

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

**CITY ORDINANCE NO. 1013
November 16, 2022**

**AN ORDINANCE ESTABLISHING THE SUM-AG RIVER AS A TOURIST DESTINATION,
CREATING A COMMITTEE FOR ITS MAINTENANCE AND PRESERVATION, APPROPRIATING
FUNDS THEREFOR AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.**

WHEREAS, in Section 2 of Republic Act No. 9593, otherwise known as the Tourism Act of 2009, sets forth that the State declares tourism as an indispensable element of the national economy and an industry of national interest and importance, which must be harnessed as an engine of socio-economic growth and cultural affirmation to generate investment, foreign exchange and employment, and to continue to mold an enhanced sense of national pride for all Filipino;

WHEREAS, Section 17(a) of the Local Government Code states that Local Government Units shall likewise exercise such other powers and discharge such other functions and responsibilities as are necessary, appropriate, or incidental to efficient and effective provisions of the basic services and facilities;

WHEREAS, in Section 17(b)(2)(xi), directs us that the Local Government Unit concerned may have basic services that may include, but not limited to, tourism facilities and other tourist attractions, including the acquisition of equipment, regulation and supervision of business concessions, and security services for such facilities;

WHEREAS, Article II, Section 16 of the 1987 Constitution states that: The State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature;

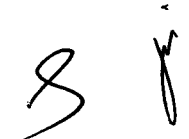
WHEREAS, the City of Bacolod has become a gateway for various tourist destinations and it is the prerogative of this Local Government Unit to maintain and preserve the natural resources situated in this city;

WHEREAS, it is of the best intentions that the City shall also initiate courses of action that shall retain the tourists and to not only appreciate the whole Negros but be drawn into what the City of Bacolod may provide;

WHEREFORE, LET IT BE ORDAINED AS IT IS HEREBY ORDAINED BY THE SANGGUNIANG PANLUNGSOD IN SESSION THAT:

ARTICLE 1. SHORT TITLE. This Ordinance shall be known as the "Sum-ag River Ordinance".

ARTICLE 2. DECLARATION OF POLICY. It is the duty and responsibility of the City of Bacolod to provide adequate maintenance in regards to cleanliness and sanitation as well as how the public tourist destinations should look relatively pleasant, tidy, and graceful for the purposes of preserving the City's tourism development and further protect the health of the surrounding residents;



ARTICLE 3. DEFINITION OF TERMS. The definition found in this Ordinance shall be as follows:

- a. **Physical Infrastructures** – shall include, but not limited to, roads, bridges, administration buildings, toilets and comfort room facilities, parking areas, rest areas, forest tracks, walkways, viewing platforms, cottages, wharves, boat landing facilities, solid and liquid waste facilities, security and service facilities, and communication centers.
- b. **Sustainable Tourism Development** – means tourism development that leads to management of all resources in such a way that the economic, social, and aesthetic needs can be fulfilled while maintaining cultural integrity, essential ecological processes, biological diversity and life support systems.
- c. **Tourism** – A major provincial activity in which private sector investment, effort, and initiative are encouraged, fostered, and supported through which socio economic development may be accelerated and the appreciated. It is also a social, cultural and economic phenomenon which entails the movement of people to countries or places outside their usual environment for personal or business/professional purposes.
- d. **Tourism Industry** – refers to industries or business enterprises providing goods, services to tourists, and all types of travelers while they stay, travel, visit, enjoy the facilities, and destinations.
- e. **Littering** – the throwing, dumping, and/or the scattering of waste materials and/or refuse in places not generally intended as such.
- f. **Refuse** – includes other waste materials apart from papers and plastics.
- g. **Entities** – includes religious/sectarian organizations, non-governmental, people's organizations, and all other institutions apart from residences and business establishments.
- h. **Community Service** – refers to any act that is performed for the benefit of the community at large, as a punishment for an offense or violation of law. It will include acts such as, but not limited to, cleaning-up trash, removing graffiti, planting trees or building community playground equipment while under supervision of law enforcement officers or personnel.
- i. **Nuisance** – Under Art. 694 of the New Civil Code, it is defined as “any act, omission, establishment, business, condition of property, or anything else which:
 - a. Injures or endangers the health or safety of others;
 - b. Annoys or offends the senses;
 - c. Shocks, defies or disregards decency or morality;



- d. Obstructs or interferes with the free passage of any public highway or street, or any body of water;
- e. Hinders or impairs the use of property;

ARTICLE 4. SCOPE AND APPLICATION.

Section 1. This Ordinance shall only cover the Sum-Ag River stretching from the boundary between Bacolod City and Bago City up to the mouth of the river meeting the Guimaras Strait.

ARTICLE 5. UNLAWFUL ACTS.

Section 1. The acts herein set forth shall be described as prohibited acts and will particularly be imposed against violators in the declared area as provided for in Article 4, Section 1, to wit:

- a. Littering of plastics, papers, and other refuse in the river;
- b. Indiscriminate throwing and dumping of garbage or any kind of waste in the Sum-ag River;
- c. Any person found vandalizing any traffic signs and tourism related signage;
- d. Any act of nuisance committed in the declared river or around it.
- e. Building of illegal structures.

