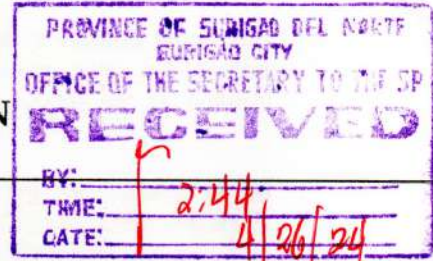




Republic of the Philippines
Province of Surigao del Norte
MUNICIPALITY OF MALIMONO

OFFICE OF THE SANGGUNIANG BAYAN
20TH SANGGUNIANG



EXCERPT FROM THE MINUTES OF THE 91ST REGULAR SESSION OF THE 20TH SANGGUNIANG BAYAN HELD ON MARCH 25, 2024 AT THE MUNICIPAL SESSION HALL, MALIMONO, SURIGAO DEL NORTE.

PRESENT:

HON. ARNEL S. AMALLA, Municipal Vice Mayor, Presiding
HON. HERANNIE LOU B. DEL CARMEN, 1st SB Member
HON. RADITO M. GALOLA, 2nd SB Member
HON. NATIVIDAD P. ABRAHAM, 3rd SB Member
HON. ROBERT T. SENACA, 4th SB Member
HON. EULOGIO S. FEROL III, 5th SB Member
HON. JOAN S. STOHLTON, 6th SB Member
HON. ALAN B. PAGALAN, 8th SB Member
HON. ADELARD A. MANTALA, LNMB President, Ex-Officio Member
HON. NIÑO RAMEL JOHN ESTOQUE, SK Federated President, Ex-Officio Member

ABSENT:

HON. MARIANNE MARINA A. ESCAÑO, 7th SB Member, Unauthorized Absence
HON. ROLANDO Y. TIAMBONG, IPM Representative, Ex-Officio Member, Unauthorized Absence

MUNICIPAL ORDINANCE NO. 07

Series of 2023

Author: Hon. Joan S. Stohlton

AN ORDINANCE DECLARING THE FOREST AREA COVERING 315.6910 HECTARES IN BARANGAY TINAGO AS A COMMUNITY WATERSHED TO BE KNOWN AS THE CAN-AGTIW WATERSHED, CREATING A MANAGEMENT BODY AND APPROPRIATING FINANCIAL SUPPORT FOR THE PURPOSE.

WHEREAS, the Can-agtiw Watershed is an important natural resource that affects the development of the socio-economic and cultural life of the communities;

WHEREAS, the Can-agtiw Watershed is the primary source of potable water in the area. The watershed and its tributaries provide potable water for five (5) communities with an estimated total number of 1,341 households;

WHEREAS, the Can-agtiw Watershed has a significant biodiversity feature. Based on the biodiversity survey, the area around the watershed is a critical habitat with exquisite ecosystems based on the scientific assessment of experts and exhibits a high diversity status and number of critical and endangered species;

WHEREAS, the Can-agtiw Watershed also served as a source of subsistence and economic activities. The forested areas in the watershed also served as source of subsistence and related economic activities among local residents;

WHEREAS, the Can-agtiw Watershed and River is considered as a cultural landmark, especially among the IP communities. Most of the sacred sites of the IP communities are located in the forested areas around the watershed and the Tinago River is revered for its cultural significance to both the IP communities and the lowland settlers;

WHEREAS, the recurring and increasingly disastrous hazard and from the flooding of the Tinago River is attributed to the deterioration of the watershed. The loss of forest cover results in poor/lower absorption capacity thus resulting into the deluge of rainwater to the river;

WHEREAS, the present condition of the area is replete with issues and continuing threats, mostly human induced hazards which may result in the deterioration of its ecosystems and affect the natural resources in the watershed. These threats include, but not limited to, timber poaching and illegal cutting of premium trees, poaching of wildlife, especially birds, reptiles and primates and the rampant collection of various endemic plant species;

WHEREFORE, be it enacted by the Sangguniang Bayan in session duly assembled that:

Section 1. Declaration of Principles. This ordinance is based on the common understanding and adherence of the basic principles guiding its formulation as a local policy action. This promotes and is anchored on the following principles, to wit:

