



OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN OF SIAYAN, ZAMBOANGA DEL NORTE HELD AT THE MUNICIPAL SESSION HALL ON THE 3RD DAY OF FEBRUARY 2020.

PRESENT:

Hon. Primitivo D. Castillo, Presiding Officer,	Municipal Vice Mayor
Hon. Emelyn P. Tulawe, Presiding Officer Pro-	Sangguniang Bayan Member
Hon. Estrella S. Zapatos,	-do-
Hon. Oliver A. Romero, Floor Leader	-do-
Hon. Ma. Rosely G. Secretario,	-do-
Hon. Rico V. Jambiola,	-do-
Hon. Rey L. Anugon, Assistant Floor Leader	-do-
Hon. Alfred R. Labastida R. Labastida	-do-
Hon. Phil A. Saraga, SK Fed. President,	-do-
Hon. Maribel C. Okay, ABC President,	-do-
Hon. Johnny C. Anugon, Sr., IPMR,	-do-

ABSENT:

Hon. Vanessa Lyn B. Atty,	-do-
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JUSTIFICATION

This august body had enacted Municipal Ordinance No. 19-21, Series of 2019 known as AN ORDINANCE PRESCRIBING RULES AND REGULATIONS IN THE CUTTING, HARVESTING, REPLANTING OF TREES AND TRANSPORTAL OF LUMBERS IN THE MUNICIPALITY OF SIAYAN, ZAMBOANGA DEL NORTE AND PENALIZING ANY VIOLATORS THEREOF".

However, upon review by the Sangguniang Panlalawigan of Zamboanga del Norte it was returned without favorable action under SP Resolution No. 14, dated January 13, 2020 with advice to consider and/or adhere to the following recommendations, to wit:

- a. That the word "transportal" in the title of the Ordinance be changed to "transport/transportation" to avoid ambiguity. The word "Transportal" cannot be found in the English dictionary.
- b. That the term "watershed", "endangered trees" and "chainsaw" be modified by adopting the definitions provided by pertinent laws for consistent purposes.

In compliance thereto, the Municipal Ordinance No. 19-21, Series of 2019 of this municipality is hereby amended under Municipal Ordinance No. 20-09, Series of 2020, quoted hereunder:

PREFATORY STATEMENT

Presidential Decree No. 953 was enacted to ensure strict compliance for environmental protection and conservation, therefore requiring all concerned persons specified therein for the planting of trees in certain places and penalizing unauthorized cutting, destruction, damaging and injuring of certain trees, plants and other vegetation.

However, land owners, tenants and among others in this municipality who planted trees like mahogany, gemilina, mangium and palcata at their respective parcel of land are urging for its timber harvest and extraction for commercial and residential purposes considering of being old age that at the end it caused internal stem damage and can no longer be useful into construction materials.

In consonance with the policy of the state towards the development of natural resources as well as the recognition of the rights of private landowners, and consistent with the agricultural development program of the government and in order to supplement the source of log

requirement for human utilization and commercial purposes hence cutting of trees in this municipality is subject for regulation.

This ordinance is a tool to help protect and manage community's trees. it can be designated to regulate various aspects of cutting trees, removal, extraction, transportation, tree planting and maintenance on public and private property within the municipality of Siayan, Zamboanga del Norte.

BE IT ORDAINED by the Sangguniang Bayan in session assembled:

"MUNICIPAL ORDINANCE NO. 20-09
Series of 2020

SECTION I. TITLE – This Ordinance shall be known as "AN ORDINANCE PRESCRIBING RULES AND REGULATIONS IN THE CUTTING, HARVESTING, REPLANTING OF TREES AND TRANSPORTATION OF LUMBERS IN THE MUNICIPALITY OF SIAYAN, ZAMBOANGA DEL NORTE AND PENALIZING ANY VIOLATORS THEREOF".

SECTION II. OBJECTIVES – The objectives of this ordinance are as follows:

1. Preservation and conservation of natural resources particularly naturally grown and planted trees.
2. In order to promote the public health, safety and welfare of the citizens and to enhance the economic, environmental and aesthetic surroundings.
3. To regulate the cutting, harvesting of trees and transportation of lumbers, and prescribed planting and transplanting of trees in private and public places.
4. To account all chainsaw and its owners/operators in this municipality and regulate its operation.

