

## EXPLANATORY NOTE

The encroachment of illegal structures on the legal easement of our creeks and rivers and the indiscriminate dumping of waste into these waterways have constricted and clogged these natural drainage channels severely reducing their carrying capacity. The consequence is predictable and devastating: during periods of heavy rainfall, our streets and communities suffer from severe and prolonged flooding, endangering lives and destroying property. Furthermore, the polluted state of our waterways creates breeding grounds for water-borne diseases, posing a continuous health risk to our citizens, especially our children. This proposed ordinance is a proactive and essential public health and disaster risk reduction measure, aimed at addressing the root causes of this urban decay before they lead to further catastrophe.

The passage of this ordinance represents a pivotal moment for Naga City. It is a declaration that we will no longer tolerate the degradation of our natural heritage and the endangerment of our people. It is a commitment to restoring our waterways, strengthening our resilience against flooding, protecting the health of our communities, and upholding the rule of law with both firmness and compassion. By adopting this ordinance, the Sangguniang Panlungsod will not only solve a pressing contemporary problem but also leave a lasting legacy of environmental stewardship, public safety, and sustainable development for generations of Nagauenos to come.

### ORDINANCE NO. 2025-\_\_\_\_\_

**AN ORDINANCE RECLAIMING THE EASEMENTS OF CREEKS, RIVERS AND OTHER WATERWAYS WITHIN THE TERRITORIAL JURISDICTION OF NAGA CITY, PROVIDING FOR THE CLEARING OF ILLEGAL STRUCTURES AND OBSTRUCTIONS, PROHIBITING THE DUMPING OF WASTE, PROVIDING PENALTIES FOR VIOLATIONS THEREOF, AND ESTABLISHING AN IMPLEMENTING MECHANISM AND PROVIDING FUNDS THEREFOR**

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**BE IT ORDAINED**, by the Sangguniang Panlungsod of the City of Naga, that:

#### **Article I: Title, Declaration of Policy, and General Provisions**

**Section 1. Short Title.** This ordinance shall be known and cited as the "Naga City Waterways Clearing and Easement Reclamation Ordinance of 2025".

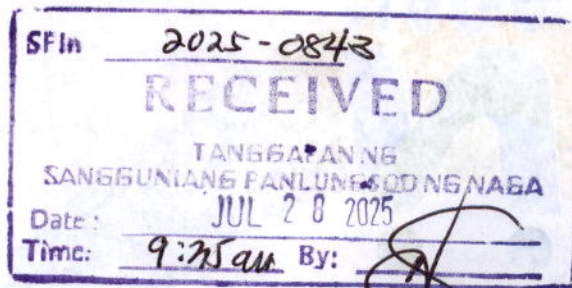
**Section 2. Declaration of Policy and Objectives.** It is the declared policy of the City of Naga to mitigate flooding caused by clogged creeks, esteros, and other waterways, and to reclaim their easements for the use and enjoyment of the general public.

This ordinance seeks to:

- a. Prohibit the dumping or throwing of solid and liquid wastes into waterways and their legal easements.
- b. Identify, delineate, and recover the legal easements of all waterways in Naga City as mandated by national laws and regulations and declare them as no-build zones.
- c. Clear all illegal structures, encroachments, and obstructions of these waterways thereby restoring their natural flow and drainage capacity.
- d. Establish a comprehensive, coordinated, and sustainable mechanism for the enforcement of legal easement regulations and the clearing of waterways.
- e. Implement a just and humane relocation program for qualified informal settler families affected by clearing operations, in strict adherence to national laws and city ordinances.

**Section 3. Scope and Coverage.** This ordinance shall apply to all rivers, creeks, esteros, and other similar waterways within the territorial jurisdiction of Naga City, and to all persons, natural or juridical, owning, possessing, or occupying lands abutting or within the legal easements of these waterways or occupying any part of such waterway.

