium on Tree Cutting. - The cutting of trees in Bacolod City, whether in private or public land, is hereby declared prohibited permanently. No tree shall be cut, removed, or excavated except for the dead trees and infested trees that are beyond reviving or may infect other live trees. Live trees that pose danger to life and property and tree branches that encroach on power and utility lines, as determined by appropriate government agencies, maybe cut or trimmed in accordance with existing local ordinances, executive issuances, and pertinent laws, rules, and regulations. Furthermore:

- a. The DENR is henceforth prohibited from issuing logging contracts/agreements in all natural and residual forests and green areas in the city, and other agreements/contracts with logging components in natural and residual forests.
- b. The DENR is likewise prohibited from issuing/renewing tree cutting permits in all natural and residual forests in the city, except for the limited clearing of road right of way by the DPWH, site preparation for tree plantations, silvicultural treatment, and similar activities, provided that all logs derived from the said cutting permits shall be turned over to the CENRO for proper disposal; Provided further that, if the tree may be saved and relocated by means of earth balling, it shall be the priority option.
- c. The DENR-CENRO and the DPWH-Bacolod City District Engineer's Office shall be mandated to incorporate in their plan and budget the procurement of innovative technologies for the prevention of tree-cutting, as well as the relocation of identified trees that are salvageable, such as, but not limited to, e.g. earth-balling machines, in relation to the previous sub-section;

d. Guidelines in Tree Removal and Relocation:

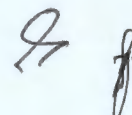
1. Evaluation of the complete requirements shall be done upon receipt thereof. Application with incomplete requirements shall not be acted upon and returned to the Applicant immediately. The CENR Office shall issue the corresponding Tree Cutting Permit and/or Earth-balling Permit (TCP/EP) within three (3) working days indicating the number of trees based on the analysis of the appropriate infrastructure plan with tree charting or if necessary, on the result of the ocular inspection. The CENR Office may conduct ocular inspection to verify the correctness of the Submitted requirements in the coordination with the DPWH before issuance of the TCT/EP on the third day as may be warranted.
2. Determination of the number of trees, location and its species nomenclature/common name classification if naturally grown or planted and corresponding volume shall be verified and determined upon the conduct of geotagging and tree scaling by CENRO Concerned during the actual tree cutting activities. These shall serve as basis for Determining the tree replacement and schedule of hauling logs and to the DENR office, computation of forest charges, among others.
3. This ordinance shall adopt DENR Memorandum Order No. 99-20, the Supplemental Guidelines governing the registration, harvesting, transport and marketing of timber by products coming from private plantations within private lands or tax declared alienable or disposable lands and shall therefore only be done under the presence and close supervision of the DENR. Correspondingly, the DPWH shall shoulder all operational costs.

e. Other Considerations. The following shall be considered in the processing and Issuance of tree removal and relocation permits:

1. In case of tree removal and relocation in public forestlands, TCP/EP applications shall only be processed upon issuance of appropriate LTI secured by the DPWH from the concerned Regional Directors, subject to existing regulations.
2. To further facilitate issuance of TCP/EPS, the DENR Office is required to attend consultation meetings during pre-project activities of the DPWH.
3. The design of the road projects should always consider the least number of trees to be affected.

SECTION 4. Requirement of Application for Resolution of No Objection. All applications must be submitted to the council complete with all the necessary permits required by law, but not limited to the following as per compliance to the DENR Administrative Order No. 2020-06:

Presidential Decree No. 953 Sec. 3, provides that the LGU shall have the authority to decide whether or not to cut trees, plants, or shrubs that are posing a hazard to life and property, even though this will still be subject to the issuing of a cutting permit by the DENR.



Executive Order 138 Sec. 2 further states that all LGUs are strongly encouraged to build their own communications plans and strategies that are linked to and complement ComDev (Committee on Devolution) strategy. Local policies and programs must be integrated and coordinated toward a common national aim, and they must adhere to the national government's policies, standards, and strategies.

