

**REPUBLIKA NG PILIPINAS
TANGGAPAN NG SANGGUNIANG PANLUNGSOD
LUNGSOD NG BAKOLOD
-oOo-**

**CITY ORDINANCE NO. 522
June 9, 2010**

**AN ORDINANCE ESTABLISHING WATERSHED PRESERVATION AND
WATER CONSERVATION PROGRAMS FOR BACOLOD CITY AND
PROVIDING FUNDS FOR THE IMPLEMENTATION THEREOF.**

WHEREAS, Bacolod City, like many local government units is experiencing a shortage of domestic, agricultural and industrial water supply being a scarce yet very important resource to support human existence;

WHEREAS, all watersheds that are sources of water for existing and potential irrigable areas and recharge areas of major aquifers identified by the Department of Agriculture and Department of Environment and Natural Resources shall be preserved;

WHEREAS, the Department of Environment and Natural Resources (DENR) Region 6, the Provincial Government of Negros Occidental, the City Government of Bacolod, the Bacolod City Water District, the Municipality of Talisay (now Talisay City), the Municipality of Murcia and the Negros Forest and Ecological Foundation, Inc. entered into a Memorandum of Agreement (MOA) dated January 29, 1998 whereby they mutually agreed to help in the protection, management and development of the Upper Imbang-Caliban Watershed Area;

WHEREAS, Republic Act No. 9275 or the Philippine Clean Water Act (CWA) of 2004 is governed by DENR AO No. 2005-10 issued on May 16, 2005, or the Implementing Rules and Regulations (IRR) of RA NO. 9275. As its policy, the State shall pursue a policy of economic growth in a manner consistent with the protection, preservation and revival of the quality of our fresh, brackish and marine waters. To achieve this end, the framework for sustainable development shall be pursued. As such, it shall be the policy of the State:

- a) To streamline processes and procedures in the prevention, control and abatement of pollution of the country's water resources;
- b) To promote environmental strategies, use of appropriate economic instruments and of control mechanisms for the protection of water resources;
- c) To formulate a holistic national program of water quality management that recognizes that water quality management issues cannot be separated from concerns about water sources and ecological protection, water supply, public health and quality of life;
- d) To formulate an integrated water quality management framework through proper delegation and effective coordination of functions and activities;
- e) To promote commercial and industrial processes and products that are environment friendly and energy efficient;

- f) To encourage cooperation and self-regulation among citizens and industries through the application of incentives and market-based instruments and to promote the role of private industrial enterprises in shaping its regulatory profile within the acceptable boundaries of public health and environment;
- g) To provide for a comprehensive management program for water pollution focusing on pollution prevention;
- h) To promote public information and education and to encourage the participation of an informed and active public in water quality management and monitoring;
- i) To formulate and enforce a system of accountability for short and long term adverse environmental impact of a project, program or activity; and
- j) To encourage civil society and other sectors, particularly labor, the academe and business undertaking environment-related activities in their efforts to organize, educate and motivate the people in addressing pertinent environmental issues and problems at the local and national levels.

WHEREAS, the City of Bacolod is mandated, subject to existing laws to establish and provide for the maintenance, repair and operation of an efficient waterworks system to supply water for inhabitants and purify the source of the water supply, regulate the construction, maintenance, repair and use of hydrants, pumps, cisterns and reservoirs, protect the purity and quantity of the water supply of the city and for this purpose extend all coverage of appropriate ordinance over all territory within the drainage areas of said water supply and within one hundred (100 m.) meters of the reservoirs, conduit, canal, aqueduct, pumping station or water shed used in connection with the water service and regulate the consumption, use of wastage of water and fix and collect charges therefore;

WHEREAS, the Sangguniang Panlungsod of Bacolod should be in the lead of instilling and integrating environmental consciousness among its people in its duly established Water Conservation Program;

WHEREAS, there is a need to create awareness among our people on the preservation of good quality of water and its continued availability for this generation and the future generations;

WHEREAS, everyone is responsible for the protection and preservation of watershed areas;

WHEREFORE, let it be ordained, as it is hereby ordained, by the Sangguniang Panlungsod in session assembled that:

Article I. TITLE. This ordinance shall be known as “**THE WATERSHED PRESERVATION AND WATER CONSERVATION ORDINANCE OF BACOLOD CITY**”.

