

REPUBLIKA NG PILIPINAS
TANGGAPAN NG SANGGUNIANG PANLUNGSOD
LUNGSOD NG BAKOLOD
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CITY ORDINANCE NO. 1024
February 22, 2023

AN ORDINANCE RECOVERING, RESTORING AND REHABILITATING ALL PUBLIC RIGHT OF WAYS, EASEMENTS, WATERWAYS AND OUTLETS FOR A SAFE AND RESILIENT BACOLOD CITY, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES.

WHEREAS, Article II Section 16 of the 1987 Philippine Constitution provides 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, it is the policy of the State to uphold the people's constitutional rights to life and property by addressing the root causes of vulnerabilities to disasters, strengthening the country's institutional capacity for disaster risk reduction and management and building the resiliency of local communities to disasters including climate change impacts;

WHEREAS, among the major problems in Bacolod City is the indiscriminate dumping/throwing/littering of garbage, refuse, filth and other kinds of waste in public places, canals, rivers, drainage and other waterways and outlets, coupled with, the encroachments and obstructions caused by structures and human settlements and commercial, industrial, and other types of structures, private and public, on, within, or along public right of ways and easements, specifically, seashores, coastlines, rivers, lakes, creeks, esteros and other bodies of water and waterways and outlets;

WHEREAS, these man-made actions and hazards on public right of ways and easements had worsened the frequent flooding especially during rainy season and had generally impeded the physical, economic and social growth of Bacolod City, and more particularly results to displacements of homes and urban settlements, destruction of lives and properties, hardships on the transporting public, losses on business and industry, and discourage investors, among others;

WHEREAS, in order to urgently, effectively and efficiently carry out its mandate to address hazards and disasters, there is a need to immediately plan, implement and carry out adaptation, prevention, mitigation, and recovery measures, decrease vulnerabilities and increase capacities of people, communities and the government, and adopt resiliency programs, projects and activities of Bacolod City;

WHEREAS, the Sangguniang Panlungsod, as the legislative body of the City, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the City and its inhabitants: Adopt measures to protect the inhabitants of the City from the harmful effects of man-made or natural disasters and calamities, and to provide relief services and assistance for victims during and in the aftermath of said disasters or calamities and in their return to productive livelihood following said events;



NOW THEREFORE, LET IT BE RESOLVED AS IT IS HEREBY RESOLVED, to ordain the following:

Section 1. This Ordinance shall be called the “**AN ORDINANCE RECOVERING, RESTORING AND REHABILITATING ALL PUBLIC RIGHT OF WAYS, EASEMENTS, WATERWAYS AND OULETS FOR A SAFE AND RESILIENT BACOLOD CITY, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES.**”

Section 2. DECLARATION OF POLICY.

- 2.1 It is hereby declared the policy of Bacolod City to enhance its ecological balance, reduce disaster risk from hazard events by addressing vulnerabilities and increasing capacities of people, communities and the City Government, in order to establish a safe and resilient City;
- 2.2 It is also the policy of Bacolod City to come up with rules, regulations and ordinances, which prohibits indiscriminate dumping/throwing/littering of garbage, refuse, filth and other kinds of waste on public rights of ways and easements such as setback areas, seashores and coastal zones, rivers, lakes, esteros, canals, drainage and other waterways and outlets, public parks, streets, alleys and walkways, as well as, prohibit and prevent the encroachments, constructions and obstructions on these easements and right of ways;
- 2.3 It is also the policy of the City to remove, dismantle all illegal structures, provide resettlement areas for affected informal settler families, provide assistance and compensation to other affected stakeholders with vested legal rights, and observe due process of law;
- 2.4 It is likewise the policy of the City to promulgate plans, programs and projects for Disaster Risk Reduction in general, and in particular, to recover, restore and rehabilitate and protect setback areas, public easements and right of ways.

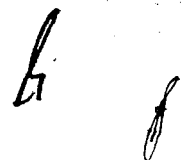
Section 3. DEFINITION OF TERMS. The terms used and defined in this Ordinance:

Agency – shall refer to the Inter-Agency Committee on Safe and Sustainable City (ICSC).

Capacity or Adoptive Capacity – refers to the abilities of systems, institutions, humans and other organisms to adjust to potential damage, to take advantage of opportunities, or to respond to consequences of hazards.

City – shall mean the Bacolod City LGU.