ARTICLE 6. IMPLEMENTING AGENCY AND THE CREATION OF SUM-AG RIVER COUNCIL.

Section 1. The Sum-ag River Council is hereby created for the implementation and monitoring of this Ordinance and shall be composed of the following:

- | | |
|------------|---|
| Chairman | - City Mayor |
| Vice-Chair | - Chairman, SP Committee on Tourism
Chairman, SP Committee on Health and Environment |
| Members | - City Tourism Officer
City Engineer
City Planning and Development Office
City Budget Officer
City Environment and Natural Resources Officer
General Services Office
Public Information Office
Public Order Service Office
Barangay Sum-Ag
Two (2) Non-Government Organization |



Section 2. The members as provided for in the immediately preceding section shall perform the following undertaking:

- a. The City Government through the Public Information Office, Tourism Office, and in coordination with the NGO's, media organizations and the like, shall proceed with information dissemination of this Ordinance.
- b. The City Tourism Office shall report on a quarterly basis to the Office of the City Mayor and the Sangguniang Panlungsod with regards to the implementation of this Ordinance.
- c. Business establishments and entities as marked and identified by the City Tourism Office are all required to observe proper waste disposal and segregation, and all other waste management within their vicinity.
- d. Organizations, agencies, groups, and individuals along the river covered in this Ordinance for purposes of their activities are all responsible for the immediate clean-up and proper waste disposal else they will be subjected to penalties provided for in this Ordinance.

ARTICLE 7. FINES AND PENALTIES.

Section 1. Any person caught in violation of Section 1, paragraph (a), (b), and/or (c) of Article 5 of this Ordinance shall, upon conviction, be meted with:

First Offense : P 1,000.00 or 15 days of Community Service

Succeeding Offenses : P 2,000.00 and 15 days of Community Service

Section 2. Any person, juridical or natural, caught in violation of Section 1(d) of Article 5 of this Ordinance shall, upon conviction, be meted with:

First Offense: P 3,000 or 15 days of Community Service (if natural person)

Succeeding Offenses: P3,000 with corresponding cancellation of license to operate for business establishments or, for natural persons, P 3,000.00 with 15 days of Community Service.

Section 3. Any person, juridical or natural, caught in violation of Section 1(e) of Article 5 of this Ordinance shall, upon conviction, be meted with:

First Offense : Reprimand and service of notice.

Second Offense : Filing of appropriate civil suit as contemplated by any pertinent laws under the Republic of the Philippines.

ARTICLE 8. BUDGET. This Ordinance shall require an annual funding of at least Five Hundred Thousand Pesos (Php 500,000.00) subject to increase and shall be taken from any available funds of the City.

ARTICLE 9. SEPARABILITY CLAUSE. If it is declared that a portion or all of the provisions found in this Ordinance is unconstitutional, the same shall be inoperable. Except to the remainder not so affected which shall maintain in full force and effect.



ARTICLE 10. EFFECTIVITY. This Ordinance shall take effect after its approval and publication of general circulation immediately after 15 days.

CARRIED BY THE VOTE OF:

Affirmative:

Councilors : Cindy T. Rojas, Em L. Ang, Al Victor A. Espino, Renecito S. Novero, Jason Isidro S. Villarosa, Claudio Jesus Raymundo A. Puentevella, Simplicia Z. Distrito, Celia Matea R. Flor, Psyche Marie E. Sy, Lady Gles Gonzales-Pallen.

Negative : None.

Absent : None.

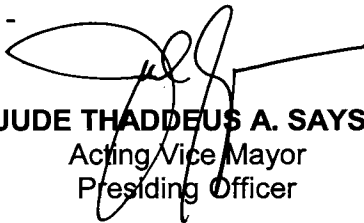
Author : Councilor Jason Isidro S. Villarosa.

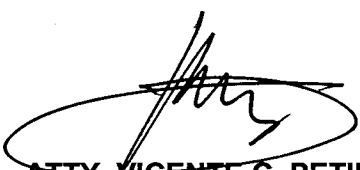
Co-Author : Councilor Jude Thaddeus A. Sayson.

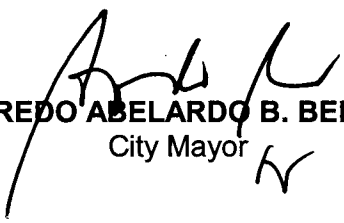
Passed : November 16, 2022 (20th Regular Session of the 11th Council).

Comments : Passed.

Councilors Israel P. Salanga, Vladimir S. Gonzalez and Ayesha Joy Y. Villafior were not around when this ordinance was passed.


JUDE THADDEUS A. SAYSON
Acting Vice Mayor
Presiding Officer

ATTESTED: 
ATTY. VICENTE C. PETIERRE III
Secretary to the Sanggunian

APPROVED: NOVEMBER 15 2022.

ALFREDO ABELARDO B. BENITEZ
City Mayor

VCP/OEM/jbz
SP LEGISLATIVE SERVICES SECTION
DATE: Nov. 28/22 TIME: 2:15 PM
BY: 