Requirement for Tree Cutting Permit of DENR Administrative Order No. 2021-11

Public/Timber/ Forest Land:

1. Letter of Application
2. Sketch Map of the area showing the relative location of trees to be cut
3. Endorsement from any of the following LGU Officials
Barangay Chairman: Municipal/City Mayor or Governor
-interposing no objection to the cutting of requested trees;
4. Inventory/Inspection report of DENR CENRO concerned (original tally sheets)
5. Pictures/Photographs of trees to be cut
6. Earth Baling and transplanting plan
7. Consent from owner of the Land (CLOA)
8. Certification that there are no outstanding nor anticipated issues from any sector against the tree cutting (infrastructure development)

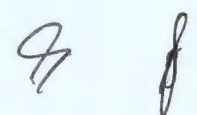
Additional requirements of the Council:

1. The exact numbers of trees to be cut
2. The specie of the trees to be extracted
3. The date of construction
4. The name of the local contractor or builder behind the operations
5. Where the trees will be relocated
6. Projected date of completion of the project and the relocation
7. Name and complete information of the private individual mainly designated as the overseer of the entirety of the project
8. Name of the DPWH or City Engineer in charge of overseeing the project from start to finish.

SECTION 5. Construction of New Structures. - Real estate developers, construction firms, government institutions and private property owners must ensure strict compliance to the preceding section of this Act. The construction of residential and commercial structures and buildings, and government projects shall take into consideration the inclusion and preservation of at least 10% of the existing trees or green spaces in the drafting and implementation of its structural blueprint and design.

No construction permit shall be issued without the necessary compliance to the provision of this Act.

SECTION 6. Survey, Research and Inventory on Location of Flora and Fauna. - The City Environment and Natural Resources Office (CENRO), in accordance with the Department of Environment and Natural Resources (DENR), shall conduct a survey, research, and inventory on all existing flora and fauna in Bacolod City with its description and location, in coordination and partnership with the academic institutions, both public and private sector.



SECTION 7. Implementing Rules and Regulation and Operational Guidelines. - The City Environment and Natural Resource Office (CENRO) must provide the appropriate rules and regulations along with operational guidelines for the successful implementation and operationalization of this Ordinance within ninety (90) days of its effective date.

SECTION 8. Penalties. - Any person or entity found guilty of violating the provisions of this Ordinance or any rules and regulations issued pursuant hereto shall, upon conviction, be punished by:

a. First Offense

P5,000.00 or equivalent penalty of hours of community service as provided by law, and specifically to plant ten (10) tree saplings and other environmental-related activities and interventions for every tree cut, to be performed under the supervision, coordination, monitoring, and evaluation of the City ENRO; provided further that if the offender is a corporation or establishment, the liability shall be shared by all of the farmer's owners and officers.

b. Second Offense

P 5,000.00 and equivalent penalty of hours of community service as provided by law, and specifically to plant twenty (20) tree saplings and other environmental related activities and intervention for every tree cut, to be rendered under the supervision, coordination, monitoring, and evaluation of the City ENRO; provided further that if the offender is a certain corporation or establishment, the liability shall be borne by all the owners and officers of the former; provided further that the maximum duration of suspension of business license or Permit (in case of business entity or establishment).

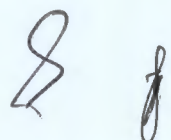
c. Third and Subsequent

P 5,000.00 and one (1) year imprisonment for individuals, provided further that if the offender is a certain corporation or establishment, the liability shall be borne by all the owners and officers of the former, together with the revocation of business license or Permit (in case of business entity or establishment), if applicable.

Provided that, if the offender is a corporation, establishment, or a juridical entity, the official who ordered, or allowed the commission of the offense shall be punished with the same penalty; Provided further, that there shall be automatic suspension on the second offense, and revocation of business license or permit (in case of a corporation, establishment, or juridical entity) on the third offense.

a. Revocation or Suspension of License/permit:

1. The license/permit to build/construct or to operate of any establishment or corporation covered by this Ordinance shall also be suspended for at least one (1) week but not more than one (1) month, or revoked, should the same fail to perform the necessary action within fifteen (15) days upon receipt of violation notice or fail to pay within seven (7) working days the corresponding penalty as stated in the Citation Ticket for the violation committed.

Two handwritten signatures in black ink, one larger and one smaller, located at the bottom right of the page.