**Section 4. Definition of Terms.** As used in this Ordinance, the following terms shall mean:





- a. **Creek** - A stream of water longer than a brook or small stream that empties into a river.
- b. **Legal Easement** - As used in this Ordinance, it shall refer to a real right and legal encumbrance imposed by law on an immovable property (the servient estate) for the benefit of the public, which limits the owner's full enjoyment of the property to the extent necessary for public use. The word "easement" as used in this Ordinance shall refer to "legal easement."
- c. **Illegal Structure** - Any building, shanty, fence, wall, foundation, or any other structure, whether permanent or temporary, constructed or erected within the legal easement of a waterway in violation of the no-build zone policy.
- d. **Informal Settler** - Individuals or families residing in urban or urbanizable areas whose income falls within the poverty threshold as defined by the Department of Economy, Planning, and Development (DEPDev) and who do not own housing facilities, including those who live in makeshift dwellings and do not enjoy security of tenure.
- e. **Obstruction** - Any object, material, or activity that impedes, hinders, or clogs the natural flow of water in a waterway or prevents public access to and use of the legal easement. This includes, but is not limited to, garbage heaps, landfilling, stockpiles of materials, and illegal aquaculture structures.
- f. **Professional Squatters** - Individuals or groups who occupy lands without the express consent of the landowner and who have sufficient income for legitimate housing. The term also applies to persons who have previously been awarded homelots or housing units by the Government but who sold, leased, or transferred the same to settle illegally elsewhere, and non-bona fide occupants of lands reserved for socialized housing.
- g. **Relocation** - The process of transferring qualified ISFs from their dwellings within the easement to a new settlement site that is decent, safe, and provided with basic services, as mandated by R.A. 7279.
- h. **Solid Waste** - All discarded household, commercial, institutional and industrial waste, street sweepings, construction debris, agricultural waste, and discarded or unwanted materials that are considered to have no further use or value by their owner.
- i. **Waterway** - A general term referring to any river, creek, estero, stream, or drainage canal that serves as a channel for water.

## **Article II: Delineation of Easements and Establishment of No-Build Zones**

**Section 5. Legal Easement and No-Build Zones.** In accordance with Article 51 of P.D. 1067 and DENR Administrative Order No. 2021-07, the following legal easements for public use in the interest of recreation, navigation, floatage, fishing, and salvage are no-build zones:

- |                       |   |  |
|-----------------------|---|--|
| a. Urban areas        | : | 3 meters from the normal high waterline  |
| b. Agricultural areas | : | 20 meters from the normal high waterline |
| c. Forest areas       | : | 40 meters from the normal high waterline |

The determination of whether an area is urban, agricultural, or forest shall be based on the latest approved Comprehensive Land Use Plan (CLUP) and Zoning Ordinance of Naga City, as amended by succeeding reclassification ordinances.

**Section 6. Construction of concrete embankments for flood control purposes.** Concrete embankments with walkway on top and railing on the side of the waterway may be constructed along creeks and rivers which are prone to overflow during heavy rains. They shall be so designed and constructed to withstand swift current, flooding and heavy debris. Streetlights may be included particularly in sections adjacent to populated areas.

**Section 7. Eco-friendly interventions to preserve riverbanks.** To stabilize the banks, minimize erosion, filter runoff and pollutants, and mitigate flooding, the planting of bamboos, native trees and vegetation, and the use of biodegradable fibers, on banks unprotected by concrete embankments shall be pursued. This will not only minimize erosion but also provide habitat to wildlife.

**Section 8. No-Build Zones in CLUP.** The CPDO shall incorporate all legal easement zones on the official zoning maps of the city. These maps shall serve as the primary and authoritative basis for the review and approval of all building permits, zoning clearances, and other land use-related applications for properties adjacent to waterways. The Building Official shall ensure that no private structure is permitted on legal easements.

**Section 9. Duty of Punong Barangays to prevent illegal structures.** After the effectivity of this Ordinance, barangay officials shall prevent the construction of any kind of illegal dwelling units or other structures



within the easement of waterways or on any part of the waterway itself. Any barangay official who allows, abets or otherwise tolerates the construction of any new structure in violation of this section shall be liable to administrative sanctions under existing laws and to penal sanctions provided for under Republic Act No. 7279.

#### **Article IV: Implementation and Enforcement Mechanism**

**Section 10. Creation of the Naga City Waterways Management Council.** There is hereby created the Naga City Waterways Management Council (NCWMC), which shall serve as the primary policy-making, coordinating, and oversight body for the effective implementation of this ordinance.