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Article II. DEFINITION OF TERMS. The following definitions of terms are hereby adopted for purposes of this ordinance:

- a) Watershed refers to a catchment area or drainage basin from which the waters of a stream system are drawn.
- b) Aquifer Recharge Areas refers to sources of water replenishment where rainwater or seepage actually enters the aquifers.
- c) Environmentally Critical Areas refer to areas declared by law as: a. national parks, watershed reserves, wildlife preserves and sanctuaries; b. Areas set aside as aesthetic potential tourist spots; c. Areas which constitute the habitat for any endangered or threatened species of indigenous Philippine Wildlife (flora and fauna); d. Areas of unique historic, archaeological, or scientific interests; e. Areas which are traditionally occupied by cultural communities or tribes; f. Areas frequently visited and/or hard-hit by natural calamities geologic hazards, floods, typhoons, volcanic activity, etc. g. Areas with critical slopes; h. Areas classified as prime agricultural lands; i. Recharged areas of aquifers; j. Water bodies characterized by one or any combination of the following conditions: (1) tapped for domestic purposes; (2) within the controlled and/or protected areas declared by appropriate authorities; and (3) which support wildlife and fishery activities; k. Mangrove areas characterized by one or any combination or the following conditions: (1) with primary pristine and dense young growth; (2) adjoining mouth of major river systems; (3) near or adjacent to traditional productive fry or fishing grounds; (4) which act as natural buffers against shore erosion, strong winds and storm floods; (5) on which people are dependent for their livelihood; l. Coral reef characterized by one or any combination of the following conditions: (1) with 50% and above live coralline cover; (2) Spawning and nursery grounds for fish; (3). Which act as natural breakwater of coastlines; m. mossy and virgin forests; n. river banks; and o. swamp forests and marshlands.
- d) National Integrated Protected Areas refer to all areas or islands in the Philippines proclaimed, designated or set aside, pursuant to a law, presidential decree, presidential proclamation or executive order as national park, game refuge, bird and wildlife sanctuary, wilderness area, strict nature reserve, watershed, mangrove reserve, fish sanctuary, natural and historical landmark, protected and managed landscape/seascapes as well as identified virgin forests designated as initial components of the National Integrated Protected Areas System (NIPAS).
- e) DENR refers to the Department of Environment and Natural Resources which shall be the primary governmental agency responsible for the conservation, management, development, and proper use of the State's resources including those in reservations, watershed areas and lands of the public domain.

- f) ENRO refers to the Environment and Natural Resources Office created pursuant to City Ordinance No. 108 Series of 1994 for the purpose of: (a) management, protection, rehabilitation and maintenance of small watershed areas which are sources of local water supply; (b) establishment, protection and maintenance of tree parks, greenbelts and other tourist attraction; (c) enforcement of the issuance of Environmental Compliance Certificates (ECC) for projects and business under the Kalakalan 20; (d) apprehension and testing of smoke belching vehicles and charging of appropriate fees and charges as provided in City Ordinance No. 90; (e) planning and development of solid waste disposal and other environmental management systems and services related to general hygiene and sanitation in coordination with the DPS and City Health Office-Sanitary Inspection Division; (f) abatement of noise and other forms of nuisance as defined by existing city and national laws; (g) preparation and development of sustainable environment protection programs pollution control activities and campaigns; (h) inspection, monitoring and evaluation of establishments emitting industrial waste both in the water or air and make appropriate recommendations/measures to abate or control pollution and/or to file the necessary actions before the Pollution and Adjudication Board of the DENR inclusive of the right to request for the issuance of cease and desist orders if found violating existing anti-pollution laws and if the situation raised warrants the issuance thereof; and (i) exercise such powers and perform such other duties and functions as prescribed under Section 484 of the Local Government Code (RA 7160) and other existing environment and anti-pollution laws.

- g) BACIWA refers to the Bacolod City Water District formed pursuant to PRESIDENTIAL DECREE No. 198 for the purposes of (a) acquiring, installing, improving, maintaining and operating water supply and distribution systems for domestic, industrial, municipal and agricultural uses for residents and lands within the boundaries of such districts, (b) providing, maintaining and operating waste-water collection, treatment and disposal facilities, and (c) conducting such other functions and operations incidental to water resource development, utilization and disposal within such districts, as are necessary or incidental to said purpose.

- h) NFEFI refers to the Negros Forest and Ecological Foundation, Inc. which is a non-stock, non-profit, non-government organization (NGO) duly accredited with the DENR strongly committed to protect, conserve and preserve the environment and to safeguard the sustainable use of the island's natural resources.

