

**THE IMPLEMENTING RULES AND REGULATIONS OF THE WATERSHED
PROTECTION, CONSERVATION AND MANAGEMENT ORDINANCE OF
DAVAO CITY
(ORD.NO. 0310-07)**

**RULE I
PRELIMINARY PROVISIONS AND POLICY**

SECTION 1. Title.-These Rules shall be known and cited as the Rules and Regulation Implementing the Watershed Protection, Conservation and Management Ordinance.

SECTION 2. Purpose.-These Rules are promulgated to prescribe the procedures and guidelines for the implementation of the Watershed Protection, Conservation and Management Ordinance in order to facilitate compliance therewith and achieve the objectives thereof.

SECTION 3. Declaration of Policy.- The City Government of Davao hereby declares the following as its policies:

- a. Recognize that a healthy and ecologically sound watershed area is vital to ecological balance where man and nature thrive in perfect harmony with each other;
- b. Recognize the watershed areas are central to the aspirations of a livable City for the Dabawenyos who must maintain its sustainability through a participative, empowered and environmentally conscious community;
- c. Recognize that the watershed areas are recharge areas for the City's aquifers which are sources of the City's drinking water that must be protected, conserved and managed for the continued and full enjoyment of the present and future generations.

**RULE II
DEFINITION OF TERMS:**

SECTION 4. Definition of Terms.-For the purposes of this IRR, the following words and phrases shall have the following meanings:

- a. "WATERSHED AREAS" are areas of land on which rainwater drains from a river system to a common outlet such as a dam, lake or sea; or an area where rain from a higher level of land flows down to a river or stream then to the Davao Gulf; or a topographically delineated area of land from which rainwater can drain as surface run-off via a specific river or stream system to a common outlet point which may be a dam, irrigation system or a municipal water supply take-off point; or where a river or stream discharges water into a larger river, stream or lake.
- b. "WATERSHED MANAGEMENT" is the process of guiding and organizing uses of land and other resources in a watershed to provide desired goals and services without adversely affecting the watershed areas and water resources.
- c. "RECHARGE AREAS OF AQUIFERS" refer to sources of water replenishment where rainwater or seepage actually enters the aquifers.

- d. "PRIME AGRICULTURAL AREAS" are the areas suitable for all types of productive agricultural activities referred to in the Terrain Analysis Study.
- e. "AGRO-FORESTRY / AGRICULTURAL NON-TILLAGE AREAS" are those areas consisting of 12,240 hectares identified and delineated in the Terrain Analysis Study.
- f. "CONSERVATION AREAS" are those areas consisting of 34,254 hectares identified and delineated in the Terrain Analysis Study and those other areas stipulated in Presidential Proclamation 2146 dated December 14, 1981.
- g. "ENVIRONMENTALLY CRITICAL AREAS" are those areas declared by law as national parks, watershed reserves, wildlife preserves and sanctuaries and all other areas identified as such by Presidential Proclamation 2146 specifically in items B, 1-11.
- h. "ORGANIC FARMING" is a form of agricultural practice using organic farm production inputs and pest control agents.
- i. "NON-ORGANIC" is a condition where substances, other than compostables, are used in the production of any material or supply.
- j. "STAKEHOLDERS" are persons or groups significantly affected by a project or undertaking such as members of the community, industry, local government units, non-government organizations or people's organizations.
- k. "MONOCROP AGRICULTURE" is a form of agricultural practice using only one crop planted over large areas like bananas and pineapple farming.
- l. "CROP PROTECTION AGENTS" are organic or inorganic chemicals used to control pests.
- m. "AERIAL SPRAYING" is the use of airplanes in the application of farm chemicals over large tracts of farms.
- n. "AGRIBUSINESS" refers to large-scale production, processing and marketing of food and non-food farm commodities and products.
- o. "BUFFER ZONES" are areas outside of the identified conservation and agro-forestry/agricultural non-tillage areas but adjoining it, excluding public lands, public roads or adjacent private properties and planted with diversified trees that grow taller than what are usually planted and grown in plantations applying or using pesticides or other harmful chemicals in their operations.
- p. "TENURED MIGRANTS" refer to occupants of identified watershed and environmentally critical areas who have actually and continuously occupied such area for five (5) years prior to the enactment of this Code and are closely dependent therein for their subsistence.
- q. "TENURIAL AGREEMENTS" refer to the authority granted by the DENR to any corporation, trust, firm, association or any juridical or natural person to occupy and utilize any part of the identified watershed and / or

environmentally critical areas which are covered by written and official DENR documents.

