

REPUBLIKA NG PILIPINAS
TANGGAPAN NG SANGGUNIANG PANLUNGSOD
LUNGSOD NG BACOLOD
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CITY ORDINANCE NO. 308
September 26, 2002

AN ORDINANCE MAKING THE ISSUANCE OF AN ECC (ENVIRONMENTAL COMPLIANCE CERTIFICATE), OR A CERTIFICATE OF NON-COVERAGE (CNC) AS THE CASE MAY BE, A PRE-REQUISITE TO THE ISSUANCE OF BUILDING PERMIT BY THE OFFICE OF THE CITY BUILDING OFFICIAL, OR OF ANY OTHER PERMIT OF A SIMILAR NATURE BY ANY OTHER OFFICE OF THE LOCAL GOVERNMENT OF BACOLOD CITY ISSUING PERMITS ON ANY PROJECT REQUIRING AN ECC, OR THOSE EXEMPTED THEREFROM, AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

WHEREAS, it has been observed that projects which under the law should require an ECC (Environmental Compliance Certificate) are often commenced without the requisite ECC being first obtained;

WHEREAS, it has been further observed that what is often done is that developers or building owners ask for a favorable ECC recommendation from the Sangguniang Panlungsod only after the project has begun, and many times, even after the same has been completed;

WHEREAS, it has also been observed that there is no system of monitoring by the City of requirements or conditions in the ECC of such projects;

WHEREAS, there is obviously a need to enforce strict compliance with ECC requirements in connection with issuance of the necessary permits by the local government, and the monitoring of compliance with the same, for preservation and protection of the environment.

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

TITLE:

This Ordinance shall be known as **AN ORDINANCE MAKING THE ISSUANCE OF AN ECC (ENVIRONMENTAL COMPLIANCE CERTIFICATE), OR A CERTIFICATE OF NON-COVERAGE (CNC) AS THE CASE MAY BE, A PRE-REQUISITE TO THE ISSUANCE OF BUILDING PERMIT BY THE OFFICE OF THE CITY BUILDING OFFICIAL, OR OF ANY OTHER PERMIT OF A SIMILAR NATURE BY ANY OTHER OFFICE OF THE LOCAL GOVERNMENT OF BACOLOD CITY ISSUING PERMITS ON ANY PROJECT REQUIRING AN ECC, OR THOSE EXEMPTED THEREFROM, AND PROVIDING PENALTIES FOR VIOLATION THEREOF.**

For brevity, this shall be referred to as the "**ECC Ordinance of Bacolod City**".

Article 1. **Statement of Basic Policy.** It is hereby established a pre-requisite, before the Office of the City Building Official issue any building permit for any project the classification of which falls under that class of projects for which an Environmental Compliance Certificate (ECC), is required, for said ECC to be submitted first to the said Office of the City Building Official before any permit is thus issued for the project.

Article 2. **Requirement to Verify Nature of Project.**

- a. The Office of the City Building Official is thus required to acquaint itself with all national laws, rules and regulations governing Environmental Compliance Certificates and Environmental Impact Assessments, to enable it to determine which projects require an ECC or do not.
- b. For this purpose PD 1586 (Environmental Impact Statement System), Rules and Regulations Implementing the Intent and Provisions of PD 1586 establishing the Environmental Impact Statement System in relation to PD 1151 Promulgating the Philippine Environmental Policy, Proclamation No. 2146 (Proclaiming Certain Areas and Types of Projects as Environmentally Critical and within the Scope of the EIS System established under PD 2146), Ex. Ord. No. 291, series of 1996, DENR Adm. Circular No. 96-37, LOI No. 1179, and other laws, related rules and regulations, are incorporated herein by reference.

Article 3. **Prior Requirement of ECC before action on application for permit.** No Building Permit for any such type or class of project shall be issued without the owner, or his duly authorized representative, first submitting a duly issued, certified true copy of an Environmental Compliance Certificate from the pertinent office of the Department of Environment and Natural Resources for the project subject matter of the application for a permit.