City Authority – shall mean Officials and Offices of the City vested with the powers and authority to implement the provisions of the Ordinance.



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.

Creek – a stream of water longer than a brook or small stream that empties into the rivers.

DAO ORDER 2001- 07 – refers to the Department Order issued by the Department of Environment and Natural Resources (DENR) pertaining to the GUIDELINES ON THE ESTABLISHMENT OF LEGAL EASEMENTS ALONG THE SEAS, RIVERS, LAKES, ESTEROS, AND CREEKS

Disaster – refers to serious disruption of the functioning of a community or a society at any scale due to hazardous events interacting with conditions of exposure, vulnerability and capacity, leading to one or more of the following: human, material, economic and environmental losses and impacts.

Disaster Risk Reduction – refers to the concept and practice of reducing disaster risks through systematic efforts to analyze and manage the causal factors of disasters, including through reduced exposure to hazards, lessened vulnerability of people and property, wise management of land and the environment, and improved preparedness for adverse events.

Easements – refers to the easements of public use established under Article 634 and 638 of the New Civil Code of the Philippines.

Estero – any bed or channel through which stagnant, dirty or salt-water flows under the influence of the tide.

Industrial Waste – are organic and inorganic residues, hazardous materials, hazardous and toxic chemicals, metals and wood.

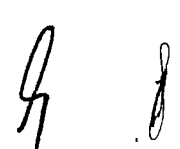
Lake – an expanded part of a river or an inland body of standing water.

Legal Easement — an easement by necessity constituted by law which has for its object either for public use or the interest of private persons.

Mainstreaming – refers to the integration of policies and measures that address climate change into development planning and sectoral decision-making.

Mitigation – refers to the lessening or limitation of the adverse impacts of hazards and related disasters.

Mean High Water Level — the average of all the high-water levels at a given location over a period of years.



National Park — lands of the public domain classified as such in the Constitution which includes all areas under the NIPAS pursuant to R.A. 11038, primarily designated for the conservation of plants and animals, their associated habitats and cultural diversity.

P.D. 1067 – refers to the Presidential Decree otherwise known as the Water Code of the Philippines, which is “a Decree Instituting a Water Code, Thereby Revising and Consolidating the Laws Governing the Ownership, Appropriation, Utilization, Exploitation, Development, Conservation and Protection of Water Resources.”

Protected Area — identified portions of land and/or water set aside by reason of their unique physical and biological significance, managed to enhance biological diversity and protected against destructive human exploitation.

Public Right-of-Way - means only the area of real property in which the City has a dedicated or acquired right-of-way interest in the real property. It shall include the area on, below or above the present and future streets, alleys, avenues, roads, highways, parkways or boulevards dedicated or acquired as right-of-way.

R.A. 7279 – refers to the Republic Act which is otherwise known as, “An Act to Provide for a Comprehensive and Continuing Urban Development and Housing Program, as Amended.”

R.A. 11201 – refers to the Republic Act which is otherwise known as, “An Act Creating the Department of Human Settlements and Urban Development, Defining its Mandate, Powers and Functions, and Appropriating Funds Therefor.”

R.A. 10752 – refers to the Republic Act which is otherwise known as an “Act Facilitating Acquisition of Right of Way or Location for National Government Infrastructure Projects.”

Recover – means the lawful taking by the City of all easements and public right of ways, and all setback areas as provided in this Ordinance and Laws, rule and issuances, from the unlawful possession, occupation and use of natural and juridical persons.

Rehabilitation - refers to a large variety of ecological, physical, spatial and management measures and practices. These are aimed at restoring the natural state and functioning of the system in support of biodiversity, recreation, flood management and landscape development and to provide benefits to human and other living beings.

Restoration – means restoring the easement area following any occupation, construction or usage to each existing condition prior to use as nearly as practicable.

Reclaimed Areas — land that was under the sea or was in a very poor condition, but has been improved so that it can be used for farming or building on.

River - any wide natural bed or channel through which water flows continuously or intermittently throughout the year.



River, Esteros, Canals, Drainage and Other Water Outlets - refers to all waterways and water outlets within the jurisdictional boundaries of Bacolod City.

Solid Waste – refers to refuse arising from human, animal and industrial activities that are normally solid in nature and discarded or thrown away as useless and/or unwanted. They are normally classified into degradable (biodegradable) and non-degradable (recyclable/re-usable) and characterized into different types i.e., garbage, rubbish, junk vehicles and appliances, industrial and special waste and generated from residential, market, commercial (department stores, restaurant, hotels, etc.), streets sweeping, construction and demolition debris.