2. The suspension or revocation of the license/permit of the erring establishment or juridical entity shall only be lifted once all the requirements set forth upon re-inspection and evaluation of the Permits and Licensing Offices and/or the appropriate agency or governing body has been fully complied with. Any Task Force member may recommend the revocation or suspension of license or permit of an erring establishment to the appropriate office.

b. Community Service:

If a violator is unable to pay the fines imposed, he or she may choose to render community service within the city and, in accordance with the degree of penalty imposed, shall be required to plant the trees for every tree cut and be responsible for the maintenance of the tree until it reaches 5 years old. Be it further provided that invasive trees (e.g. Mahogany, Acacia, Ipil-Ipil, etc.) may not be planted as part of the community service.

c. Confiscation or Removal:

The trees, timbers, logs and the like, as well as other paraphernalia associated with any violation of this ordinance may be subject to confiscation/apprehension of illegally transported forest shall be undertaken by DENR pursuant to PD 705 and DENR Administrative Order No. 97-32.

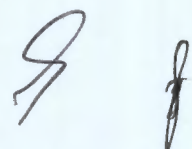
d. No Contest Provision:

Persons liable who have been apprehended or cited for violation of this Ordinance, and who do not wish to contest the violation, and is willing to pay voluntarily the administrative penalty imposed upon him/her for the first and second offenses enumerated prior to the filing of formal charges with the proper court shall be allowed to pay the penalty with the City Treasurer's Office, within five (5) regular business days from apprehension, to avoid being criminally prosecuted. Otherwise, the case shall be prosecuted in court. The "No Contest Provision" can no longer be availed for third and subsequent offenses. The proceeds from payment of the herein penalties imposed shall be subject to the provision on Funding in Section 20 of this Ordinance.

e. Subsidiary Imprisonment Provision:

Subsidiary imprisonment may be imposed by the court in the event that the Offender is found guilty of violating the provisions of this Ordinance, is unable to pay the fine which he is sentenced to pay.

SECTION 9. Citation Ticket System. – Violators of this Ordinance shall be informed of their violation and the penalty associated with it by means of a Citation Ticket System with the following guidelines:



a. Official booklets of Citation Tickets shall be issued by the City Treasurer to duly authorized enforcers within ninety (90) calendar days of the effectiveness of this Ordinance.

b. A Citation Ticket shall be issued to the person/s liable for any violation of this Ordinance upon finding of the violation by the duly authorized enforcers.

c. A Citation Ticket shall contain the following information:

1. checklist of the violations under this Ordinance;
2. the fines associated with each violation;
3. option to render community service in case violator is unable to pay fine;
4. due date for compliance with the obligations imposed by the ticket;

d. When a Citation Ticket is issued to a violator, the violator shall report to the City Treasurer's Office or its duly authorized collecting agent, within five (5) regular business days after such issuance, where he or she shall either pay the fine imposed or render community service.

e. The City Treasurer's Office shall keep a duplicate of all Citation Tickets issued to violators as well as all other records of violations of this Ordinance.

SECTION 10. Innovative Greening Program. - The City ENRO, with the assistance of the Committee on Environment and Agriculture, or other members of Care and Love for Trees and Forests (CLTF Bacolod City) Task Force, which includes the civil society organizations (CSO) representatives designated, shall craft a green development plan, promote and implement an Innovative Greening Program and encourage the participation therein of public and private facilities which may be able to provide for its requirements. Those found violating this Ordinance may be referred to the Innovative Greening program and its facilities for reorientation and technical assistance.

SECTION 11. Care and Love for Trees and Forests (CLTF Bacolod City) Task Force.-

a. Purpose. A Task Force shall be created to aid in the implementation, enforcement and monitoring of this Ordinance, and to protect the same from industry interference at all times, as well as to conduct educational awareness campaigns, information dissemination programs, and capacity building programs and capacity building programs, that will inform the constituents and train enforcement officers.

b. Composition. The Task Force shall be chaired by the City Councilor/s heading the Committee on Environment and Agriculture and the City SK Federation President as Vice Chairperson. They shall have the following as members and may designate among themselves to serve as overall officer:

1. A Representative from the Local Youth Development Council;
2. City Building Official;
3. City Legal Officer;
4. Public Information Officer;
5. Permits and Licensing Officer;

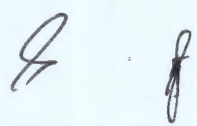


6. Representative/s of one or more civil society organization (CSO) specializing or advocating biodiversity and environmental protection;
7. Philippine National Police (PNP) Director;
8. City Treasurer;
9. Environmental Management Bureau;
10. City ENRO;
11. City Environment and Parks Management Officer;
12. Representative from the Academe, including Dep-ED, CHED and Federation of Parents and Teachers Association (FPTA);
13. Local President of the Liga ng mga Barangay;
14. Public Order and Safety Officer;
15. City Administrator;
16. NGO/ CSO representative;
17. Coordinator of the Task Force Unit or Office (if other than the above officer);
18. Other member/s identified by the chair or vice-chair (whose specific function in the LGU and role may serve to effectively implement this Ordinance).