1.1 Protection and Conservation. It is the mandate of the local government to protect and conserve its natural resources to ensure its sustainability so that it could still be enjoyed by the succeeding generations;

1.2 Development and Responsible Utilization. It is also incumbent upon the local leaders to develop and improve the conditions of its natural resources without compromising its integrity. Further, it is an inherent understanding that these natural resources be utilized for the general welfare of the people and the communities in a most responsible manner ensuring its sustainability; and

1.3 Sustainable Management and Resource Sharing. Based on the proposed delineation map, the Can-agtiw Watershed encompasses the forested area in Brgy. Tinago, this municipality. Thus, it becomes imperative that the management of the said watershed must be assumed by the Municipal Government and the Local Government Unit of Tinago with the consent and support of the Binocaran IP Community.

Considering further that part of the area is deemed agricultural lands through the issuance of Certificate of Land Ownership Awards (CLOA), this peculiar geographical and cadastral designation of the proposed Can-agtiw Watershed behooves the practical application of a partnership as expressed through special/specific agreements between and among the government, the CLOA holders, and the IP community, specifically in the management of proposed watershed and in the utilization and benefits derived from its responsible use/s.

Section 2. The Features of the Proposed Watershed. The Can-agtiw Watershed is one of the sub-watersheds identified by the Municipal Government. This is also the main source of potable water for the surrounding communities, namely: Barangays Tinago, San Isidro, Cayawan, Binocaran, and Cagtina-e, all of Malimono, Surigao del Norte further described as follows:

2.1 The Location and Area. The Can-agtiw Watershed is located in Brgy. Tinago, Malimono, Surigao del Norte straddling along the municipality's Mountain Ridge with its eastern slope belonging to Brgy. Tinago and its western slope in the Municipality of Sison, Surigao del Norte.

The Can-agtiw Watershed covers a total land area of 315.6910 hectares of which 70% are considered timberland, and the remaining 30% are agricultural lands currently utilized for agricultural production.

The Can-agtiw Watershed is located in the following coordinates:

Corner	Longitude	Latitude
1	125°25'52.5"	9°36'42.1"
2	125°25'53.3"	9°36'54.6"
3	125°25'54.2"	9°37'09.2"
4	125°25'53.3"	9°37'18.0"
5	125°25'53.9"	9°37'24.2"
6	125°25'53.6"	9°37'34.7"
7	125°25'57.3"	9°27'43.1"
8	125°25'59.0"	9°37'45.8"
9	125°26'04.9"	9°37'52.2"
10	125°26'06.4"	9°37'53.6"
11	125°26'12.5"	9°37'53.1"
12	125°26'13.4"	9°37'47.6"
13	125°26'15.3"	9°37'43.1"
14	125°26'23.2"	9°37'35.7"
15	125°26'32.7"	9°37'23.0"
24	125°26'39.6"	9°36'33.0"
25	125°26'38.1"	9°36'28.4"
26	125°26'18.0"	9°36'24.7"
27	125°26'12.1"	9°36'21.8"
28	125°26'02.3"	9°36'17.5"
29	125°25'59.2"	9°36'17.2"
30	125°25'54.6"	9°36'17.1"

2.2 Terrain, Elevation and Soil Classification. The terrain of the Can-agtiw Watershed is mountainous with its highest peak at 1,018 meters above sea level. Its geologic features include areas of karst forests with dense foliage and its soil are mostly clay and loam.

2.3 Forest Description. The forest in Can-agtiw Watershed is karst and dipterocarp. It is a forest type in which members of the Dipterocarp family form the predominating timber species. Its vegetation and trees thrive under a variety of conditions, from moist river bottoms to hilly and mountainous country, and make up the upper story in more or less pure stands.

2.4 Land Use and Zoning Classification. The area is considered protected forests with some portions designated as multiple use. Based on the proposed watershed, a large portion of the area is classified as forest reserve, timberland and included portions of karst forests and mineral reservation.

2.5 The Biodiversity Profile. The Can-agtiw Watershed has a very diverse habitat and ecosystems with a high biodiversity status. Presently, these habitats and ecosystems are healthy but are increasingly threatened and vulnerable.