SECTION III. SCOPE AND COVERAGE – This ordinance shall be covered to all land owners, tenants, chainsaw owners/operators, households, schools, plaza and parks, national highways, municipal roads and streets, watershed areas, public and private lands within the territorial jurisdiction of the municipality of Siayan, Zamboanga del Norte.

SECTION IV. DEFINITION OF TERMS. For the purpose in this ordinance the following terms are defined:

- a) **REGULATION** - an official rule, law or order stating what may not be done or how something must be done.
- b) **PLANTED TREES** – trees planted by any person or group of persons.
- c) **NATURALLY GROWN TREES** – naturally occurring or growing trees.
- d) **LAND OWNER** –private individuals legally owned/possessed a parcel of land.
- e) **PRIVATE LAND** – owned and controlled by private individuals as per records in Office of the Municipal Assessor.
- f) **PUBLIC LAND** – refers to public domain.
- g) **MAYOR'S PERMIT** – to allow something or give permission issued by the Municipal Mayor.
- h) **WATERSHED** – a land area drained by a stream or fixed body of water and its tributaries having a common outlet for surface run-off.
- i) **TREE HARVEST** – it refers to cutting of trees, their conversion into logs/lumbers.
- j) **ENDANGERED TREES** – A species or subspecies that is not critically endangered but whose survival in the wild is unlikely if the casual factors continue operating.
- k) **CRITICALLY ENDANGERED SPECIES** –A species or subspecies that is facing extremely high risk of extinction in the wild in the immediate future.
- l) **CHAINSAW** – Any portable power saw or similar cutting implement, rendered operative by an electric or internal combustion engine or similar means, that may be used for, but is not limited to the felling of trees or the cutting of timber.

SECTION V. PROHIBITIONS. Cutting of trees is strictly prohibited on the following areas either located in the public and private lands:

1. No cutting of trees planted or naturally grown within 20 meters both sides of the roads and streets unless such trees have been determined to pose danger to life and property.
2. No cutting of trees planted or naturally grown on a strip 20 meters wide on both sides of creeks or rivers bordering or traversing private land for stream bank protection.
3. No cutting of trees planted or naturally grown within 20 meters around the lake and spring waters.
4. No cutting of naturally grown trees within the private or public land identified as endangered species and critically endangered species.

SECTION VI. PERMIT TO CUT OF PLANTED TREES ON PRIVATE LANDS. Any person or group of persons, owner and or tenant, lumber dealer is hereby permitted to cut/harvest their planted trees (Gemilina, Mahogany, Mangium and Palcata) with the following conditions:

1. Proof of Ownership (Land Title or Tax Declaration).
2. Deed of Sale if the land or tree has been sold.
3. Mayor's Permit to cut, and other pertinent documents issued and required by the CENRO/DENR.
4. Full payment of the real property tax where the planted trees to be harvested.
5. Certificate of Confirmation of the landowner for reforestation/replanting over the harvested area to be secured at the Municipal Agriculture Office.
6. Certification of the Barangay Captain of being planted trees.
7. Transport Permit if the lumbers shall be transported within and/or outside the municipality of Siayan, Zamboanga del Norte.

SECTION VII. CUTTING/PRUNING OF TREES. Separate of harvesting, removal, cutting and pruning of trees over the public and private land is allowed on the following cases:

1. Any over-matured, diseased/defective and or healthy tree posing hazards to lives and properties.
2. Any trees located in the area to be utilized for government structures, and residential purposes, provided however, provisions of Section VI shall be applied.
3. All trees that obstruct in the conduct of electric line clearing.

SECTION VIII. DISPOSITION OF TREES UNDER SECTION VIII.

1. For public places, all trees cut and parts thereof shall be turned-over to the Local Government of Siayan, Zamboanga del Norte for proper disposition.
2. For trees cut inside the private places, this shall belong to private land owner. However, in case of transporting, necessary documents enumerated in Section VI shall be complied.

SECTION IX. REPLANTING OF TREES. For environmental conservation and preservation, any person or group of persons, landowner or tenant, herein permitted to cut/harvest its planted trees shall undertake the replanting after the lumbers completely disposed-off.

SECTION X. MANAGEMENT POLICY ON REPLANTING.