c. No Conflict-of-Interest Policy. The task force shall not include as its member any person or entity upholding or accommodating conflicting industry interest or is connected in any way to the real estate or construction industry, in order to protect the primary objectives of this Ordinance from any and all interest prejudicial to all environmental policies and to preserve its integrity. No member of the Task Force shall also receive for himself or for other individuals, beneficiaries, or groups any contribution or compensation, directly or indirectly, whether financial or otherwise, from the aforementioned industries.

d. Mandate. The Task Force is hereby mandated to take the lead in the tree-cutting moratorium and ensure the implementation of this Ordinance. It shall also assist the DENR in the enforcement of other environmental laws. Furthermore, it shall endeavor to:

1. Commission a mandatory conduct of a City-wide Biodiversity and Environmental Impact Assessment (EIA).
2. In accordance with Department of Environment Natural Resources (DENR) Administrative Order No. 96-29, a Bacolod Community Based Forest Management Agreement shall be endeavored. This production sharing agreement between the City Government of Bacolod, the DENR, and the participating people's organization (POs) shall be commissioned through the City Environment and Natural Resources Office (CENRO), to provide tenurial security and incentives to develop, utilize and manage the remaining specific portions of forest lands in the city. Other neighboring and component cities may be tapped to join this partnership endeavor for sustainability and expansion purposes.
3. Seek Technical Assistance and Support from Government Offices and Agencies. The Task Force may call upon the support of any department, bureau and office of the executive branch, to assist in the discharge of its functions, such as but not limited to the provision of administrative or technical assistance, logistical support and detail of personnel, as well as with the judicial branch for the issuance of a Writ of Kalikasan, if applicable.



4. The CENRO shall provide the secretariat for the Task Force and shall be empowered to hire additional staff for this purpose, both plantilla and contract of service personnel in accordance with the city budget.

SECTION 12. Enforcement on Individuals. - Members of the PNP and/or persons duly deputized by the Mayor/Task Force shall apprehend and issue Citation Tickets against persons found in violation or have failed to comply with any provision enumerated under Sections and thereof. They shall forward copies of the tickets they issue violators to the Treasurer's Office regularly or per week. If the violator is a minor (person below 18), he or she must be brought into the nearest Social Welfare and Development Officer for dispensation of appropriate action, subject to RA 9344 (Juvenile Justice Welfare Law) and/or to the school authorities at the school where the minor is enrolled.

SECTION 13. Enforcement on Corporations, Establishments and Juridical Entities. -

a. Ninety (90) calendar days after the effectivity of this Ordinance, an inspection team composed of representatives from the City ENRO, City Buildings and Architecture Office, Permits and Licensing Office, and other members of the Task Force shall conduct inspections of establishments and buildings to determine their compliance with the provisions of this Ordinance.

b. Regular inspection shall thereafter be conducted at least once every month or simultaneously with other regular inspections done by the appropriate City office or department, whichever is more frequent, during normal hours of operation of the establishment.

c. The inspection team shall issue a Citation Ticket against the establishment upon finding of non-compliance with or of any violation of this Ordinance. A Citation Ticket may be issued for each day that the establishment is found to be non-compliant.

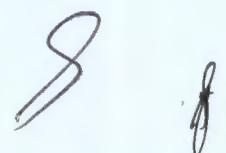
d. Re-inspection of the establishment shall be done on any day after the issuance of the Citation Ticket, but in no case more than ten (10) calendar days after such issuance. If the establishment fails to comply with the obligations stated in the Citation Ticket upon re-inspection, the inspection team shall recommend the suspension of its license/permit.

e. In the course of inspection, the inspection team may apprehend individual violators and request the assistance of the PNP in doing so.

SECTION 14. Civilian Participation in Enforcement.

a. Within thirty (30) calendar days from the effectivity of this Ordinance, the City Health Services Office shall designate, with the approval of the Office of the Mayor, one or more civil society organizations (CSO) to discharge the duties and responsibilities enumerated hereof.

b. The task force may deputize qualified civilians to serve as enforcers of this Ordinance. Any person can file with the Task Force a report or complaints, or present evidence for any violation of this Ordinance.