Article 4. **Submission of CNC in cases not covered.** In case the owner, or his duly authorized representative, alleges that the same does not require an ECC, but which, in the judgment of the Office of the City Building Official requires the same, the said office of the City Building Official shall require said party to submit a Certificate of Non-Coverage (CNC) showing that the project is exempt from or does not require an ECC as provided for by existing law.

Article 5. **Turn-over to ENRO.** After having satisfied itself with the fact that an ECC has indeed been duly issued for the project the subject of the application for a Building Permit, or that the same is exempted from or does not require an ECC as Certified to by the DENR, the Office of the City Building Official is required to turn over said copy of the ECC, or the (CNC) Certification of Non-Coverage, to the Environment and Natural Resources Office (ENRO) of Bacolod City duly with a certification that it has examined said document to its satisfaction.

Article 6. **ECC Registry.** The ENRO is hereby required to maintain an ECC registry in its office, arranging copies of the ECCs thus submitted to its office, including the aforesaid Certification of the Office of the City Building Official, or CNC as the case may be, in chronological order, making the same ready at all times for reproduction of copies, or inspection.

Article 7. **ENRO to Copy-furnish Sanggunian of all such copies of ECC submitted.**

- a. For proper information of and monitoring by the Sangguniang Panlungsod, the ENRO is hereby mandated to copy furnish the Sangguniang Panlungsod copies of such ECCs, or CNCs as the case may be, through its Committee on Environment and General Services, within twenty-four (24) hours of receipt of such certificates.
- b. Should the ENRO erroneously receive an application for favorable endorsement of a project for issuance of ECC, considering that under

national law the same is filed with the Sangguniang Panlungsod, the ENRO is required to immediately forward within twenty-four (24) hours said application to the Sangguniang Panlungsod, for appropriate action.

Article 8. **System of Monitoring.** It is furthermore the duty of the ENRO to evolve a system of monitoring of ECC compliance by such persons or institutions undertaking such projects for which an ECC has been issued, and to submit in writing any recommendation for any appropriate action of any noted violation thereof.

Article 9. **Issuance of Permit Not Obligatory.** Nothing in this ordinance shall be construed to mean that the Office of the City Building Official is obliged to issue a Building Permit for the project solely because an ECC has already been issued by the DENR for the same, when there are other grounds for the denial of issuance of said Building Permit.

Article 10. **Cancellation of Permit.** A violation of the process and/or requirement outlined in this ordinance shall be ground for the cancellation of the Building Permit, if one has already been issued, with all its legal and natural effects as to the project contemplated, including the option to issue "cease and desist order" by the City Government of Bacolod. This is without prejudice to administrative or other complaints that the situation may warrant under the pertinent laws, rules or regulations of government.

Article 11. **Exemption Clause.** Expressly exempted from the requirements of this ordinance are the following projects, which, by pertinent existing guidelines of the DENR, do not require an ECC, to wit:

Residential Structures, Family Dwellings (non-commercial regardless of area)
Apartments, below 1,000 sq.m. of floor area
Motels and Hotels below 1,000 sq.m. of floor + facilities area
Commercial and Business Centers, below 1,000 sq.m. of floor + facilities area
Educational/School Structures, below 1,000 sq.m. of floor + facilities area
Religious Buildings/Facilities

Nothing in this exemption clause shall be interpreted to mean exemption from whatever rules, regulations, processes or procedures that DENR may require in application of national laws.

Article 12. **Duty of Building Official despite Exemption in preceding provision.** However, the preceding article notwithstanding, it shall still be the duty of the City Building official to verify if the subdivision where the proposed residential unit is to be built has secured prior ECC, unless it was built or developed when the securing of an ECC was not yet a legal obligation, and in case it has not, to report the same to the Office of the City Mayor and the Sangguniang Panlungsod for appropriate action.

Article 13. **Penalty Clause.**

- a. Projects which were commenced without the requisite of ECC having first been shown or submitted as required in this ordinance, as well as the undertaking of such a project by the owner without said ECC having been first obtained and submitted, shall subject said owner to a penalty of not more than FIVE THOUSAND PESOS (P5,000.00) and/or an imprisonment of not more than one year, upon the discretion of the court.
- b. The officer or personnel of the Office of the City Building Official who issues any such building permit without requiring the prior submission of an ECC for a project which later on turns out to require the same, and the said project

was commenced without such ECC being first secured but for which a building permit was already issued, shall be similarly punished.