Section 4. IMPLEMENTING STRUCTURE. Unless otherwise provided in a separate Ordinance, the Implementation of this Ordinance shall be under the control and supervision of the **Inter-Agency Committee on Safe and Sustainable City (ICSC)**, herein referred to as the (“Agency”).

4.1 **COMPOSITION.** The Agency shall be comprised of the following:

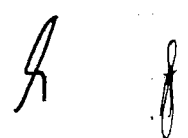
4.1.1 **Office of the City Mayor** – The Mayor as Chairperson;

4.1.2 **Sangguniang Panlungsod Committee Chairperson on Urban Poor, Housing and Resettlement** – Vice Chairperson

The Sangguniang Panlungsod Committee Chairs on Urban Poor, Housing and Resettlement; Committee on Fire, Social Defense, Natural Disasters and Public Works, and the Chairperson on Urban Planning, Committee on Environment and Ecology, as Co-Chairpersons;

4.1.3 **City Government Departments, Offices and Other Agencies or Organizations**, as Members, such as the following:

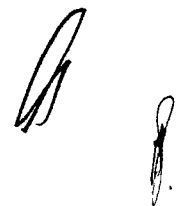
- 4.1.3.1 City Disaster Risk Reduction and Management Office (CDRRMO);
- 4.1.3.2 City Engineer’s Office (CEO);
- 4.1.3.3 City Planning and Development Office (CPDO);
- 4.1.3.4 City Legal Office (CLO);
- 4.1.3.5 City Assessor’s Office (CAO);
- 4.1.3.6 City Health Office (CHO)
- 4.1.3.7 Bacolod Housing Authority (BHA);
- 4.1.3.8 General Services Office (GSO);
- 4.1.3.9 City Department of Social Services and Development (DSSD);
- 4.1.3.10 City Environment and Management Office (CEMO);
- 4.1.3.11 Office of the Building Official (OBO)
- 4.1.3.12 The Liga ng mga Barangay – Chairperson
- 4.1.3.13 The Department of Environment and Natural Resources (DENR);
- 4.1.3.14 The Department of Public Works and Highways (DPWH Bacolod City District Office);



- 4.1.3.15 The Department of Human Settlements and Urban Development (DHSUD);
- 4.1.3.16 Representative of the Bacolod City Congressional District;
- 4.1.3.17 Representatives from the private sectors; and
- 4.1.3.18 Other offices and organizations which may be deemed proper by the Agency to be included.

Section 5. POWERS AND FUNCTIONS. The Agency shall:

- 5.1 Perform and be responsible for all the acts and executions required for the efficient, effective and successful implementation of this Ordinance;
- 5.2 Define the tasks and functions of each unit or units of the Agency;
- 5.3 Set-up a Secretariat Office which shall be in-charge of the day-to-day operations and coordination of all the acts and execution of the Agency and all its members and subordinate units;
- 5.4 Hear, mediate, arbitrate and decide cases, complaints, controversies, conflicts and other matters relating to the implementation of the ordinance, particularly on disputes relating to abatement, removal, dismantling, resettlement of illegal structures;
- 5.5 Decide upon payment of indemnification, settlement claims, financial assistance and other forms of support or settlement of claims and enforcement of rights and obligations;
- 5.6 Facilitate requests and provisions for logistical, financial, administrative, legal, legislative and other needs of operating units of the Agency;
- 5.7 Organize, orient, deploy, deputize barangay and volunteer green brigades, and the like, to assist the City in the implementation and monitoring of the Ordinance;
- 5.8 Promulgate implementing rules and regulations within the limits of powers and authority provided by this Ordinance;
- 5.9 Conduct regular monitoring, evaluation, assessment, planning and learning from and on the implementation of this Ordinance; and
- 5.10 Perform such other tasks and responsibilities necessary for the successful implementation of this Ordinance.



Section 6. ADMINISTRATIVE PROVISIONS.