Based on the Biodiversity Profiling of the experts from the Caraga State University, the following are the results of the assessment of the following areas:

a) **Flora.** In Can-agtiw Watershed, a total of 121 floristic species were recorded in the area. Majority of the recorded species are angiosperms while 19 are pteridophytes. Additionally, most of the recorded species are trees, followed by ferns, herbs, shrubs, palms, vine and grass, respectively. The floristic species in Can-agtiw Watershed are represented the most by the families of Moraceae, Dipterocarpaceae, Fabaceae, Anacardiaceae and Urticaceae. Out of the 121 species, 95 are identified as native in the country and only two (2) are naturalized (*L. leucocephala* and *Paraserianthes falcataria*). Following both IUCN and DAO 2017-11, several species have been listed in respective databases. Forty-five (45) species have been marked in IUCN while twelve (12) have been recorded in DAO 2017-11 under various conservation statuses. For IUCN, thirty-eight (38) are classified as "Least Concern" (LC), three (3) as "Near Threatened" (NT), two (2) as "Vulnerable" (VU), and two (2) as "Endangered" (EN). While according to DAO 2017-11, only one (1) specie is listed as "Other Threatened Species" (OTS), the Kalingag (*Cinnamomum mercadoi*), five (5) as "Vulnerable" (VU), three (3) as "Endangered" (EN), and one (1) as "Critically Endangered" (CE). Ecological indices show that the canopy layer of Can-agtiw Watershed has a Shannon-Weiner (H') of 2.71 falling under "Moderate" diversity range.

The following are the notable plant species present in Can-agtiw Watershed:

a1) Threatened species under IUCN:

- *Near Threatened* (NT): Tungaw-tungaw (*Astrocalyx calycina*), Ipil (*Intsia bijuga*), and Almon (*Shorea almon*);
- *Vulnerable* (VU): Baho-baho (*Ageratum conyzoides*), Magtalisay (*Terminalia nitens*);
- *Endangered* (EN): Narra (*Pterocarpus indicus*), Yakal (*Shorea astylosa*);

a2) Classified under DAO 2017-11:

- *Other Threatened Species* (OTS): Kalingag (*Cinnamomum mercadoi*);
- *Vulnerable* (VU): Ipil (*Intsia bijuga*), Dalagang Bukid (*Mussaenda nervosa*), Narra (*Pterocarpus indicus*), Almon (*Shorea almon*), White Lauan (*Shorea contorta*), Red Lauan (*Shorea negrosensis*), Tanguile (*Shorea polysperma*);
- *Endangered* (EN): Tungaw-tungaw (*Astrocalyx calycina*), Tugas (*Vitex parviflora*), Dao (*Dracontomelon dao*); and
- *Critically Endangered* (CE): Yakal (*Shorea astylosa*).

b) **Fauna**

b1) **Herpetofauna Assessment.** The Can-agtiw Watershed is a sanctuary of twenty (20) herpetofauna species with a total of more or less sixty-nine (69) individuals observed on site. The aforementioned numerical data accounts for eleven (11) anuran and nine (9) reptilian species. Among the eleven (11) anuran species, 82% (S=9) are endemic to the area and 9% (S=1) are resident, the same as the introduced species. Moreover, out of the nine (9) reptilian species, 67% (S=6) are endemic and 33% (S=3) are resident.

The Updated DAO 2019-09 conservation status designates five (5) herpetofauna species as "other threatened species" with the remaining species categorized as "other wildlife species". Additionally, the IUCN conservation status identifies one (1) species as "nearly threatened" and one (1) as "endangered". Some species are nearly threatened due to loss of their microhabitat driven by continuous deforestation which results in depletion of canopy cover which is much exposed to heat. In addition, some species were endangered due to illegal exploitation for trading and human consumption.