Section 1. The following definition of terms under Republic Act No. 9275 or the Philippine Clean Water Act (CWA) of 2004 is governed by DENR AO No. 2005-10 issued on May 16, 2005 or the Implementing Rules and Regulations (IRR). RA No. 9275 is hereby adopted for purposes of this ordinance as follows:

- a) Aquifer - means a layer of water-bearing rock located underground that transmits water in sufficient quantity to supply pumping wells or natural springs.
- b) Aquatic life - means all organisms living in freshwater, brackish and marine environments.
- c) Beneficial use - means the use of the environment or any element or segment thereof conducive to public or private welfare, safety and health, and shall include but not limited to, the use of water for domestic, municipal, irrigation, power generation, fisheries, livestock raising, industrial, recreational and other purposes.
- d) Contamination - means the introduction of substances not found in natural composition of water that make the water less desirable or unfit for intended use.
- e) Discharge - includes, but is not limited to the act of spilling, leaking, pumping, pouring, emitting, emptying, releasing or dumping of any material into a water body or onto land from which it might flow or drain into said water.
- f) Dumping - means any unauthorized or illegal disposal into any body of water or land of wastes or toxic or hazardous material. It does not mean a release of effluent coming from commercial, industrial and domestic sources which are within the effluent standards.
- g) Effluent - means discharges from known source which is passed into a body of water or land, or wastewater flowing out of manufacturing plant, industrial plant including domestic, commercial and recreational facilities.
- h) Effluent standard - means any legal restriction or limitation on quantities, rates, and/or concentrations or any combination thereof, of physical, chemical or biological parameters of effluent which a person or point source is allowed to discharge into a body of water or land.
- i) Environmental Management - means the entire system which include but is not limited to, conservation, regulation and minimization of pollution, clean production, waste management, environmental law and policy, environmental education and information, study and mitigation of the environmental impacts of human activity and environmental research.
- j) Environmental management system - means the part of the overall management system that includes organizational structure, planning activities, responsibilities, practices, procedures, processes and resources for developing, implementing, achieving, reviewing and maintaining the environmental policy.

- k) Hazardous waste - means any waste or combination of wastes of solid, liquid, contained gaseous, or semi-solid form which causes, or contribute to, an increase in mortality or an increase in serious irreversible, or to incapacitation reversible illness, taking into account toxicity of such waste, its persistence and degradability in nature, its potential for accumulation or concentration in tissue, and other factors that may otherwise cause or contribute to adverse acute or chronic effects on the health of persons or organisms.
- l) Industrial waste - means any solid, semi-solid or liquid waste material with no commercial value released by a manufacturing or processing plant other than excluded material.
- m) Pollutant - shall refer to any substance, whether solid, liquid, gaseous or radioactive, which directly or indirectly: (i) alters the quality of any segment of the receiving water body so as to affect or tend to affect adversely any beneficial use thereof; (ii) is hazardous or potentially hazardous to health; (iii) imparts objectionable odor, temperature change, or physical, chemical or biological change to any segment of the water body; (iv) is in excess of the allowable limits or concentrations or quality standards specified, or in contravention of the condition, limitation or restriction prescribed in RA No. 9275.
- n) Pollution control technology - means pollution control devices or apparatus, processes or other means that effectively prevent, control or reduce pollution of water caused by effluents and other discharges, from any point source at levels within the water pollution standards.
- o) Potentially infectious medical waste - includes isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, and other disposable medical equipment and materials that may pose a risk to the public health, welfare or the marine environment.
- p) Septage - means the sludge produced on individual onsite wastewater-disposal systems, principal septic tanks and cesspools.
- q) Sewage - means water-borne human or animal wastes, excluding oil or wastes, removed from residences, buildings, institutions, industrial and commercial establishments together with such groundwater, surface water and storm water as may be present including such waste from vessels, offshore structures, other receptacles intended to receive or retain wastes, or other places or the combination thereof.
- r) Sewerage - includes, but is not limited to, any system or network pipelines, ditches, channels, or conduits including pumping stations, lift stations and force mains, service connections including other constructions, devices and appliances appurtenant thereto, which involves the collection, transport, pumping and treatment of sewage to a point of disposal.