**Section 11. Composition of the NCWMC.** The NCWMC shall be composed of the following :

**Chairperson:** City Mayor

**Members:**

- a. City Environment and Natural Resources Officer
- b. Head, Solid Waste Management Office
- c. City Engineer
- d. Head, Housing and Settlements Development Office
- e. City Planning and Development Coordinator
- f. City Legal Officer
- g. City Health Officer
- h. Head, City Disaster Risk Reduction and Management Office
- i. Head, City Events, Protocol and Public Information Office
- j. Punong Barangays crossed by creeks and rivers:
  - a. Del Rosario
  - b. Concepcion Grande
  - c. Concepcion Pequeña
  - d. Triangulo
  - e. Mabolo
  - f. Panicuason
  - g. Carolina
  - h. Pacol
  - i. San Felipe
  - j. Penafrancia
  - k. Calauag
  - l. Dayangdang
  - m. Cararayan
  - n. San Isidro
  - o. Del Rosario
- k. A representative from the Department of Environment and Natural Resources
- l. A representative from the Department of Human Settlements and Urban Development
- m. Head of the Naga City Urban Poor Federation
- n. Two representatives from accredited non-government or civil society organizations with relevant advocacy to be designated by the Naga City People's Council.

**Section 12. Powers and Functions of the NCWMC.** The NCWMC shall have the following powers and functions:

- a. Formulate a Waterways Management and Clearing Implementation Plan (WMCIP) detailing activities, timeline and budgetary requirement. It shall cover the three-year period of each city administration commencing on January 1 following their election and ending December 31 of the third year.
- b. Coordinate the implementation of the WMCIP, particularly clearing, demolition, and relocation activities to ensure compliance with this ordinance and national laws particularly those on relocation of informal settlers.
- c. Resolve any inter-departmental or inter-agency issues that may arise.



- d. Ensure the inclusion of the WMCIP in the development plan, Executive-Legislative Agenda, investment program and annual budget.
- e. Submit progress reports to the Sangguniang Panlungsod which shall also be disseminated to the public thru the city's social media and online channels.
- f. Enlist the support and participation of national government agencies, the private sector, and civil society.

**Section 13. Role of the City Environment and Natural Resources Office (ENRO).** ENRO shall serve as the Secretariat and lead implementing arm of the NCWMC. It shall be responsible for the day-to-day enforcement of this ordinance, the provision of technical support to the Council, the supervision of easement mapping and tagging operations, the conduct of ground survey and identification of settlers in partnership with HSDO, coordination with city government departments and offices and with national agencies, and coordination with the barangays and civil society organizations.

**Section 14. Role of the Solid Waste Management Office.** The Solid Waste Management Office shall assign a permanent team dedicated to the year-round continuous clearing of creeks and waterways. It shall be composed of a sufficient number of personnel, with the necessary gear and equipment, to clear areas laden with trash or vegetation overgrowth. It shall ensure that creeks and tributaries have no obstruction on their way to their final outfall regardless of the season. In the performance of its role, it shall harness the assistance of the *Bantay Salog* and residents of the barangay.

**Section 15. Role of the Housing and Settlements Development Office.** The HSDO shall ensure compliance with R.A. 7279 in the clearing of informal settlers. It shall prepare a relocation plan for qualified families living within the legal easement or encroaching on any part of the waterway. Such plan shall be incorporated in the Shelter Plan. The programs and projects necessary to carry the Shelter Plan shall be included in the city's investments programs and annual budget.

**Section 16. Role of the City Health Officer.** The City Health Officer shall review and approve requests for the abatement of structures and other obstructions along the easement which prevents its use by the public for recreation, navigation, floatage, fishing and salvage.

#### **Article V: Procedure for Clearing of Easements and Removal of Obstructions Existing Prior to the Effectivity of this Ordinance**

**Section 17. Inventory of Informal Settlers and Structures.** The inventory of informal settlers and structures along the city's waterways shall be conducted simultaneously in two tracks. Track 1 shall involve the deployment of camera drones to generate a rapid visual documentation of the creeks and waterways and the structures on the legal easement or on any part of the waterway. Track 2 shall involve the physical identification and tagging of each informal dwelling consistent with the requirements of RA 7279, as well as the identification and tagging of any other structure found on the easement or on any part of the waterway.

For Track 1, ENRO shall coordinate with CEPPIO and other offices with existing camera drone equipment to produce an aerial picture of each creek or waterway showing the structures within the legal easement and on any part of the waterway.