Although some species thriving in Can-agtiw Watershed were associated with alarming status, it is good to note that the diversity index, calculated using Shannon-Wiener (H'), which is 1.61 for anuran species and 2.05 for reptiles, indicates a rich diversity of species. Hence, it is safe to assume that the herpetofauna species in the watershed is still diverse.

b2) Avifauna Assessment. In the Can-agtiw Watershed, there were two hundred ninety-three (293) individuals of birds belonging to twenty-one (21) families, twenty-eight (28) genera, and twenty-eight (28) species. Of the seven hundred twenty (720) species of birds in the Philippines, 3.89% have been recorded in the watershed. Out of the twenty-eight (28) recorded species, ten (10) species were captured using the mist nets and twenty-five (25) sighted birds during the transect ocular observation. Of the birds sighted, Large-billed Crow (*Corvus macrorhynchos*) were the most abundant species and Philippine Bulbul (*Hypsipetes philippinus*) for the captured species. Fifteen (15) of the twenty-eight (28) species documented in the watershed are Philippine endemic.

Species present in the area that are listed in IUCN:

- **Endangered (EN):** Philippine Hawk Eagle (*Nisaetus philippensis*);
- **Vulnerable (VU):** Rufous Hornbill (*Buceros mindanensis*); and
- **Near Threatened (NT):** Southern Silvery Kingfisher (*Ceyx argentatus*).

Species present in the area that are listed in DAO-2019:

- **Endangered (EN):** Mindanao Hornbill (*Penelopides affinis*);
- **Critically Endangered (CR):** Philippine Hanging-parrot (*Loriculus philippensis*); and
- **Vulnerable (VU):** Philippine Hawk Eagle (*Nisaetus philippensis*), and Southern Silvery Kingfisher (*Ceyx argentatus*).

b3) Volant Mammal Assessment. There were eighty-four (84) individuals and seven (7) species of bats captured. *Megaerops wetmorei*, *Haplonycteris fischeri*, and *Eonycteris robusta* were some of the bats recorded in the watershed.

Species present in the area that are listed in IUCN:

- **Vulnerable (VU):** White-collared Fruit Bat (*Megaerops wetmorei*), and Philippine Dawn Bat (*Eonycteris robusta*).

List of bats species that are endemic:

- Greater Musky Fruit Bat (*Ptenochirus jadori*);
- Philippine Pygmy Fruit Bat (*Haplonycteris fischeri*); and
- Philippine Dawn Bat (*Eonycteris robusta*).

b4) Non-volant Mammal Assessment. There were three (3) non-volant mammal species belonging to two (2) families observed and identified in the forested area of the Can-agtiw Watershed. A total number of four (4) individuals belong to two (2) species under family Muridae, the *Rattus everetti* and *Bullimus bagobus*, and one (1) specie under family Cercopithecidae, the *Macaca fascicularis*. Furthermore, the rodent species observed were endemic to the Philippines.

The updated DAO-2019-09 classified all species as "other wildlife species". Moreover, the International Union for Conservation of Nature (IUCN) classified *Macaca fascicularis* as "endangered" species while both rodents were classified as species of "least concern".

Aside from the identified species, an undetermined species of warty pig skull or locally known as "baboy ihalas" and wild civet or "milo" were also observed.

2.6 The Water Resources. The Can-agiw Watershed and its tributaries converge in the Tinago River and is currently utilized for the potable water supply for Barangays Tinago, San Isidro, Binocaran, Cagtina-e, and Cayawan. Based on records from the CLUP and related hydrologic studies, the water from the watershed constitutes a major source for potable use. Its sheer volume could even be utilized for industrial uses and related activities.

Section 3. The Management Mechanism. In recognition of the geographical features of the Can-agiw Watershed and consistent with the agreed understanding of shared responsibilities and benefits, the management of the watershed shall be the responsibility of the Municipal Government with the support of other key stakeholders, specifically the IP community in Brgy. Binocaran and the CLOA holders.

The management of the watershed is specifically defined as follows:

3.1 The Principle of Sustainable Management. The management will be under the authority and mandate of the Municipal Government. This provides for its discretion to enter into partnerships with other stakeholders, but would ensure its sustainable control of the management direction.

The Technical Support will be provided by the various National Line Agencies, specifically the DENR, NCIP and DAR. To provide wider community support, the various CSOs and POs shall likewise be engaged in the management of the watershed, especially in matters pertaining to advocacy and community awareness building.