RULE III

AREAS INCLUDED IN THE COVERAGE OF THE ORDINANCE

SECTION 5: Coverage – the watershed areas covered by the Code is indicated in the Terrain Analysis Study of Davao City, prepared by the Mines and Geosciences Bureau of the Department of Environment and Natural Resources, Region Eleven, and the Davao City Planning and Development Office, which provides critical information on the geophysical environment and classification of the various portions of the watershed areas.

The basis for the areas identified and delineated as Watershed Areas particularly Conservation Areas, Agro-Forestry/Agricultural Non-Tillage Areas and Prime Agricultural Areas which have been initially included in the Code is the Terrain Analysis Study of the Southern Portion of Davao City prepared by the Mines and Geosciences Bureau – DENR, Region Eleven, and the Davao City Planning and Development Office.

SECTION 6. The Watershed Areas in Davao City shall initially include:

- a. Sibulan River at Sirawan Area
- b. Lipadas River
- c. Talomo River
- d. Tamugan River
- e. Cugan Creek
- f. Suawan River

SECTION 7. Terrain Analysis Study- The Terrain Analysis Study conducted by the MGB-DENR and CPDO is hereby declared as the official document to determine the Environmentally Critical Areas particularly those identified as Conservation Areas and Agro-Forestry/ Agricultural Non-Tillage Areas and all such other areas to be identified as Environmentally Critical Areas in a similar study to be adopted in the future by the Code.

SECTION 8. Conservation Areas - The Environmentally Critical Areas in Davao City classified as Conservation Areas shall initially include:

- a. 9,570 hectares in the Tamugan-Panigan Watershed Area
- b. 1,407 hectares in the Tamugan-Davao River Floodplains and Terraces
- c. 446 hectares in the Suawan Floodplains
- d. 8,819 hectares in the Mts. Makabol-Alikoson Area
- e. 232 hectares in the Malagos Watershed Area
- f. 1,194 hectares in the Upper Talomo River
- g. 113 hectares in the Subasta-Sirib Area
- h. 128 hectares in the Tagakpan Area
- i. 344 hectares in the Lipadas Area
- j. 124 hectares in the Tagluno Creek
- k. 96 hectares in the Tagurano Area
- l. 298 hectares in the Kilate-Bato Area and Banod Area
- m. 121 hectares in the Bayabas Area
- n. 225 hectares in the Sibulan-Baracatan (Davao City side)
- o. 11,137 hectares in the Mt. Apo Natural Park (Davao City side)

For a total of 34,254 hectares.

SECTION 9. Agro-Forestry/Agricultural Non-Tillage Areas - The Environmentally Critical Areas in Davao City classified as Agro-Forestry/Agricultural Non-Tillage Areas shall initially include:

- a. 6,854.18 hectares in Dalag-Lumot, Magsaysay, Malamba, Marilog, Salaysay, Suawan, Tambobong, Tamugan (Area 1)
- b. 137.51 hectares in Salaysay (Area 2)
- c. 165.65 hectares in Salaysay, Dalag-Lumot (Area 3)
- d. 591.23 hectares in Suawan, Tambobong, Tawan-Tawan (Area 4)
- e. 74.98 hectares in Tawan-Tawan (Area 5)
- f. 9.51 hectares in Tawan-Tawan (Area 6)
- g. 291.35 hectares in Gumalang, Lacson, Malagos (Area 7)
- h. 62.61 hectares in Dacudao, Lacson (Area 8)
- i. 131.00 hectares in Carmen (Area 9)
- j. 1,260.24 hectares in Sirib, Tamayong (Area 10)
- k. 822.93 hectares in Daliaon Plantation, Tagurano, Tungkalan (Area 11)
- l. 86.87 hectares in Bato, Kilate, Tagluno (Area 12)
- m. 1,207.39 hectares in Baracatan, Catigan, Eden, Sibulan, Tagurano (Area 13)
- n. 27.58 hectares in Bayabas (Area 14)
- o. 24.24 hectares in Bato, Bayabas (Area 15)
- p. 36.04 hectares in Bayabas (Area 16)
- q. 21.56 hectares in Bato, Bayabas, Maranpangi (Area 17)
- r. 101.75 hectares in Bayabas (Area 18)
- s. 137.61 hectares in Bayabas, Catigan, Eden (Area 19)
- t. 95.97 hectares in Sibulan (Area 20)