- 6.1 In coordination with the DENR and lead by the Office of the City Engineer, conduct a survey of the entire river system, seashores and coastal zones, as well as, forest and mangroves areas, including protected areas, if any, of the City, including tributaries, lakes, esteros, creeks, canals, channels and all waterways and outlets, measuring all setback areas as provided for in P.D. 1067 and DENR DAO 2021-07, and identify, delineate and mark with visible instruments and notices all easements and public right of way, illegal encroachments, structures and settlements, as well as, the geophysical conditions of the surveyed areas for reference and benchmarking of future programs and projects;
- 6.2 The Agency thru the City Planning Office, the City Engineers Office, Office of the Building Official, and other pertinent Offices of the City, shall ensure that measures are undertaken to amend, revise and improve city land use plans and zoning ordinances, building and infrastructure rules and regulation, permits and licenses, taking into account identified setback areas, green build and eco-tourism zones, and no build zones, in consonance with DENR DAO 2021-07, the Water Code, and other provisions of law, and this Ordinance;
- 6.3 The Agency, by virtue of this Ordinance shall declare that all identified and marked setback zones are no build zones;
- 6.4 Lead by the City Planning Office and in coordination with the other units of the Agency, gather all information and data, as well as maps and analysis generated by the different units which led the mapping and profiling projects, and store into a safe hard and soft copies in City Management Information System for future reference, planning and programming of projects and activities;
- 6.5 Identify, tag, inform, notify, educate, organize and mobilize affected stakeholder and remove, abate, dismantle all illegal structures, settlement, businesses, industries, institutions, government and private, which violate established setback zones and the provisions of this ordinance, after notice and hearing, and who failed to voluntarily removed their identified and tag structures, in whole or in part.;
- 6.6 Informal settlers and small vendors or businesses who voluntarily removed their structures within one (1) working week from notice shall be compensated and assisted by the City in such an amount and form, as maybe determined by the Agency, but in no case shall be less than P10,000.00. After the lapse of time for voluntary removal of structures, they shall be summarily removed in accordance with the provisions of this Ordinance. Section 8-8 of R.A. 7279, must however be observed in cases of eviction and demolition orders involving underprivileged citizens;



- 6.7 After notice and hearing lead by the City Legal Office, structure and property owners found to have any legal rights over a contested structure or property, but willing to voluntarily sell, donation, swap, or enter into expropriation proceedings, and any other forms of settlement and disposition of properties and improvements therein, shall be compensated based on mutual agreement of the parties, and in accordance with R.A. 10752, otherwise known as an Act Facilitating Acquisition of Right of Way or Location for National Government Infrastructure Projects, which the City may adopt as guide; subject to the Assessment rules of the City Assessor's Office and COA rules and Regulations, other applicable laws, existing ordinances, rules, laws and jurisprudence;
- 6.8 The City shall in accordance with R.A. 7279, otherwise known as, "An Act to Provide for a Comprehensive and Continuing Urban Development and Housing Program", as amended by, R.A. 11201 otherwise known as An Act Creating the Department of Human Settlements and Urban Development, Defining its Mandate, Powers and Functions, and Appropriating Funds Therefor, the Rules of the Housing and Land Use Regulatory Board, and other applicable laws, identify, and prepare resettlement areas for affected Informal Settler Families affected, based on the qualification of the identified ISF beneficiaries as prescribed by the Bacolod Housing Authority and the Agency, and on the policy that resettlement housing shall be accessible, affordable, habitable, and provided with human amenities and social services;
- 6.9 Other individuals, such as small vendors, peddlers of items of commerce, legitimate small business owners, and the like shall likewise be relocated or assisted by the City government by providing other suitable places of business, alternative livelihood and opportunities provided by the City Livelihood and Development Office (CLDO) and the City Department of Social Services and Development (CDSSD);
- 6.10 Recruit, orient, educate, organize deputize and deploy volunteers and barangay green brigade and similar organizations, to police identified and tag setback areas, and all easements and public right of ways, abate and prevent resurgence of illegal occupants and structures, warn and apprehend violators of this Ordinance;
- 6.11 Barangay Officials are hereby mandated to prevent, abate, illegal structure and settlers as provided in this Ordinance and other laws and regulations, and submit, quarterly, or as often as possible, reports of their status of operation, number of prevention campaigns conducted, abatement and apprehensions of encroachers and illegal settlers, and the general situation with recommendations, with regards to the Ordinance implementation to the Agency or the City Mayor;
- 6.12 Develop, promote, and implement a comprehensive hazard and disaster prevention and control measures of the City, together with partner stakeholders, to build community resiliency against flood and other hazards, and to institutionalize arrangements and measures for reducing disaster risks from flooding, and other climate risks and hazards, and enhancing disaster preparedness and response capabilities at all levels of the City, and towards this end, shall promote the following short and long-term restoration and rehabilitation programs:

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- 6.12.1 Reduction of fecal coliform level and toxic discharges from households and establishments;
- 6.12.2 Inspection and repair of leaks in old sewer lines (if existing);
- 6.12.3 Repair and maintenance work on waterways, such as drainage and canals;
- 6.12.4 Immediate flood control projects, such as desiltation and de-clogging operations, strategic deployment and use of portable and mobile pumps and other measures;
- 6.12.5 Clean up and water quality improvement thru regular ambient water sampling activities to monitor water quality of the Bacolod City River system and its tributaries as well as the sampling of effluent or wastewater discharge from establishments adjacent to the city river systems and setback areas, and adopt scientific clean water technologies, such as but not limited to bioremediation. Also, regular monitoring of waterways to ensure that floating solid wastes and other debris are collected to prevent them from ending up on seashores and coastal zones, and waterways and outlets of the city;
- 6.12.6 Repair and rehabilitation of old drainage, esteros, creeks canals waterways, walk ways, and the like;
- 6.12.7 Provide engineering intervention projects in flooding zones and areas, biological and solid waste management, waste re-use, recycling and reduction technologies, flood controls and water management, such as but not limited to, water impoundment projects, diversion, irrigation, river bank, esteros, creeks, waterways and coastal erosion control measures and projects, de-siltation and de-clogging;
- 6.12.8 Regular clean-up drives of coastal zones, sealines, ports and reclamation areas, and in rivers, lakes, tributaries, esteros, creeks, canals and other waterways and outlets;
- 6.12.9 Coastal and forest/mangrove sustainable development projects, such as tree and mangrove planting, forest and mangrove conservation and protection, sustainable and organic farming, urban greening and gardening, etc., based on multi-stakeholder management and climate change adaptation and disaster risk reduction approaches and models;
- 6.12.10 Employment and deployment of Volunteers and Green Rangers to forest, parks and rivers, coast and waterways, whose primary tasks are: 1. to keep their assigned waterways free of any floating garbage and pollution; 2. to closely monitor the condition of their assigned waterways and report any illegal discharge and other activities that would contribute to the worsening condition of the waterways; 3. Prevent new encroachments and settlements;



- 6.12.11 Require all establishments, whether government or private, including subdivisions, condominiums, hospitals, etc. to immediately connect to available sewerage systems or to construct individual sewerage treatment plants (STPs); and undertake remedial measures using engineering and technological interventions to improve the water quality in all bodies of water in the city, particularly to reduce coliform level in all major river systems, tributaries, esteros, and other waterways;
- 6.12.12 Sustained and continuing advocacy and information, education and communication campaigns and activities on environmental education, Ordinance provisions, programs and projects;
- 6.12.13 In close collaboration with the private sectors, non-government organizations, people's organizations and other volunteers, conduct annual and regular activities and festivals, to raise awareness and support on sustainable resource use and protection, and participating in fund raising drives to fund sustainable rivers and coastal resource management projects;
- 6.12.14 Promote eco-tourism, sustainable community enterprises and livelihood projects and activities in parks, rivers, beaches, and coastal zones;
- 6.12.15 Provide tax and other incentives to corporations and individuals participating in City sustainable resource management projects;
- 6.12.16 Encourage and promote public-private partnership in sustainable and profitable environmental programs and projects;
- 6.12.17 Formulate effective and popular advocacy and information, education and communication campaigns to raise public awareness and support for the successful implementation of this Ordinance.
- 6.13 Build and mobilize broad community, sectoral, institutional and individual support to the programs/projects and this Ordinance;
- 6.14 Organize volunteer groups and national and internal support and solidarity groups and organizations to support programs and projects and this Ordinance;
- 6.15 Initiate institutional and bureaucratic reforms and organize/re-organize government mechanisms to efficiently and effectively implement, monitor, evaluate and popularize lessons learned for program/projects and Ordinance implementation;
- 6.16 Coordinate inter-agency efforts at implementing the various programs/ projects and provisions of the Ordinance, and adopt efficient and effective policies, rules and practices in the management of human and other scarce resources;

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- 6.17 Implement the relevant provisions of Presidential Decree (PD) No. 856 or the "Sanitation Code of the Philippines," as amended; Republic Act (R.A.) No. 9275 (Clean Water Act), and R.A. No. 9003 (Ecological Solid Waste Management Act), and further improve the rules, regulations, which prohibits indiscriminate dumping/throwing/littering of garbage, refuse, filth and other kinds of wastes, in setback zones, public right of ways and easements, open space, rivers, lakes, esteros, drainage and other waterways and outlets, as well as, the encroachments and obstructions caused by various types of structures;
- 6.18 Ensure the observance of procedural and substantial due process in deciding complaints and issues brought before it relating to the implementation of this Ordinance;
- 6.19 Recommend needed appropriations and resources to the City Council and the City Mayor for successful realization of programs/projects and this Ordinance.