3.2 The Agreement of Resource Sharing. Pursuant to its management principles anchored in partnership, the resources of the watershed shall also be shared to benefit all the stakeholders, without prejudice and mindful of the needs of each partner.

The Water Resources and its Rights shall be held under the Municipal Government as provided for in the Local Government Code of 1991 (RA 7160). However, it shall also ensure that all other stakeholders will have access to its resources.

Further, the development of these resources shall also be held in common and actual investments must be under a separate agreement by and among the stakeholders, with due consideration of its end purpose which is towards the service of the communities.

Finally, special arrangements or agreements shall also be applied and entered into and among the partners with regards to the imposition and collection of revenues from the resources of the watershed, primarily its water resource. Further, ten percent (10%) of all the revenues and fees generated from the use of its water resources shall be dedicated for the financial cost of the management and development of the watershed. The funds shall be held in a special account and shall be managed by the Municipal Government.

3.3 The Management Council. There shall be organized a Management Council that performs actual supervision of the watershed to be chaired by the Municipal Mayor.

a. **Composition of the Management Council.** It shall be comprised of representatives of the key stakeholders, to wit: ten (10) representatives for the Local Government Unit representing the executive and legislative offices, namely: the SB on Environment, SB on Agriculture, SB on Appropriations, SB on Tourism, MENRO, MAO, MPDO, Municipal Assessor, Municipal Treasurer, and the Punong Barangay of Tinago; one (1) representative from the local CLOA holders, one (1) representative from the IP community of Binocaran; the representatives from the DENR, NCIP, DAR, CSOs and POs who shall be included in the Council but without a vote; and the Watershed Management Manager/Officer as ex-officio member. The Surigao Economic Management Microfinance Finance Foundation, Inc. (SEDMFI) as one (1) of the CSOs, however, is entitled to a vote.

b. **Powers and Responsibilities of the Management Council.** The powers and responsibilities of the Management Council are as follows:

- b.1 To implement the Watershed Management Plan;
- b.2 To supervise the enforcement of the local policies and ordinances;
- b.3 To access fund support from external partners and sponsors for restoration and rehabilitation purposes and related activities;
- b.4 To facilitate advocacy work among the local communities and the larger general public;
- b.5 To render regular reportorial responsibilities to the concerned local government units;
- b.6 To render recommendations to the local government units for efficient and responsive policies and institutional guidance; and
- b.7 To recommend a levy or any other form of revenue generation imposed as water uses fee that will form part of the financial subsidy for the management of the watershed.

c. **Tenure.** The members of the Management Council shall serve for a term of three (3) years with a maximum of two (2) terms. The members can be replaced upon election of the Council and its chairperson shall be elected by the Council members.

3.4 **The Management Plan.** The Management Plan for the Can-agiw Watershed shall be crafted and to cover at least three (3) years. This is to provide latitude for the incumbent officials to incorporate the aforementioned plan in their development, investment plans and budget.

The Management Plan shall serve as:

- a. Strategic direction and framework in the management of the watershed, especially in the correlations and complementation of the various initiatives of the local and external partners; and
- b. Operational guide for the day-to-day supervision and implementation of the identified activities and related actions.

The budget support and allocation for the Management Plan shall be supported by a legislative action. Its expenditures shall be subject to Sanggunian's regulations, review, and approval.

3.5 The Plan Implementation Policy Enforcement

a. A Watershed Management Office shall be established upon the approval of the Management Plan, and will be accorded adequate personnel complement and logistical resources.

The Operations Center for the Watershed Management Office shall be located and based in the municipality with the latter providing its physical infrastructure and amenities.

b. **Designation, Mandate and Tenure.** The personnel assigned in the Watershed Management Office shall be designated by the Municipal Government with a tenure coterminous to their appointing official.

c. **Responsibilities and Accountability.** The Watershed Management Office shall be primarily responsible in implementing the approved Watershed Management Plan, and supervise the enforcement of related policies of the Municipal Government through its ordinances, and support in the observance of existing national mandates and laws on watershed and its resources.