For a total of 12,240.00 hectares.

SECTION 10. Other Watershed Areas - To be included in the above declared Davao City Watershed Areas, Conservation Areas and Agro-Forestry / Agricultural Non-Tillage Areas are all other areas that may be declared later in a separate study conducted by the Mines and Geosciences Bureau – DENR and the City Planning and Development Office which shall be adopted by the Code.

**RULE IV
PROHIBITED ACTS IN THE WATERSHED AREA
AND ENVIRONMENTALLY CRITICAL AREAS**

SECTION 11. Prohibited acts in Conservation Areas:

- a. Land conversion to whatever classification for purposes of altering or changing the present or existing land use;
- b. Commercial tree farming except those related to reforestation;
- c. Water drilling except for household use and / or government use;
- d. Hunting, destroying, disturbing or mere possession of any plant, animal or products derived therefrom without permit from the Watershed Management Council;
- e. Dumping or disposing of any waste product detrimental to plants, animals and inhabitants thereon;
- f. Use of motorized equipment without permit from the Watershed Management Council;

- g. Mutilating, defacing, destroying objects of natural beauty, burial grounds, Religious sites, artefacts or other objects belonging to cultural communities;
- h. Damaging or destroying roads and trails;
- i. Squatting, mineral exploration or illegal occupation;
- j. Constructing or maintaining any kind of structure, fence or enclosure and conducting any business enterprise;
- k. Altering, removing, destroying or defacing boundary marks or signages;
- l. Exploitation of quarry resources and commercial sand and gravel resources.

SECTION 12. Prohibited acts in Agro-Forestry / Agricultural Non-Tillage Areas:

- a. Land conversion to whatever classification for purposes of altering or changing the present or existing land use;
- b. Agri-business and other industrial undertaking without Environmental Clearance Certificate (ECC) issued by the Department of Environment and Natural Resources (DENR) as provided for in Presidential Decree No.1586 establishing the Environmental Impact Statement System and Proclamation No. 2146 and those with duly issued ECC but are found to be grossly violating the conditions thereof, or of the provisions of this IRR;
- c. Water drilling for industrial use except those issued with an ECC pursuant to Presidential Decree No. 1586 and Proclamation No. 2146 and the Davao City Water Resource Management Ordinance;
- d. Construction of any vertical structures for commercial, industrial, institutional, religious purposes without an ECC except for research and scientific studies, educational purposes and community chapels and churches with prior authorization from the WMC;
- e. Exploitation of quarry resources and commercial sand and gravel resources;
- f. Monocrop agriculture activities including, but not limited to, banana and pineapple plantations;
- g. Aerial spray application of all kinds of farm production inputs and crop protection agents;
- h. Use of any kind of non-organic fertilizer, pesticide, herbicide and other farm production inputs and crop protection agents.

**RULE V
SPECIFYING THE ENABLING
ACTIVITIES TO IMPLEMENT THE CODE**

SECTION 13. Review and Update Study – Within 3 months after the approval of this IRR, the City Planning and Development Office and the Mines and Geosciences Bureau of the DENR, shall make a complete Review and Update Study of the areas designated as watershed, conservation and agro-forestry/ agricultural non-tillage areas contained in the Terrain Analysis Study referred to in Section 6, 8 and 9 of this IRR and in the Terrain Analysis Study of the other portions of Davao City.