Section 7. PROHIBITED ACTS.

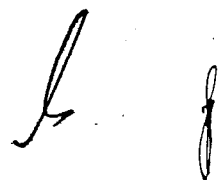
- 7.1 Discharging, depositing or causing to be deposited matter of any kind directly or indirectly along the margins or the water of the river, lakes, tributaries, canals and channels, esteros and other waterways where the same shall be liable to be washed into surface water either by the tide, storm floods or other occurrences which cause water pollution or impede the natural flow of the city river system;
- 7.2 Transporting, dumping throwing or discharging of sewage sludge, industrial, special and solid waste, from whatever source, into the City seashore and coastal zones, setback areas, rivers, waterways and outlets, parks and open spaces, streets, public right of ways and easements;
- 7.3 Operating facilities and discharging regulated water pollutants, or in such a manner cause unauthorized increase in volume or strength of any wastes in excess of the permissive discharge specified under any existing permit, or without the valid required permits or under revoked permit and violation of any condition imposed by the City;
- 7.4 Operating facilities that discharge or allow to seep willfully or through gross negligence prohibited chemicals toxic hazardous and nuclear waste or pollutants into the waterways wherein the same shall be washed into the surface and ground water of the river system;
- 7.5 Discharging injecting or allowing to seep into the soil or sub-soil any substance in any form that would pollute the city river groundwater;
- 7.6 Undertaking activities development and expansion projects or operating wastewater and sewerage facilities in violation of Environmental Impact Statement System established under Presidential Decree No. 1586 and its implementing rules and regulations;

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- 7.7 Refusal to allow entry, inspection and monitoring by the City Authorities duly authorized or deputized for the purpose;
- 7.8 Refusal or failure to submit reports whenever required by the City Authorities;
- 7.9 Refusal or failure to designate pollution control officers whenever required by the City Authority in accordance with this Ordinance;
- 7.10 Directly using booster pumps in the distribution system or tampering with the water supply in such a way as to alter or impair the quality of the water;
- 7.11 To issue permits to build or construct any type of structures within the setback zones and all waterways, parks, public right of way and easements, foreshore areas (which may nullify setback zones) prescribed by The Water Code, DENR DAO 2021-07 and this Ordinance;
- 7.12 The construction of structures such as buildings or fences, including unauthorized and improperly designed or located jetties, revetments, seawalls, wharves, causeways, and the like on, along or across the shore lands and foreshore, including the beaches, rivers, lakes, esteros and other bodies of water, which impede public access or prevent the exercise of the public's right of way in those areas, or which tend to accelerate coastal and other right of way erosion is declared as public nuisances and prohibited;
- 7.13 The issuance of permits for quarrying of sand and gravel or other materials from the foreshore and riverbanks and on public right of way and easements, and placing quarrying activities on the beaches and adjacent shore lands, river banks and other public right of way, unless otherwise allowed by special laws or other rules and regulations;
- 7.14 Illegal conversion of mangroves and forest lands;
- 7.15 Unauthorized cutting, gathering, and/or collecting timber or other forest products, as well as, transportation, possession or sale of the same, from City Forest lands, river banks, mangroves zones, parks, public right of ways and easements, without DENR clearance and legal documents, and City Permit;
- 7.16 Unauthorized conversion and or occupation or destruction of mangrove areas and or forestlands or possession and use of and/or damage to mangroves, forestland and forest stands;
- 7.17 Unauthorized reclamation, use or construction of structures in foreshore areas, shorelines and buffer zones, or any violation of terms and conditions of Foreshore Lease Agreement (FLA) and Environmental Compliance Certificate (ECC);



