

AN ORDINANCE REVISING CITY ORDINANCE NOS. 2003-013 AND 2004-046
BY ENHANCING ENVIRONMENT MANAGEMENT AND CARE, PRESCRIBING
ADMINISTRATIVE GUIDELINES THEREOF, AUTHORIZING THE GRANT AND
PAYMENT OF ENVIRONMENTAL ENFORCEMENT INCENTIVES, CREATING A
TRUST ACCOUNT TO COVER THE INCENTIVES, AND FOR OTHER PURPOSES;-

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EXPLANATORY NOTES

The City Government of Naga strictly adheres with the declared policy of the State to adopt a systematic, comprehensive and ecological management program which shall ensure the protection and promotion of public health and ensure the right of persons to a clean environment.

The Sangguniang Panlungsod of Naga, as mandated by the Local Government Code of 1991, has enacted ordinances including adoption of national laws that sought to protect the environment and impose appropriate penalties for violations thereof.

City Ordinance No. 2003-013 established the "Bantay Kapitalibotan sa Maogmang Lugar"- wherein the primordial aim was to enforce city ordinances and other national laws particularly on anti-littering and solid waste management. This was amended by City Ordinance No. 2004-046. The latter provides incentives to environment enforcers in order to maximize their efforts and sustain environmental protection.

However, given its limitations, there is a need to revise the above- cited ordinances in order to prescribe clear guidelines for its implementation and achieve a systematic and orderly mechanism, including apprehension of violators, procedures on recording, among others, hence, this Ordinance.

NOW, THEREFORE, be it ordained by the Sangguniang Panlungsod of Naga, that:

SECTION 1. - Title. - This ordinance shall be known as "**The Environmental Enforcement Ordinance of Naga City**".

SECTION 2. - Purposes and Objectives. - This ordinance is enacted pursuant to the policy of the City Government of Naga to protect and promote public health. This ordinance is also enacted based on the operative principles that: "Active participation of all residents is needed to attain sustainable development" and "The polluter shall bear the costs of pollution".

SECTION 3. - *Definition of Terms.* - For purposes of this ordinance, the following terms and phrases shall mean and be construed as:

- (a) *Environment Management and Care* - refers to the entire system which includes, but is not limited to conservation, regulation, and minimization of pollution, clean production, waste management, environment law and policy, environmental education and information, study and mitigation of the environmental impacts of human activity, and environmental research, among others.

This will also cover all concerns that pertain to maintenance of cleanliness and orderliness of the surroundings, streets, sidewalks, yards, canals, rivers and creeks, proper disposal of solid and liquid wastes, proper care of animals, including trees and forests, among others.

- (b) *Environmental Enforcer* - a bonafide person duly deputized/authorized by the City Mayor to issue Environmental Violation Receipt (EVR) to violator/s of the provisions of environmental laws and ordinances. These officers can be personnel of the City Environment and Natural Resources Office (ENRO), Solid Waste Management Office (SWMO), members of the Philippine National Police-Naga City Police Office (PNP-NCPO), Public Safety Office (PSO), Market Enterprise and Promotions Office (MEPO), City Health Office (CHO), City Veterinary Office (CVO), City Agriculture Office (CAgO), Barangay Officials, Tanods, or any person authorized/deputized by the City Mayor;
- (c) *Environment Violation Receipt (EVR)* - is a citation ticket/form issued by an Environmental Enforcer to violator/s for violating provisions of laws and ordinances on environment management and care. It notifies the offender/s on the particular acts or omissions and advices the violator/s to appear to the ENRO for appropriate disposition;
- (d) *Environment Violation Receipt Redemption Center (EVRRC)* - refers to the Office of the ENRO with personnel tasked to receive EVRs from violator/s and assessment of corresponding payments for fines and penalties. It shall collect all issued EVRs and monitor and record all apprehensions made by all deputized Environment Enforcers;
- (e) *Violator* - a person who commits act/s or omission/s in violation of the provisions of laws and ordinances on environment management and care.