SECTION 15. Information Dissemination. Within sixty (60) calendar days the effectivity of this Ordinance, the Task Force shall:

- a. In coordination with the Office of the Mayor.
 1. Provide at least two (2) copies of this Ordinance to every PNP station or precinct within the city;
 2. Provide a primer on this Ordinance for every officer of the PNP/deputized enforcers; and
 3. Conduct lectures to brief officers of the PNP and other enforcers, the provisions of this Ordinance and of their responsibilities with respect to its enforcement.
- b. In coordination with the Permits and Licenses Office, provide a copy of this Ordinance and its primer to all existing establishments that are licensed to operate, as well to those applying for new licenses or permits to build or construct, and/or permits to develop lands, if applicable.
- c. In coordination with the Public Information Office, provide a copy of this Ordinance and its primer to all establishments within and through the territorial jurisdiction of Bacolod City.

SECTION 16. Public Billboards and Barangay Notices. Upon effectivity of this Ordinance, the City Buildings and Architecture Office shall put up billboards in conspicuous places within the city to notify the public of the restrictions and sanctions imposed by the Ordinance. The Public Information Office shall also immediately issue for dissemination at the barangay level notices on obligations of persons under the Ordinance.

SECTION 17. Conduct of Learning and Development Interventions (LDIs). Within sixty (60) calendar days from the effectivity of this Ordinance and periodically thereafter, the City ENRO, with the assistance of the Committee on Environment and Agriculture, and the CSO representative-designate, with other members of the Task Force, shall develop and conduct a series of Learning and Development Interventions (LDIs), including, but not limited to, orientation seminars and trainings for the enforcers of this Ordinance, at least one for each group, including but not limited to, deputized enforcers like barangay workers, barangay tanods, and the local PNP.

SECTION 18. Funding.

- a. An initial funding to defray the expenses necessary for or incidental to the implementation of this Ordinance and Innovative Greening Program of Bacolod City in the amount of P5,000,000.00 shall be sourced from the fund of the City Government, and is hereby allocated every year thereafter, at least P1,000,000.00 shall automatically be included in the Annual Budget of the city for the implementation and enforcement of this Ordinance and its Programs.
- b. The initial funding, annual budget appropriate for this purpose, and funds generated from other sources, such as, but not limited to, the proceeds from administration penalties, shall be placed in Trust Fund, specifically intended to defray expenses and operationalize activities of this Ordinance and the City's Innovative Greening Program. The Task Force shall be empowered to determine how the Trust Fund is to be utilized in furtherance of this Ordinance, subject to the usual government accounting and auditing procedures.




Negative : None.

Author : Councilor Carlos Jose V. Lopez.

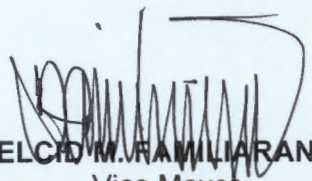
Passed : September 22, 2021 (116th Regular Session of the 10th Council)

Comments : P a s s e d .
Councilor Wilson C. Gamboa, Jr. was not around when this Ordinance was passed.

ATTESTED:



ATTY. VICENTE C. PETIERRE III
Secretary to the Sanggunian


ELCID W. FAMILIARAN
Vice Mayor
Presiding Officer

APPROVED: _____

EVELIO R. LEONARDIA
City Mayor 

VCP/CGT/llt

10 DAYS LAPSED
AS OF October 11, 2021



CERTIFICATION

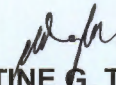
This is to certify that **CITY ORDINANCE NO. 961, Series of 2021** passed by the Sangguniang Panlungsod of the City of Bacolod on September 22, 2021 entitled:

CARE AND LOVE FOR TREES

was published in Journal Visayas on December 27, 2021-January 2, 2022 and posted on October 11, 2021, in the following conspicuous places in the City of Bacolod, to wit:

1. Bulletin Board of the Sangguniang Panlungsod
2nd Floor Bacolod City Government Center
2. Old City Hall (Araneta-Luzuriaga Streets)
3. Bacolod Public Plaza
4. City Health Office
5. Hall of Justice
6. North (Burgos) Public Market
7. South (Libertad) Public Market
8. Central Market

Bacolod City, Philippines, January 19, 2022.


CHRISTINE G. TEMPLA
Board Secretary IV 