For Track 2, HSDO, in coordination with the barangay, shall conduct a comprehensive census to identify and tag all informal settlers within the legal easements or encroaching on any part of the waterway itself. The census shall profile all occupants to determine their socio-economic status and their eligibility for relocation assistance under R.A. 7279. ENRO, on the other hand, shall identify and tag all other structures within the same easement and waterway.

Any structure not included in the aerial picture, or in the census but later on found to be in existence shall be deemed as new structure subject to immediate removal in accordance with Section xx hereof. Copies of the aerial picture and the result of the census shall be furnished the Barangay, the City Health Officer, HSDO and the CPDO for their reference and guidance.

**Section 18. Incentivized Voluntary Dismantling.** Qualified ISFs who voluntarily dismantle their structures in their entirety and vacate the easement after due notice shall be eligible to receive a "Dismantling and



Disturbance Assistance" grant from the city government. They shall also be assisted in transporting their housing materials and belongings to any destination within mainland Bicol, or if outside, the corresponding transportation expenses. This financial assistance shall be separate from and in addition to any relocation package they are entitled to under R.A. 7279. The NCWMC shall set the amount and guidelines for this grant. Professional squatters as defined under RA 7279 are excluded from this benefit.

**Section 19. Removal of New Illegal Structures or Materials on Easements and Waterways Put Up After the Effectivity of this Ordinance.** New structures or materials defined as those built or placed on the legal easement or any part of the waterway after the conduct of the inventory as proven by its absence in the drone aerial picture or physical inventory prepared in accordance with Section 7 hereof, shall no longer be tolerated and shall forthwith be removed in accordance with the following procedures:

- a. **Initiation:** The Punong Barangay or any barangay official or private citizens, upon confirming the existence of the new structure, should document it with photographs and a simple written report indicating the date and time the photos were taken, location of the structure and any landmark, and name of the owner. The photographs should include the creek or waterway to prove that the structure is within the easement or on the waterway itself. This report should be transmitted to the Office of the City Mayor citing the violation of this ordinance and Article 51 of the Water Code.
- b. **Declaration as a Nuisance.** The City Health Officer, after assessing the structures and finding the same to be a nuisance, shall approve its immediate abatement if the value of the said structure is P3,000.00 or below. Otherwise, the following steps (c to f) shall be observed prior to the structure's removal.
- c. **Action by the City Mayor:** The City Mayor, using the report from the barangay or a private citizen shall direct the City Legal Office to commence the necessary proceedings.
- d. **Notice and Hearing:** The City Legal Officer shall prepare and serve a formal **Show Cause Order** upon the owner of the structure. This notice must give the owner ten (10) working days to explain why he should not be held liable for violation of this ordinance and PD 1067 and to give him/her the opportunity to voluntarily demolish the structure and vacate the no-build zone. It shall provide a date for a conference where the City Legal Officer can hear the owner present his/her case or report his/her action.
- e. **Issuance of Demolition Order:** If the owner fails to comply or if their explanation is found insufficient after the hearing, the City Legal Officer shall recommend to the Mayor the demolition of the structure and prepare the corresponding Demolition Order for approval by the City Mayor and for execution by the City Engineer.
- f. **Execution of Demolition:** The demolition must be carried out by the City Engineers Office assisted by personnel from other offices as may be needed. The Punong Barangay, barangay tanods and the police should be present to maintain peace and order and secure the perimeter.

**Section 20. Creation of the Barangay "Bantay Salog" (River Watch) Task Force.** The barangay is the indispensable partner in ensuring that no private structure shall be built on legal easements or on any part of the waterway. A one-time city-led operation cannot succeed without continuous, ground-level vigilance. Therefore, every barangay that has a waterway within its territorial jurisdiction is hereby mandated to create a Barangay "Bantay Salog" Task Force.