SECTION 4. - *Laws and Ordinances Given Emphasis for Implementation of this Ordinance.* - The following laws and

ordinances must be given emphasis in the implementation of this ordinance by the environmental enforcers, to wit;

- (a) Anti-littering ordinances;
- (b) Prohibition of cutting and/or up-rooting of trees;
- (c) Waste segregation;
- (d) Quarry regulations;
- (e) Health and sanitation;
- (f) Preservation of Naga River;
- (g) Anti-smoke belching, air pollution control, including noise coming from motorcycles;
- (h) Plastic bag regulatory ordinance;
- (i) Wastewater management ordinance;
- (j) Commercial and backyard poultry and livestock farm regulations;
- (k) Other environmental laws and ordinances.

SECTION 5. - Administrative Guidelines and Procedures. -

The following administrative guidelines and procedures are hereby promulgated:

- (a) A deputized Environment Officer shall apprehend and issue Environment Violation Receipt (EVR) to violator/s for violating provisions of laws and ordinances on environment management and care. The Officer shall properly accomplish the required information in the EVR, particularly the citing of act/s or omission/s in violation of a particular provision/s of law/s or ordinance/s. Shall also advise the violator/s to appear to the EVRRC (ENRO Office) within three (3) working days after apprehension for payment of fines and penalties. The same period is also observe in filing of protest.

The deputized officer may also take and submit photographs which may detail the act/s or omission/s. These photographs may be used as supporting evidence in case of protest submitted by the violator/s.

- (b) The EVR shall be accomplished in three (3) copies. The original copy shall be issued to the offender/s; the second copy shall be submitted to the EVRRC; and the third copy to be secured by the Environment Officer.
- (c) The apprehending officer shall require the committed offender/s to affix his/her signature to the EVR to confirm/affirm his/her act/s or omission/s. If the violator/s refuses to sign, the officer shall put on the remarks "Refused to sign" and issue the original copy to the violator/s, and the matter shall be reported to the EVRRC for information purposes.

- (d) If after three (3) working days from the issuance of the EVR, the violator/s refuses to pay the corresponding fines or penalties, or fails to report to file a protest to the EVRRC, the ENRO shall coordinate with the City Legal Officer to initiate appropriate legal actions.
- (e) If the offender/s opted to file a protest, the ENRO shall advise him/her to explain in writing the facts and circumstances therein, and submit the documents within seven (7) working days after the issuance of EVR. If after this period, the offender/s fails to file the protest, the ENRO shall proceed to submit the case for filing of appropriate legal actions.
- (f) All protests shall be submitted to the City Legal Officer, who is empowered under this ordinance to hear and decide on protest brought before his office. Decisions of the City Legal Officer shall be appealable to the Office of the City Mayor within forty-eight (48) hours after receipt of the CLO's decision. The Office of the City Mayor has ten (10) days to review said decision, which shall be final and executory.
- (g) If the City Legal Officer decides in favor of the violator/s' protest, the ENRO shall issue a certification clearing the violator/s and cancel the EVR. If the decision affirms the issuance of EVR, the violator/s shall pay the corresponding fines and penalties within three (3) working days after the decision. In case of failure to do so, the ENRO shall proceed in submitting the case for filing of appropriate legal charges.
- (h) All records of apprehensions and protests shall be properly kept in the EVRRC for reference and other legal purposes.

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SECTION 6. - Collection and Recording of Fines and Penalties.

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- (1) All fines and penalties collected, in violations of the provisions of laws and ordinances on environment management and care shall be made at the City Treasurer's Office (CTO) and shall accrue to the General Fund, except those under Section 10 hereof. The City Treasurer's Office and the City Accountant shall keep and maintain all records in relation thereto.
 - (2) The EVRRC personnel shall advise the violator/payor to proceed back to ENRO after settling the fine at

the City Treasurer's Office to record his/her payment. This record will serve as basis in the computation of incentives for the deputized Environment Enforcers.

SECTION 7. - Recording and Accounting Mechanisms of Fines and Penalties. - All fines and penalties collected shall be properly recorded and accounted through the following:

- (1) The ENRO, through the EVRRC shall maintain and keep a record of all EVRs issued and apprehensions made by all deputized Environment Officers.
- (2) Deputized officers who are select personnel from the City Environment and Natural Resources Office (ENRO), Solid Waste Management Office (SWMO), Public Safety Office (PSO), Market Enterprise and Promotions Office (MEPO), City Health Office (CHO), City Veterinary Office (CVO), City Agriculture Office (CAgO) shall return the duplicate copy of their issued EVRs and other information to the EVRRC within twenty-four (24) hours after its issuance.