Article 14. **Liability of Officer if project that violates this ordinance is a government project.** It is hereby the policy of the City Government of Bacolod that the physical environment falling under its territorial jurisdiction shall be seriously protected, even as against government itself. Thus, in case the project that is commenced without the requisite ECC is a government project, the head of the office undertaking said project shall be denominated as "owner" of the project, who shall be liable for the same fine and/or imprisonment as meted out by the preceding article.

Article 15. **Liability if violator is a corporation.** In case the party that breaches or violates the provisions of this ordinance is a corporation, that officer in charge of the project shall be liable under the penal provisions hereof. In the absence of such project officer or engineer, the manager shall be liable. In case there are several managers and the responsibility for the project cannot be ascribed to any one of them, the general manager, or the one performing the powers and duties of general manager, shall be liable.

Article 16. **Applicability of the foregoing provisions to permits other than building, but which are of a similar nature.**

- a. All the foregoing provisions shall be equally applicable to any project, the undertaking of such requires some permit from the local government of Bacolod, which, although not denominated as "building permit", is still a permit that allows the conduct of a certain activity, and which, further, by its nature and as defined by national law as referred to herein, falls under that class of activity requiring an ECC, because of its effect on the environment. Such permits include but are not limited to drilling permit, quarry permit, permits allowing construction works along riverbanks, esteros, or waterways, and the like.
- b. Any office of the local government of Bacolod which may be called upon to issue any such kind of permit on any type of project requiring an ECC as defined by law, shall require the production of an ECC first before issuing any such permit. A violation of this rule will render any such violating party liable under Article 13 (b) and 14 of this Ordinance. Private persons will be liable under Article 13 (a) and 15 of this ordinance.

Article 17. **Mandatory Posting of this Ordinance in a conspicuous place of the Office of the Building Official, and other offices of the local government of Bacolod City that issues any kind of permit for projects that require an ECC.**

It is hereby made mandatory that copies of this ordinance, enlarged and made readable as much as possible, be posted on accessible or visible walls or spaces of the Office of the Building Official, the City Engineer's Office, the Permits and Licensing Division of the City, the City Mayor's Office, and any other office of the local government of Bacolod City that issues any kind of permit for projects that require an ECC.

Article 18. **Separability Clause.** Should any part of this ordinance be declared invalid by competent authority, or inconsistent with provisions of any existing and effective national law, rule or regulation, the parts not so affected shall continue to be in force and effect insofar as they are susceptible to enforcement or application.

Article 19. **Effectivity Clause.** This ordinance shall take effect on the first day immediately after the third week of posting in conspicuous places as required by Art. 114 of the Implementing Rules of the Local Government Code, provided that publication in a newspaper of general circulation as required thereby has been made within said three-week period, otherwise, if publication takes place after the said posting of three weeks, it becomes effective on the day immediately after its publication in a newspaper of general circulation in the City of Bacolod.

CARRIED BY THE VOTE OF:

Affirmative:

Councilors: Archie S. Baribar, Roberto M. Rojas, Jude Thaddeus A. Sayson, Ana Marie V. Palermo, Celia Matea R. Flor, Jose H. Gabuat, Lyndon P. Caña, Elmer T. Sy, Bobbie S. Lucasan, Greg G. Gasataya, Reynold I. Iledan, Sonya M. Verdeflor, Pepito T. Malapitan, Marx Louie S. de la Rosa.

Negative : None.

Author : Councilor Lyndon P. Caña

Absent : None.

Passed : September 26, 2002 (65th Regular Session)

Comments: Passed.

RAMIRO L. GARCIA, JR.

Vice Mayor
Presiding Officer *10/11/02*

ATTESTED:

fr: [Signature]
ATTY. NILO T. ALEJANDRINO
Secretary to the Sanggunian

APPROVED: October, 2002

**10 DAYS LAPSED
AS OF 10/25/02**

LUZVIMINDA S. VALDEZ

City Mayor