- (a) The Local Government through the Office of the Municipal Agriculture Office shall provide the seedlings of trees to be replanted over the harvested land.
- (b) The Municipal Agricultural Officer (MAO) and the Municipal Assessor shall conduct ocular inspection of the total harvested area and assess the total land area to determine the number of seedlings to be provided.
- (c) The Municipal Agriculture Office personnel has the full supervision over the field provided herein for the assurance of the maintenance and proper care of the replanted trees, therefore conduct visitation regularly and monitor the landowner for the following activities:

1. Land preparation
2. Slashing/clearing
3. Lay out
4. Staking
5. Digging the hole
6. Basal Application of fertilizer if the case maybe
7. Watering
8. Fertilizer Application
9. Weeding
10. Spraying of insecticides/fungicide
11. Replacement of dead planted seedlings.

d) Confirmation of replanting is hereby given Thirty (30) days grace period after the harvested tress/lumbers has been disposed-off, failure to do so is a violation of this ordinance.

SECTION XI. RULES AND REGULATION OF CHAIN SAWS.

- a) **REGISTRATION OF CHAIN SAWS.** Any person or group of person possessed or owned a chainsaw within and/or outside the municipality of Siayan, Zamboanga del Norte that will operate in this area shall register its chain saw in the local government unit through the Office of the MENRO.
- b) **OPERATION OF THE CHAIN SAW.** Any person, owner or operator that operates for the purpose of cutting trees shall secure Mayor's Permit in every operation.
- c) **UNREGISTERED CHAIN SAW** shall be confiscated and to be turned-over to the Police Authority for proper disposition.

SECTION XII. FEES AND CHARGES ON CUTTING. Any chain saw owner/operator that operate for the purpose of cutting trees within the territorial jurisdiction of the barangays of Siayan, Zamboanga del Norte shall be charged in the amount of FIVE (Php5.00) pesos per tree to be collected by the Barangay Treasurer concerned. The proceed shall accrue to the barangay funds accounted as barangay revenues.

SECTION XIII. TRANSPORTATION PERMIT FEE. Transportation permit fees and charges of lumbers transported within and outside the municipality are hereby imposed in the following manner:

1. Within the Municipality of Siayan, Zamboanga del Norte P200.00
2. Outside the municipality 1.50/bd. Ft.

SECTION XIV. AUTHORITY OF THE BARANGAY OFFICIALS. For effective implementation of this Ordinance the Barangay Officials shall hereby authorized the following:

1. The concerned Barangay Captain and other barangay officials shall, at the height of its operation in cutting and sewing trees, examined, inquired or demand the landowner its pertinent documents provided under Section VI of this Ordinance. The absence of such documents is a ground to stop the operation of cutting trees and apprehend the landowner to include the chain saw and the operator and turned -over to the Police Authority for formal filing of charges in court as the case maybe.
2. The concerned Barangay Captain and other barangay officials shall, at the height of cutting and sewing trees, examined, inquired or demand the chain saw operator its pertinent documents provided under Section XII of this Ordinance. The absence of such documents is a ground for confiscation of the chain saw and apprehend the operator and turned-over to the Police Authority therefore impose the appropriate penalty provided in this ordinance and/or file the formal charges in court as the case maybe.

SECTION XV. PENAL PROVISION. Any violation of this Ordinance shall be penalized of the following offenses:

- 1st Offense P1,000.00
- 2nd and subsequent offense 2,000.00
- Imprisonment of 30 days but not more than sixty (60) days or both fine and imprisonment at the discretion of the Honorable Court.

SECTION XVI. REPEALING CLAUSE. The provision of the previous ordinances or other local issuances inconsistent with this ordinance are hereby repealed or modified accordingly.

SECTION XVI. SEPARABILITY CLAUSE. If for any reason, any part or provision of this Ordinance shall be declared unconstitutional or invalid, such parts or provisions not affected thereby shall remain in full force and effect.

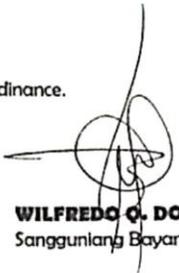
SECTION XVII. EFFECTIVITY. This Ordinance shall take effect 30 days after approval of the Sangguniang Panlalawigan of Zamboanga del Norte and publication in the official gazette of local circulation.

Enacted this 3rd day of February 2020.

I HEREBY CERTIFY to the correctness of the above-quoted Ordinance.

**CERTIFIED CORRECT
AS TO ITS PASSAGE:**


PRIMITIVO D. CASTILLO
Municipal Vice Mayor
(Presiding Officer)


WILFREDO O. DOMPALES
Sangguniang Bayan Secretary

APPROVED:


JOSECOR S. GEPOLONGCA
Municipal Mayor

2-7-2020