- a. **Composition:** The Task Force shall be headed by the Punong Barangay with the Chairperson of the Committee on Environment of the Sangguniang Barangay as the Assistant Head. It shall be composed of at least seven (7) volunteer members from the community, or in their absence, barangay tanods or Bantay Kataid members.
- b. **Duties and Responsibilities:** The *Bantay Salog* Task Force shall:
  - i. Assist the census team in the identification and profiling of structures and occupants during the pre-clearing phase.
  - ii. Conduct regular (at least monthly) monitoring and clearing of the waterways within their jurisdiction.
  - iii. Immediately document with photos and report new constructions or the dumping of wastes and prepare a report to the City Mayor in accordance with Section xx hereof. If the obstruction is a



- structure, the report should include an estimate of its probable cost. If it involves the throwing of waste, a Notice of Violation shall be issued to the offending party.
  - iv. Assist the city government in conducting Information, Education, and Communication (IEC) campaigns at the community level.
  - v. Lead and mobilize community participation in regular waterway clean-up drives, with a focus on removing garbage and vegetation that obstruct water flow.
  - vi. Report and prevent the commencement or the completion of any new private structure within the legal easement or on any part of the waterway
  - vii. Assist the city government whenever it conducts waterway clearing operations in their barangay.
- c. **Incentives.** Members of the *Bantay Salog* Task Force shall be entitled to a results-based monthly incentive from the city government as may be determined by the NCWMC.

**Section 21. Citizen Action.** Private citizens may report violations of this ordinance to the City Mayor thru the city governments information channels or reporting mechanisms or thru the City ENRO. If the citizen so chooses, the report may be done anonymously. The report should be duly documented with photos or videos, have the name or names of the persons complained of, the date and time of violation and the location, to be actionable. Complete reports should be acted on within three working days.

#### **Article VI: Relocation of Informal Settler Families (ISFs)**

**Section 22. Strict Adherence to R.A. 7279 and the National Resettlement Policy Framework.** All activities related to the relocation of ISFs shall be conducted in strict compliance with the provisions of R.A. 7279 and the guiding principles of the DHSUD's National Resettlement Policy Framework (NRPf), which prioritizes a just, humane, participatory, and sustainable process.

**Section 23. Identification and Validation of Qualified Beneficiaries.** The HSDO, in partnership with the NCUPF, shall be responsible for the final validation of ISFs who are qualified to receive relocation assistance. Qualification shall be based on the criteria set forth in R.A. 7279, primarily that the family is underprivileged and homeless and is not a professional squatter or a member of a squatting syndicate.

**Section 24. Relocation Planning, Consultation, and Social Preparation.** No demolition of dwellings of qualified ISFs shall be undertaken without adequate consultation with the affected families. The HSDO and CSWDO shall conduct genuine consultations regarding relocation options, with a preference for on-site or in-city resettlement whenever feasible. A comprehensive social preparation program shall be implemented to assist families in transitioning to the relocation site.

**Section 25. Provision of Relocation Sites and Financial Assistance.** The City Government, in coordination with the DHSUD and the National Housing Authority (NHA), shall ensure that no demolition of dwellings of qualified ISFs occurs unless a viable relocation site, provided with basic services such as potable water, power, and access to transportation and livelihood opportunities, is ready and available. In cases where relocation is not possible within the period prescribed by law, financial assistance shall be provided as mandated by Section 28 of R.A. 7279.

**Section 26. Legal Action Against Professional Squatters and Squatting Syndicates.** Individuals and groups identified during the census as professional squatters or members of squatting syndicates, as defined under R.A. 7279, shall not be entitled to relocation benefits. They shall be subject to summary eviction, and the City Legal Office is hereby directed to initiate the appropriate criminal and civil actions against them.

#### **Article III: Prohibited Acts**

**Section 27. Prohibition on Construction and Encroachment on, or Obstruction of, Easement.** It shall be unlawful for any person, natural or juridical, to erect or construct any new building, structure, or facility, whether permanent or temporary, within the delineated easement zones. It shall likewise be unlawful to place or store any



material or object on the easement as to obstruct the public from enjoying their intended purpose of recreation, navigation, floatage, fishing, or salvage. Structures or materials which are in violation of this section are herein declared as public nuisance.