- s) Sludge - means any solid, semi-solid or liquid waste or residue gone from a wastewater treatment plant, water supply treatment plant, or pollution control facility, or any other such waste having similar characteristics and effects.
- t) Treatment - means any method, technique or process designed to alter the physical, chemical or biological and radiological character or composition of any waste or wastewater to reduce or prevent pollution.
- u) Toxic amount - means the lowest amount of concentration of toxic pollutants which may cause chronic or long-term acute or lethal conditions or effects to the aquatic life or health of persons or which may adversely affect designated water uses.
- v) Waste - means any material either solid, liquid, semi-solid, contained gas or other forms, resulting from industrial, commercial, mining or agricultural operations, or from community and household activities that is devoid of usage and discarded.
- w) Wastewater - means waste in liquid state containing pollutants.
- x) Water body - means both natural and man-made bodies of fresh, brackish and saline waters, and includes but is not limited to aquifers, groundwater, springs, creeks, streams, rivers, ponds, lagoons, water reservoirs, lakes, bays, estuarine, coastal and marine waters. Water bodies do not refer to those constructed, developed and used purposely as water treatment facilities and/or storage for recycling and re-use which are integral to process industry or manufacturing.
- y) Water Pollution - means any alteration of the physical, chemical or biological or radiological properties of a water body resulting in the impairment of its purity or quality.
- z) Water quality - means that characteristics of water which define its use in terms of physical, chemical, biological, bacteriological or radiological characteristics by which the acceptability of water is evaluated.

Article III. SCOPE AND APPLICATION. This Ordinance shall cover all possible undertakings to protect and preserve watershed systems which are source of water of Bacolod City as well as all Programs to conserve water as to quantity and quality and to preserve ecological balance for purposes of maintaining water supply and quality.

Article IV. CREATION OF THE WATERSHED PRESERVATION AND WATER CONSERVATION COMMITTEE (WATERCOM). A Committee on Watershed Preservation and Water Conservation or to be known as "WaterCom" shall be created to ensure the proper implementation of this Ordinance and to coordinate with agencies necessary in implementing this Ordinance.

Section 1- The WaterCom shall consist of the following:

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- a) City Mayor - Chairman

- b) SP Committee on Environment and Ecology
- c) SP Committee on Health and Sanitation
- d) SP Committee on Agriculture and Fisheries
- e) SP Committee on Communications and Energy
- f) City Planning and Development Officer
- g) Environment and Natural Resources Officer
- h) City Health Officer
- i) Representative from BACIWA
- j) Representative from DENR
- k) Representative from three (3) Environmental groups dealing with water resources
- l) Representative from the Academe
- m) Representative from the Media
- n) Local Water Utilities Administration (LWUA)

Section 2 - The City Mayor shall convene the WaterCom within sixty (60) days from the effectivity of the ordinance.

Section 3 - The WaterCom shall meet once a month or as often as necessary in the performance of their functions.

Article V. MANDATE OF LOCAL GOVERNMENTS. Pursuant to the mandate under Republic Act No. 9275 or the Philippine Clean Water Act (CWA) of 2004 for local government units (LGU's) to share the responsibility in the management and improvement of water quality within their territorial jurisdictions, the City of Bacolod shall have the following functions:

- a) Within six (6) months after the establishment of the water quality management area action plan, prepare a compliance scheme in accordance thereof, subject to review and approval of national agencies.
- b) Through its Environment and Natural Resources Office (ENRO) established in Republic Act No. 7160, shall conduct monitoring of water quality.
- c) Seek compliance with the framework of the Water Quality Management Action Plan.
- d) Take active participation in all efforts concerning water quality protection and rehabilitation.
- e) Coordinate with other government agencies and civil society and the concerned sectors in the implementation of measures to prevent and control water pollution.
- f) Tap the DENR to provide assistance to the City of Bacolod for more effective and efficient enforcement and compliance with the Clean Water Act and employ strategic measures that would maximize the impact of meager resources.

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- g) Shall seek the assistance of DENR LGU's in determining and prioritizing their capability requirements and in raising the required resources to

undertake the capability building, including coordinating with the DILG and the DBM in determining possible sources and allowable disbursements that may be used for such capability building. Such capability building shall also take into consideration effective monitoring and strategic enforcement and ensure barangay training in water sampling and other measures that would indicate the need for intervention and enforcement of pollution laws.

- h) The DENR and the City of Bacolod, in coordination with the appropriate government agencies and in consultation with the business and industrial sectors including chambers of commerce, shall formulate appropriate incentives for the adoption of procedures that will preserve and protect our water bodies through the introduction of innovative equipment and processes that reduce if not totally eliminate the discharge of pollutants into our water bodies.