The Watershed Management Office is also tasked to render regular and special reports on its operations, and on any other assignments required by the Management Council.

d. **Compensation and Privileges.** The personnel assigned or seconded to the Watershed Management Office shall receive a fair compensation from the Municipal Government, whether from its direct subsidy or from the revenues collected from the watershed.

e. **The Bantay Gubat/Forest Wardens.** A Team of Bantay Gubat/Forest Wardens shall be organized by the Management Council who shall be duly deputized by the DENR to serve as the primary enforcement mechanism in implementing the pertinent policies of the National Government and the Municipal Government.

f. **Composition and Appointment of Bantay Gubat or Forest Wardens.** The composition of the Bantay Gubat/Forest Wardens shall be from the local communities with the Municipal Government thru its HRM Office to hire a total of fourteen (14) Bantay Gubat personnel to assist in the protection and preservation of the watershed.

The Bantay Gubat Team previously formed under Resolution No. 021, Series of 2016, shall be accorded due priority in the hiring of Forest Wardens.

The Bantay Gubat shall be directly under the Management Council but shall take their operational guidelines from the Municipal Environment and Natural Resources Office.

g. **Role, Responsibilities and Accountability.** The primary role and task of the Bantay Gubat or Forest Rangers is to implement the policies of the Municipal Government pertaining to the watershed and forest resources. Further, as deputized by the DENR, the Bantay Gubat or Forest Rangers are also tasked to implement national laws consistent with its local mandates. Furthermore, the Bantay Gubat or Forest Rangers shall be trained to conduct regular monitoring of the biodiversity condition of the watershed and report any significant developments and threats from the area.

h. **Compensation and Privileges.** The Bantay Gubat or Forest Rangers shall receive a fair compensation from the Municipal Government, either through direct subsidy or from the revenues collected from the watershed resources and related revenue-generating scheme and arrangement. The Team Leader shall be provided an honorarium amounting to One Thousand Five Hundred Pesos (Php1,500.00) and One Thousand Two Hundred Pesos (Php1,200.00) for every member.

3.6 **Operations Fund and Sources.** The implementation of the Watershed Management Plan and the operations of the Watershed Management Office shall be supported by the Municipal Government by incorporating the former's operational costs in the annual budget and external sources of the latter.

a. **Fund Source.** The operations costs of the Watershed Management shall be sourced as either as direct budget item in the Annual Budget through a legislative action and from the 10% share of the revenues collected from the watershed and water fees. The collection shall be deposited in the general fund and transferred to the special fund for the watershed on a monthly basis.

b. **Financial Control, Procedure and Accountability.** The disbursement and management of these funds shall adhere to the standard procedure of the Municipal Government with the Watershed Management Office maintaining discretion in its approval and assuming financial accountability with COA regulations.

Section 4. The Priority Watershed Restoration Program. The Watershed Management Plan shall also prioritize the restoration and rehabilitation thrust for the watershed. This shall be a regular and continuing direction of the Management Plan and would obligate the resources of the Municipal Government in the implementation of this program.

The Restoration Priorities shall focus on the following:

a. **Priority Areas.** The areas that have to be prioritized for restoration activities shall be those identified during the biodiversity survey, specifically the forested areas along the headwaters of the Can-agtiw Watershed. Also, the restoration focus shall be in the riparian areas where river scouring is evident and in the areas disturbed by illegal timber cutting and encroaching agricultural activities.

b. **Priority Species.** The restoration activities shall encourage and focus in the propagation and planting of endemic tree species, specifically hardwood species and fruit trees in the lower agricultural areas, and bamboo for the river banks.

Section 5. Partnerships and Linkages. The management of the watershed, as a collective community effort, shall also encourage partnerships and linkages with other stakeholders apart from the Municipal Government and the local CLOA holders.

a. **Public Sector.** The public sector shall be represented in these partnerships by and between the Municipal Government and the provincial/regional offices of the national line agencies such as, but not limited to, the Department of Environment and Natural Resources (DENR), Department of Interior and Local Government (DILG), Philippine National Police (PNP), Department of Agrarian Reform (DAR), and the National Commission on Indigenous People (NCIP).

b. **Private Sector.** The private sector shall be tapped also to provide technical and logistical support to the management of the watershed through the various civil society organizations, religious organizations, peoples organizations, and the academe.