SECTION 14. Marking of Ground Boundaries – Within 6 months after the approval by the Watershed Management Council of the Review and Update Study on the Terrain Analysis Study, the Barangay Watershed Management

Council shall cause and complete the installation, erection or identification of natural ground characteristics to mark the updated boundaries of the watershed, conservation and agro-forestry / agricultural non-tillage areas in their respective barangays.

For this purpose, any indigenous, inexpensive but reasonably durable material may be used. A sketch depicting the boundaries showing the locations and descriptions of the installed markers shall be submitted by the BWMC to the WMC.

SECTION 15. Ground Survey and Documentation - Within 2 months after the completion of the marking of ground boundaries, the Survey Teams of the CPDO, as lead office, and MGB-DENR shall complete a Ground Survey and Documentation of all occupants and their current activities affecting any part of the delineated watershed, conservation and non-tillage areas.

Among others, of particular interest is information on Tenured Migrants, with or without written agreements or documents, communities in ancestral domains, mining and quarrying operations, monocrop plantations, land conversions after the passage of this code and illegal occupants.

Earlier studies conducted through the auspices of the Eco-Gov Program providing information of interest may be utilized as basis or corroborating data but not as a substitute for the actual data gathered in the Ground Survey and Documentation.

RULE VI SPECIFYING THE ORGANIZATIONAL AND OPERATIONAL ACTIVITIES TO IMPLEMENT THE ORDINANCE

SECTION 16. Implementing Bodies - The following bodies shall be operationalized for the implementation of the Code:

(a) **Watershed Management Council** – It shall be a participatory monitoring and evaluation council composed of relevant stakeholders and interest groups bound by the common vision of ensuring the protection, conservation and management of the watershed areas; it shall ensure the implementation of this Code and its Implementing Rules and Regulations; it shall be directly under the Office of the City Mayor which shall issue policies and guidelines and set the direction of collaboration in gathering, processing and evaluating information on watershed areas and develop plans and strategies towards ensuring its health and sustainability;

(b) **Barangay Watershed Management Committee** – It shall be created in every barangay within, or with portions located in the watershed areas, to assist the Watershed Management Council in ensuring compliance with this Code and its Implementing Rules and Regulations and other environmental laws by persons and industries allowed by law to conduct activities in certain areas of the watershed areas included in this Code; it shall be directly under the Barangay Captain who shall set the direction in implementing strategies and monitoring activities in the watershed areas allowed under this Code;

(c) **Watershed Multipartite Monitoring Teams** – It shall assist the Watershed Management Council in ensuring compliance with this Code and its Implementing Rules and Regulations and other environmental laws by persons and industries allowed by law to conduct activities in certain

areas of the watershed areas included in this Code; it shall be under a Chairperson, to be designated by the City Mayor, who shall set the direction in implementing strategies and monitoring activities in the watershed areas included in this Code; a WMMT shall be established in each of three (3) clustered Watershed areas namely the Sibulan River-Sirawan Watershed Areas, the Lipadas – Talomo Watershed Area and the Tamugan River – Cugan Creek –Suawan River Watershed Area, provided that future watershed areas to be later identified by the WMC shall likewise be clustered and additional WMMT's shall be established to cover each added cluster.

SECTION 17. Composition, Administration, Functions, Duties and Powers of the Watershed Management Council.

a. **COMPOSITION:** The Watershed Management Council shall be composed of the following:

- 1) The City Mayor as Chairperson
- 2) The City Administrator as Vice-Chairperson
- 3) Members:
 - a) SP Chair of the Committee on Environment and Natural Resources;
 - b) SP Chair of the Committee on Housing, Rural and Urban Development;
 - c) City Planning and Development Coordinator;
 - d) City Legal Officer;
 - e) City Agriculturist;
 - f) City Environment and Natural Resources Officer;
 - g) Representative, DENR Regional Office;
 - h) Representative, Davao City Water District;
 - i) Representative, duly accredited Environmental NGO;
 - j) Representative, Academe;
 - k) Chair, Federation of Barangay Watershed Management Councils;
 - l) Chair, Clustered Watershed Multipartite Monitoring Teams;
 - m) Representative, Davao City Chamber of Commerce and Industry;
 - n) Representative, National Commission on Indigenous Peoples;
 - o) Representatives, Indigenous People Tribes
 - p) Representative, Religious Sector
 - q) Representative, Davao Medical Society
 - r) Representative, Integrated Bar of the Philippines, Davao City Chapter
 - s) Representative, Media to be nominated by the Chair
 - t) An additional representative to be nominated by the Chair

b. ADMINISTRATION:

- 1) The City Mayor shall serve as Chairperson of the Council and shall appoint its members.
- 2) The Watershed Management Council shall meet not less than once a month at a time and date determined by the members or by the Chair.
- 3) Members of the Council are entitled to compensation in the form of honorarium, subject to the rules and regulations of the

- 4) Department of Budget and Management, the Commission of Audit, and other existing laws.
- 4) Each member of the Council may receive reimbursement for actual and necessary expenses in carrying out their responsibilities;

c. FUNCTIONS: The Watershed Management Council shall, on a continuing basis:

- 1) Ensure the implementation of all the provisions of this Code and its implementing Rules and Regulations;
- 2) Issue policies on comprehensive programs, strategies and guidelines on the protection, conservation, management, utilization and development of the watershed areas;
- 3) Monitor all activities relative to the compliance and non-compliance of the provisions of this Code and its Implementing Rules and Regulations
- 4) Coordinate watershed protection, conservation, utilization and development activities of city and national government agencies, offices and the private sector;
- 5) Recommend to the City Mayor collaborative agreements with national government agencies and private persons or groups for joint undertakings in the development and implementation of watershed protection, conservation programs and projects;
- 6) Recommend to the Sangguniang Panglungsod proposals for legislation to strengthen protection, conservation and management laws and ordinances, strategies and policies in the protection, conservation and management of the watershed areas;
- 7) Conduct a continuing information, education and communication campaign to generate public awareness, support and participation in the protection and conservation of the watershed areas;
- 8) Attract private capital investments on sustainable projects in the watershed areas where economic activities are allowed;
- 9) Develop water resource management programs that would reduce dependence on groundwater which shall be promoted as reserve resource to supplement supply from surface waters to protect the sustainability of the groundwater sources;
- 10) Explore financial support windows benefiting programs by stakeholders in watershed protection, conservation and protection programs.

d. DUTIES AND POWERS: The Watershed Management Council shall:

- 1) Prepare and develop a Comprehensive Watershed Protection, Conservation and Management Framework and Watershed Protection, Conservation and Management Plan to ensure the health and sustainability of the watershed areas;
- 2) Conduct studies on the protection, conservation of the watershed areas including maintenance of a data bank;
- 3) Order the cessation, upon recommendation of the WMMT and BWMC, of any activity in the watershed areas violating the provisions of this Code and other environmental laws;

- 4) Prohibit or regulate activities that may damage the environment or cause environmental degradation or threaten the health and sustainability of the watershed areas;
- 5) Promote good farming practices and regulate the use of non-organic fertilizers and other farm production inputs;
- 6) Issue clearances for all forms of undertakings in the conservation, agro-forestry/non-tillage areas declared as Environmentally Critical Areas on the basis of the recommendation of the WMMT and the BWMC, which shall be a requirement for the issuance of the Environmental Clearance Certificate by the DENR;
- 7) Exercise police and visitorial powers in the implementation of the provisions of this Code necessary for the discharge of its functions;
- 8) Recommend to the City Mayor to enter into a contract with any government agency, person or groups to conduct research on matters relating to the protection, conservation and management of the watershed areas;
- 9) Source out funds for research and planning activities, programs and projects on the protection, conservation and management of the watershed areas;
- 10) Issue official policies on the expansion of commercial / corporate plantations in the Prime Agricultural Areas based on an in-depth evaluation of its environmental, economic and social implications;
- 11) Evaluate for approval or denial applications for zoning exemptions and / or reclassification of prime agricultural areas in the watershed areas;

SECTION 18. Composition, Administration, Functions, Duties and Powers of the Barangay Watershed Management Council.