Violation of this Section shall be penalized as follows:

First offense :	Fine of 1,000.00 or five working days of supervised cleanup of creek or river Demolition of any structure built on the No-Build Zones, cost to be shouldered by offender, confiscation of materials if of value for donation to charitable institutions
Second offense :	Fine of P3,000.00 or ten working days of supervised cleanup of creek or river Demolition of any structure built on the No-Build Zones, cost to be shouldered by offender, confiscation of materials if of value for donation to charitable institutions
Third offense :	Fine of P5,000.00 and or fifteen working days of supervised cleanup of creek or river Demolition of any structure built on the No-Build Zones, cost to be shouldered by offender, confiscation of materials if of value for donation to charitable institutions

**Section 28. Prohibition on Dumping of Solid and Liquid Wastes.** It shall be unlawful for any person to throw, dump, place, or cause to be thrown, dumped, or placed, any garbage, refuse, dead animals, solid waste including household and plastic waste, sewage, industrial effluent, or any other kind of pollutant or offensive matter into any waterway or upon its banks and easements.

First offense :	Fine of 1,000.00 or five working days of supervised cleanup of creek or river
Second offense :	Fine of P3,000.00 or ten working days of supervised cleanup of creek or river
Third offense :	Fine of P5,000.00 or fifteen working days of supervised cleanup of creek or river

**Section 29. Prohibition on Damaging or Vandalizing Easement Markers and Concrete Embankments.** It shall be unlawful for any person to remove, deface, alter, destroy, or vandalize the official easement markers, monuments, or signs and the concrete embankment, walkway, railings installed or constructed by the city government.

First offense :	Fine of 1,000.00 or five working days of supervised cleanup of creek or river
Second offense :	Fine of P3,000.00 or ten working days of supervised cleanup of creek or river
Third offense :	Fine of P5,000.00 or fifteen working days of supervised cleanup of creek or river

**Section 30. Liability of Juridical Persons and Public Officials.** If the violator is a corporation, partnership, or other juridical entity, the president, general manager, or managing partner shall be held liable.

**Section 31. Liability of public officials.** Any public official or employee who violates this ordinance or who, through gross negligence or dereliction of duty, allows its violation shall be subject to appropriate administrative sanctions under the Civil Service Code and the Local Government Code, without prejudice to the filing of criminal charges.

**Section 32. Disposition of Fines.** To incentivize vigorous enforcement at the grassroots level, fines from the enforcement activities of the barangay shall be allocated as follows :

1. Twenty percent (20%) shall accrue to the City Government's General Fund.
2. Eighty percent (80%) shall accrue to the barangay where the violation was committed and apprehended. These funds shall be used as additional incentive to the responsible member of the *Bantay Salog* Task Force or as incentive to other barangay official or personnel responsible for the apprehension. The determination of the corresponding incentive and their distribution shall be the responsibility of the barangay.

The City Treasurer and the Barangay Treasurer shall coordinate quarterly to ensure the timely remittance of the barangay's share.

#### **Article VIII: Final Provisions**

**Section 33. Inclusion in local plans and investment programs.** This ordinance is aligned with the city's desired outcome for "flood free communities and clean waterways." Thus the approved WMCIP shall be incorporated in its investment programs as well as in the term-based Executive-Legislative Agenda.

**Section 34. Funding sources.** Appropriations for the WMCIP may be sourced from the City Disaster Risk Reduction and Management Fund, the Local Development Fund, the annual budget of the member offices of the NCWMC, and fund transfers from the national government. Private sector support shall also be solicited to augment the resources available for the implementation of the WMCIP.

**Section 35. Implementing Rules and Regulations (IRR).** The NCWMC is hereby authorized to formulate and adopt Implementing Guidelines for specific provisions of this ordinance if it so deems necessary.

**Section 36. Information, Education, and Communication (IEC) Campaign.** CEPPIO, in coordination with the member offices of the NCWMC shall develop and implement a sustained, city-wide IEC campaign to ensure that the public is fully informed of the provisions, objectives, and penalties of this ordinance as well as the progress of its implementation.

**Section 37. Repealing Clause.** All ordinances, resolutions, executive orders, and local rules and regulations or parts thereof which are inconsistent with any of the provisions of this ordinance are hereby repealed, amended, or modified accordingly.

**Section 38. Separability Clause.** If any section or provision of this ordinance is declared unconstitutional or invalid, the other sections or provisions hereof which are not affected thereby shall continue to be in full force and effect.

**Section 39. Effectivity.** This ordinance shall take effect fifteen (15) days after its publication in a newspaper of local circulation and its posting in at least three (3) conspicuous public places within Naga City.

**ENACTED:**