Further, under a clear and responsible partnership, the Management Council may also consider the engagement of other private groups and companies to explore and sponsor potential funding opportunities for watershed conservation and restoration efforts.

Section 6. The Adjudication Protocol of Conflicts in the Watershed. In cases of conflict between and among the key stakeholders or any other parties, the Management Council is empowered to exercise adjudication role but limited to mediation and conflict resolution only. In the same understanding, the issues not resolved under the mediation processes of the Management Council can be elevated to the proper enforcement agency, specifically the Philippine National Police.

Legal litigations shall be exclusively the responsibility of the courts and other related quasi-judicial bodies.

Section 7. Prohibited Activities in the Watershed. Hereunder activities are prohibited in the Can-agtiw Watershed, to wit:

- a) Collection of Wildlings/Sapling in the watershed forest area;
- b) Cutting of Bamboos;
- c) Dumping of trash in the river; and
- d) Unauthorized exploration, research, trekking and other outdoor activities in the watershed area.

Other prohibited activities in the watershed stipulated in pertinent national laws, decrees, Department Administrative Orders (DAO), and in existing municipal ordinances shall be strictly observed as well.

Section 8. Fines and Penalties. While this Ordinance does not cite specific fines and penalties, but it can impose legal sanctions and penalties for such violations based on existing local ordinances and national laws pertaining to the responsible use of natural resources.

Above-cited specific violations carry the corresponding penalties under the statutes and limitation of the local government authority and of the national government.

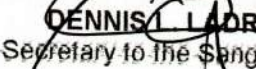
Section 9. Repealing Clause. All ordinances, local issuances or rules inconsistent with the provisions of this Ordinance are hereby repealed or modified accordingly.

Section 10. Amendment. Any provision of this Ordinance deemed inapplicable and/or ineffective now and in the future can be amended following the legislative process for the purpose.

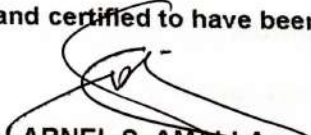
Section 11. Effectivity Clause. This Ordinance shall take effect after full compliance of the publication and/or posting requirement.

ENACTED during the 91st Regular Session of the 20th Sangguniang Bayan held on March 25, 2024 following the motion raised by the proponent herself seconded by all members in attendance.

I HEREBY CERTIFY to the correctness of the foregoing ordinance.


DENNIS LADRES
Secretary to the Sanggunian

Attested and certified to have been duly enacted:


ARNEL S. AMALLA
Municipal Vice Mayor
Presiding Officer

APPROVED:

WALLACE R. SINACA
Municipal Mayor

Date of Approval



Republika ng Pilipinas
LALAWIGAN NG SURIGAO DEL NORTE
Siyudad ng Surigao

SANGGUNIANG PANLALAWIGAN

EXCERPT FROM THE MINUTES OF THE 87th REGULAR SESSION

May 20, 2024 at 2:00 P.M., Session Hall, Legislative Building, Capitol Compound

PRESENT:

HON. EDDIE D. GOKIANGKEE, JR./Vice Governor

Presiding Officer

DISTRICT I

HON. CONSTANTINO B. NAVARRO IV
HON. EDGAR T. ANDANAR
HON. JULECS C. SUNICO
HON. CATHERINE T. GOPICO

DISTRICT II

HON. JUAN FERNANDO J. LARONG
HON. ELVIRA A. EGAY
HON. KENT L. YUIPCO
HON. VICTOR F. BERNAL
HON. KAISER B. RECABO, JR.