The deputized officers from Philippine National Office-Naga City Police Office (PNP-NCPO), barangay officials and tanods shall also follow the same procedure stated above.

- (3) The EVRRC personnel shall record the submitted EVRs of each deputized officer. The record shall contain, among others, the name and address of violator, the ordinance violated, the payment of fines and penalties for such EVR, and other information that may deem necessary.

SECTION 8. - Authority to Grant Incentives to Environment Enforcers. - The grant and payment of incentives for Environment Enforcers is hereby authorized under this ordinance, corresponding to fifteen percent (15%) of the total amount collected as fines and penalties from individual violator/s the individual enforcer had actually apprehended.

SECTION 9. - Incentives Processing Procedures. - The following procedures on the processing of incentives are hereby promulgated, subject to the existing accounting and auditing procedures, rules and regulations:

- (1) After the end of the month, the EVRRC shall prepare a report detailing the submitted EVRs of each deputized Environment Enforcer and the corresponding payment of fines and penalties actually paid for such EVR, and shall prepare the necessary documents for

processing as required by the City Accounting Office and City Treasurer's Office.

- (2) Based on the detailed report, the EVRRC in consultation with the City Treasurer's Office, shall compute the incentives to be given to each Environment Enforcer, who actually issued the EVR, based on Section 7 hereof..
- (3) After processing, the incentives shall be withdrawn personally by the Environment Enforcer at the City Treasurer's Office.

SECTION 10. - Miscellaneous Provisions. - The City Environment and Natural Resources Office (ENRO) shall take the lead in the implementation of this ordinance. As such, the ENRO shall:

- (a) Quarterly conduct trainings, orientations and regular briefings to deputized Environment Enforcers on such provisions of laws, ordinances, rules and regulations to be implemented, specifically on environment management and care;
- (b) Establish the Environment Violation Receipt Redemption Center (EVRRC) and assign personnel therein;
- (c) Cause the printing of the EVRs, in consultation with the City Legal Officer;
- (d) Submit a quarterly Environmental Enforcement Report to the City Mayor and the Sangguniang Panlungsod to monitor its implementation and in aid of legislation.

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SECTION 11. - Trust Account. - A trust account is hereby established corresponding to fifteen percent (15%) of the fines and penalties to be collected to cover incentives for environmental enforcers. The remaining eighty-five percent (85%) shall accrue to the General Fund of the City Government. The amount necessary for the printing of Environment Violation Receipts (EVRs), conduct of trainings/orientations, and other expenses for the implementation of this ordinance shall be charged to the latter account.

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SECTION 12. - Oversight Committee. - An Oversight Committee is hereby created to ensure that the provisions of this ordinance are properly implemented, which shall be composed of the following:

Chairperson - Chairman, SP Committee on Environment

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Co-Chairperson - Chairman, SP Committee on Peace &
Order, Public Safety & Disaster
Management
Members - SP Members of the Committee on
Environment and Committee on Peace &
Order, Public Safety and Disaster
Management
City ENRO
City Administrator

SECTION 13. - Separability Clause. - Any provision or portion of this ordinance found to be in violation of the Constitution or invalid shall not impair the other provisions or parts thereof and shall remain in full force and effect.

SECTION 14. - Repealing Clause. - Pertinent provisions of City Ordinance No. 93-049, otherwise known as "The Transport and Traffic Code of Naga City", and all other existing ordinances, rules and regulations or parts thereof which are inconsistent or in conflict with the provisions of this ordinance are hereby repealed, modified and/or supplemented accordingly.

SECTION 15. - Effectivity. - This ordinance shall take effect after publication in a newspaper of general circulation in the City of Naga.

ENACTED: July 21, 2020

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WE HEREBY CERTIFY to the correctness of the foregoing ordinance.




GIL A. DE LA TORRE
Secretary to the
Sangguniang Panlungsod



CECILIA B. VELUZ-DE ASIS
City Vice Mayor &
Presiding Officer

APPROVED:



NELSON B. LEGACION
City Mayor 7/28/2020