Article V. WATERSHED DEVELOPMENT. Pursuant to the MOA of 1998 where the City of Bacolod is a signatory, the City of Bacolod shall commit to initiate the completion of a Comprehensive Watershed Development Plan with all the other signatories to the MOA.

Article VI. WATER CONSERVATION PROGRAM. The City of Bacolod shall actively encourage civil society and other sectors, particularly labor, the academe and business undertaking environment-related activities in their efforts to organize, educate and motivate the people in addressing water-related and environmental issues and problems.

Section 1. WaterCom shall lead in the implementation of public education, communities and barangay based and information programs to disseminate the importance of water.

Section 2. The Sangguniang Panlungsod shall help legislate and regulate requirements for water conservation in residential, commercial, industrial and institutional establishments.

Section 3. WaterCom, in partnership with environmental organizations should start a massive tree-planting campaign and other reforestation activities.

Section 4. The Department of Education (DepEd) shall be encouraged to integrate water conservation lectures in their curriculum.

Section 5. The City shall propagate native or endemic tree species that are capable of storing large volume of water in conducive and recommended areas in the uplands or within the city.

Section 6. The City shall prioritize the need of the Bacolod City Tree Park based in Alangilan to be developed into a watershed area.

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Section 7. All establishments and entities shall register with the ENRO before erecting water drilling facilities in order to be assisted to secure a water permit.

Section 8. The City of Bacolod shall encourage individuals and owners of real property lying along boundaries of the watershed area to plant native and endemic trees and fruit trees.

Section 9. The City shall do its best to adopt technologies for the purpose of water conservation.

Section 10. The City shall regularly monitor the safety and potability of water through the City Health Office (CHO).

Section 11. The City shall endeavor to rehabilitate and restore riverbeds creeks and other tributaries which are source of water.

Section 12. The City shall develop IEC materials to promote water conservation and the celebration of World Water Day.

Section 13. The City shall ensure access to potable water in all schools and barangays.

Section 14. The City shall preserve and protect water aquifers and shall encourage community awareness and involvement in these efforts.

Section 15. The City shall ensure and encourage private and commercial establishments to comply with sanitation and environmental laws.

Section 16. The City shall clear and rehabilitate all natural waterways from illegal structures and garbage.

Article VII. WATER RESOURCE PLAN. The growing environmental movements encourage policies to plan and manage water resources for the preservation and enhancement of naturally existing water and related land areas and ecological systems.

Article VIII. COORDINATION WITH OTHER AGENCIES AND LGU'S. For purposes of this Ordinance, Bacolod City shall closely coordinate with adjacent local government units such as Talisay City and the Municipality of Murcia for a comprehensive solution to the water supply problem. It shall also coordinate with the Bacolod City Water District (BACIWA) and other agencies in charge with water utilization and watershed preservation.

Article IX. FUNDING. The program involved in this Ordinance undertaken by WaterCom shall be appropriated an initial amount of One Million Pesos (P1, 000,000.00) which shall be considered as fund which has a gender-related impact.

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Article X. SEPARABILITY CLAUSE. Should any portion of this Ordinance be declared ultra vires unconstitutional by competent authority, the remainder not so affected shall continue to be in full force and effect insofar as it is susceptible to enforcement and application.

Article XI. EFFECTIVITY. This ordinance shall take effect immediately as soon as approved in accordance with law.

CARRIED BY THE VOTE OF:

Affirmative:

Councilors : Greg G. Gasataya, Homer Q. Bais, Jocelle Batapa-Sigue, Dindo C. Ramos, Wilson C. Gamboa, Jr., Napoleon A. Cordova, Catalino T. Alisbo, Roberto M. Rojas, Reynold I. Iledan, Diosdado A. Valenzuela, Kevin Daniel L. Ramos.

Negative : N o n e .

Absent : N o n e .

Official Travel: Councilor Celia Matea R. Flor .

Main Author : Councilor Jocelle Batapa-Sigue .

Co-Author : Councilor Wilson C. Gamboa, Jr.

Passed : June 9, 2010 (153rd Regular Session)

Comments: P a s s e d .
Councilors Al Victor A. Espino and Alex A. Paglumotan were not around when this ordinance was passed.

JUDE THADDEUS A. SAYSON

Vice Mayor
Presiding Officer

ATTESTED:

ATTY. NILO T. ALEJANDRINO

Secretary to the Sanggunian

By:

HELEN P. LEGASPI

Board Secretary IV

APPROVED: June , 2010.

EVELIO R. LEONARDIA

City Mayor

NTA/HPL/jbz