EX OFFICIO

HON. JAIME A. CORTES, LNB
HON. GOLDWIN P. PEGARRO, FSK

ABSENT:

HON. NATHANIEL A. PLAZA/1st District
HON. ALLAN A. TURTUR/2nd District

On Sick Leave
On Sick Leave

RESOLUTION NO. 224

Series of 2024

RESOLUTION DECLARING VALID MUNICIPAL ORDINANCE NO. 07, SERIES OF 2023 OF MALIMONO, THIS PROVINCE, ENTITLED, "AN ORDINANCE DECLARING THE FOREST AREA COVERING 315.6910 HECTARES IN BARANGAY TINAGO AS A COMMUNITY WATERSHED TO BE KNOWN AS THE CAN-AGTIW WATERSHED, CREATING A MANAGEMENT BODY AND APPROPRIATING FINANCIAL SUPPORT FOR THE PURPOSE"

Sponsor: Board Member Juan Fernando J. Larong

WHEREAS, Section 16 of the LGC provides that "every LGU shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare. With their respective territorial jurisdiction, the LGUs shall enhance the right of the people to a balance ecology.";

WHEREAS, the Can-agtiw Watershed is an important natural resource contributing to the development of the socio-economic and cultural life in its surrounding communities. The watershed and its tributaries is the primary source of potable water in the area, providing potable water for five (5) communities with an estimated total number of 1,341 households;

WHEREAS, the present condition of the area is replete with issues and continuing threats, mostly human hazards which may result in the deterioration of its ecosystems, and affect the natural resources in the watershed;

WHEREAS, the subject Ordinance is based on the common understanding and adherence of the basic principles guiding its formulation as a local policy action. This promotes and is anchored on the principles of Protection and Conservation, Development and Responsible Utilization and Sustainable Management and Resource Sharing;

WHEREAS, the subject Ordinance was VETOED by the Municipal Mayor of Malimono on the basis that there was no document/manifestation from the Department of Environment and Natural Resources (DENR) that area has been identified and delineated as source of water supply in the locality. As required under Section 2.22, in relation to Section 3.1 (b) and (c), of DENR Department Order No. 30, Series of 1992, where the identification and delineation from DENR is essential for small watershed areas;

WHEREAS, the Municipal Mayors VETO was hurdled by the Sanggunian Bayan with two-thirds vote of all its members through Resolution No. 70, series of 2024, entitled "Overriding the veto of the Municipal Mayor on the enacted Municipal Ordinance No.07, series of 2023, titled, "An Ordinance declaring the forest area covering 315.6910 hectares in Barangay Tinago as a Community Watershed to be known as the Can-Agtiw Watershed, creating a Management Body and appropriating financial support for the purpose", anchored on the following legal basis:

1. DENR-DILG Joint Memorandum Circular (JMC) No. 98-01 which prescribes the "MANUAL OF PROCEDURES FOR DENR-DILG-LGU PARTNERSHIP ON DEVOLVED AND OTHER FOREST MANAGEMENT FUNCTIONS", amending the definition cited in DENR DAO No. 30, series of 1992, whereby the enactment of the vetoed ordinance is for the Municipal Government to establish a well-founded and factual document to support its claim that the 315.6910 hectares Community Watershed in Brgy. Tinago known as the Cag-Agtiw Watershed is the source of water supply for specific local communities. This piece of legislation would then serve and/or form part of the LGU's recommendation portfolio before the Office of the Secretary of the DENR for subsequent action.
2. DENR and DILG Joint Memorandum Circular No.2003-01 on May 19, 2003 to Strengthen and Institutionalize DENR-DILG-LGU Partnership on Devolved and Other Forest Management Functions. The directives of this JMC resulted to the crafting of the municipality's existing approved Forest Land Use Plan (FLUP) which went through an extensive review by the DENR. The Plan contains among others a map showing the delineation of 315.6910 hectares Community Watershed known as the Can-agtiw Watershed.

BE IT RESOLVED AS IT IS HEREBY RESOLVED to declare valid Municipal Ordinance No. 07, series of 2023 of Malimono, this Province, entitled, "An Ordinance declaring the forest area covering 315.6910 hectares in Barangay Tinago as a Community Watershed to be known as the Can-Agtiw Watershed, creating a Management Body and appropriating financial support for the purpose";

RESOLVED FURTHER, to furnish copies of the Resolution to the Sanggunian concerned for information and guidance;

PASSED AND APPROVED.

I HEREBY CERTIFY TO THE CORRECTNESS OF THE FOREGOING RESOLUTION.

ATTESTED:


ANDREWNEE J. LEROG
Acting Assistant Secretary


ENGR. EDDIE D. GOKIANGKEE, JR.
Presiding Officer