- 7.18 Obstruction of navigation or flow and ebb of tide;
- 7.19 Littering or throwing garbage, filth, or other waste matter, or to defecate, urinate, spit in open spaces, public places, to include roads, sidewalks, canals, esteros or parks, and establishments, or causing or permitting the same;
- 7.20 Unauthorized construction, installation or operation of any industrial or commercial establishments, including any sewage works, or any extension or modification thereof or addition thereto, the operation of which would increase discharge of waste directly into the water, air and/or land resources of the City or would otherwise alter their physical, chemical, or biological properties in any manner not already lawfully authorized;
- 7.21 Depositing or causing, suffering or procuring to be deposited material of any kind in any place on the bank of any navigable water, or on the bank of any tributary of any navigable water, where the same shall be liable to be washed into such navigable water, either by ordinary or high tides, or by storms or floods, or otherwise, whereby navigation shall or may be impeded or obstructed or increase the level of pollution of such water;
- 7.22 It is unlawful to bring out garbage on the property line of residential and commercial establishments or any part of the road which must be stored in properly sealed plastic containers and to be brought outside only upon arrival of the authorized garbage hauling trucks in their respective localities;
- 7.23 It is unlawful for the owners, operators, proprietors of public conveyance, trucks, lorries, tankers, delivery vans, and other commercial and transportation facilities to spill, scatter or litter any kind of form of waste defined in this Ordinance, or any of their loads on any part of the road, street or avenue on their way to their destination;
- 7.24 It is unlawful for any person or group of individuals to enter into a contract or offer the services for a fee for the disposal of domestic waste to a group of households in a community, unless otherwise, authorized and permitted by the City Authorities or homeowners' associations in private subdivisions in the form of livelihood projects to propagate reduction, recycling and reuse of waste;
- 7.25 It is unlawful for any person/s, private and public corporations, advertising and promotions companies, movie producers, professionals and service contractors to post, install, display any kind or form of billboards, signs posters, streamers, professional service advertisements and other visual clutters in any part of the road, sidewalk, center island, posts, trees, parks and open space; and



- 7.26 It is unlawful for any person/s, private or public corporations, to use sidewalks, easements and other similar public spaces for commercial and personal purposes shall be prohibited, including, but not limited to; selling of goods by sidewalk vendors; washing and drying of clothes; vehicles garage; dumping of garbage or litter; construction of pens or cages of animals; storing soft drinks or bottle drinks in cases; storing of household appliances and furniture; storing of junk and recyclable materials; use as storage of construction materials and equipment; house or business extension; installation of permanent fence or gate; use of sidewalks for plat, trees and planters; installation of signs or billboards; parking of vehicles; using of sidewalks for drinking liquor and beverages; drying of rice, corn, tobacco and other agricultural crops and riding motorcycles and scooters.

Section 8. PENAL PROVISION.

- 8.1 For violation of the provisions of Section 7 (Prohibited Acts) of the Ordinance, the following shall be imposed:

1st offense – One Thousand (P1,000.00) Pesos

2nd offense – Three Thousand (P3,000.00) Pesos

3rd and Subsequent Offenses – Five Thousand (P5,000.00) Pesos or imprisonment for one (1) year or both such fine and imprisonment at the discretion of the court.

The above penalties shall be without prejudice to a separate cost or suit for damages which may be imposed or filed by the City Government.

- 8.2 In case of minors, the parents shall be held liable and for juridical entities, the president or manager shall be held liable;

- 8.3 For violations under Special Provisions (Section 9):

1st Notice of Violation – One Thousand Five Hundred (P1,500.00) Pesos with warning to remove the obstruction within one (1) week from receipt of said notice.

2nd Notice of Violation – Three Thousand (P3,000.00) Pesos with final warning to remove such obstruction within seventy-two (72) hours from receipt of such notice.

3rd Notice of Violation – Five Thousand (P5,000.00) Pesos plus the expenses incurred by the implementing agency in removing such obstruction.

- 8.4 An appeal for extension of time may be made to the Office of the Mayor upon receipt of the 2nd Notice of Violation, but such extension of time whenever granted shall not exceed one (1) month. Such appeal must be made within the seventy-two (72) hours from the receipt of the 2nd Notice to Vacate;



- 8.5 Any official or employee who violates any of the mandatory and prohibited provision of this Ordinance shall be penalized under the Administrative Code, R.A. 6713, or the Code of Conduct and Ethical standards for Public Officials and Employees, or R.A. 3019 or the Anti-graft and Corrupt Practices Act;
- 8.6 Collection and Distribution of Fines under Section 7:
- 8.6.1 Forty percent (40%) shall be accrued to the apprehending deputized unit or organization.
- 8.6.2 The remaining sixty percent (60%) shall be distributed as follows:
- a) Seventy percent (70%) to the City Government; and
b) Thirty percent (30%) to the Barangay.
- 8.7 Collection from violation of the Special Provisions (8.1) shall accrue exclusively to the coffer of the City Government.

Section 9. SPECIAL PROVISIONS. Owner/s of existing structures, buildings, obstructions, dwelling units, stands/tienda stockpiles and the like existing or affected by this Ordinance are given one (1) week but not more than one (1) month, if an appeal is granted by the City Mayor to remove or cause to remove such structure/obstructions. The extension of time shall be upon the approval of the City Mayor. Such appeal shall be made not later than the expiration of the 2nd Notice of Violation.

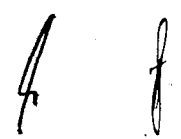
The above Section shall be done in accordance with the provisions of Sections 28 of R.A. 7279, which is an Act to Provide for a Comprehensive and Continuing Urban Development and Housing Program, Establish the Mechanism for its Implementation, and for other Purposes, and its Implementing Rules and Regulations, as amended by R.A. 11201, An Act Creating the Department of Human Settlements and Urban Development, Defining its Mandate, Powers and Functions, and Appropriating Funds Therefor.

Section 10. FUNDING. This Ordinance shall be annually appropriated for its administrative and operational requirements on the basis of the approved work and financial plans of the Agency to be appropriated from the General Fund and other available sources of fund of the City.

Section 11. APPLICABILITY. This Ordinance shall apply to all Barangays of Bacolod City and its entire territorial jurisdiction, including its Municipal (City) waters as defined under existing laws.

Section 12. SEPARABILITY CLAUSE. Any portion of this Ordinance which may be declared unconstitutional or invalid by Court shall not affect or invalidate the other provisions or portions of this Ordinance.

Section 13. REPEALING CLAUSE. Any City Ordinance, Rules and Regulations in contravention of this Ordinance are hereby deemed repealed, amended or modified accordingly.

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

Section 14. EFFECTIVITY. This Regulation shall take effect fifteen (15) days after its publication in a newspaper of general circulation in Bacolod City.

CARRIED BY THE VOTE OF:

Affirmative:

Councilors : Jude Thaddeus A. Sayson, Em L. Ang, Al Victor A. Espino, Vladimir S. Gonzalez, Jason Isidro S. Villarosa, Simplicia Z. Distrito, Celia Matea R. Flor, Psyche Marie E. Sy, Ayesha Joy Y. Villaflor.

Negative : N o n e .

Official Leave : Councilors Cindy T. Rojas, Renecito S. Novero and Lady Gles Gonzales-Pallen.

Absent : N o n e .

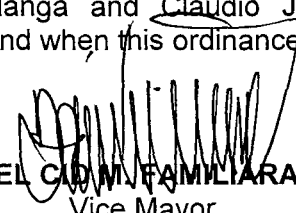
Author : Councilor Vladimir S. Gonzalez.

Co-Author : Councilors Jude Thaddeus A. Sayson, Al Victor A. Espino, Jason Isidro S. Villarosa, Claudio Jesus Raymund A. Puentevella, Simplicia Z. Distrito, Celia Matea R. Flor, Psyche Marie E. Sy, Renecito S. Novero, Lady Gles Gonzales-Pallen, Ayesha Joy Y. Villaflor, Cindy T. Rojas, Em L. Ang and Israel P. Salanga.

Passed : February 22, 2023 (34th Regular Session of the 11th Council)

Comments : P a s s e d .

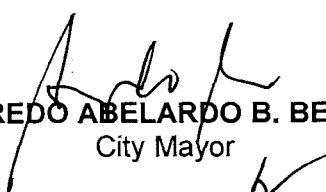
Councilors Israel P. Salanga and Claudio Jesus Raymundo A. Puentevella were not around when this ordinance was passed.


ELPIDIO FAMILIARAN
Vice Mayor
Presiding Officer

ATTESTED:


ATTY. VICENTE C. PETIERRE III
Secretary to the Sanggunian

APPROVED: MARCH 16, 2023.


ALFREDO ABELARDO B. BENITEZ
City Mayor

VCP/CGT/jbz

SP LEGISLATIVE
SERVICES SECTION

DATE: 3/31/2023 TIME: 1:57 P.M

BY: 