a. COMPOSITION:

- 1) Barangay Captain as Chairperson;
- 2) Chair of the Barangay Council Committee on Environment and Natural Resources as Vice- Chairperson;
- 3) Members:
 - a) Members of the Barangay Council;
 - b) Chairperson / s of the concerned WMMTs;
 - c) Representative, duly registered environmental NGO;
 - d) Representative, industries operating in the barangay;
 - e) Representative, recognized association of farmer operating in the barangay;
 - f) Representative, Religious Group;
 - g) Representative, IPs;
 - h) Other members who may be appointed by the Chairperson

b. ADMINISTRATION:

- 1) The BWMC shall be headed by the Barangay Captain who shall appoint its members;
- 2) The BWMC shall meet not less than once a month at a time

- 3) and date determined by the members, or by its Chairperson;
- 4) Members of the BWMC are entitled to compensation in the form of honorarium, subject to the rules and regulations of the Department of Budget and Management, the Commission of Audit and other existing Laws, to be taken from the funds of the barangay budget;
- 5) Each member of the BWMC may receive reimbursement for actual and necessary expenses in carrying out their responsibilities.

c. FUNCTIONS: The BWMC shall:

- 1) Delineate, in coordination with the Barangay Council, the boundaries of the Environmentally Critical Areas utilizing data from the Terrain Analysis Study;
- 2) Assist in ensuring the implementation of the provisions of this Code and its Implementing Rules and Regulations and other laws on environmental protection;
- 3) Monitor activities in the watershed areas relative to the compliance with the provisions of this Code and its Implementing Rules and Regulations and other environmental laws;
- 4) Coordinate watershed areas protection, conservation and development activities of the various stakeholders in its area of coverage;
- 5) Implement the comprehensive guidelines for the protection, conservation, management, utilization and development of the watershed areas developed by the WMC;
- 6) Recommend proposals for legislation to strengthen protection, conservation and management strategies and policies of the watershed areas;
- 7) Implement the information, education and communication campaign on watershed protection;
- 8) Receive complaints / requests from the public at large and recommend immediate measures to the WMC to address the complaint;
- 9) Prepare and submit a monthly report of activities to the WMC.

d. DUTIES AND POWERS: The BWMC shall:

- 1) Recommend cessation of agri-business and other industries or persons violating the provisions of this Code and other environmental laws;
- 2) Recommend approval or denial of issuances of permits to any industry in the Barangay;
- 3) Monitor and report to the WMC encroachments by mono-crop agriculture and other prohibited activities in conservation and non-tillage areas in the Barangay;
- 4) Exercise police and visitorial powers necessary for the discharge of its functions.

SECTION 19. Composition, Administration, Functions, Duties and Powers of the Watershed Multipartite Monitoring Team.

a. COMPOSITION:

- 1) LGU Representative as Chairperson;
- 2) EMB-DENR Representative as Vice-Chairperson;
- 3) Members:
 - a) City Environment and Natural Resources Officer;
 - b) City Health Officer;
 - c) City Agriculturist;
 - d) Barangay Captain;
 - e) Fertilizer and Pesticide Authority
 - f) Representative, Academe
 - g) Representative, NGOs in the area to be nominated by NGOs among themselves or, if none, to be organized by the BWMC concerned;
 - h) Sectoral representatives (women, youth, IPs, farmers, etc.)

b. ADMINISTRATION:

- 1) The WMMT shall have a Chairperson to be designated by the City Mayor who shall appoint its members that may include those enumerated in PD 1586, DAO 21 of 1992 and DAO 30 of 2003;
- 2) The WMMT shall meet not less than once a month at a time and date determined by the members or by the Chairperson;
- 3) Members of the WMMT are entitled to compensation in the form of honorarium and other emoluments subject to the rules and regulations of the Department of Budget and Management, the Commission of Audit, and other existing laws;
- 4) Members of the WMMT may receive reimbursement for actual and necessary expenses in carrying out their responsibilities.
- 5) Compensation for members of the WMMT shall be taken from fund sources provided in PD 1568, DAO 21 of 1992 and DAO 30 of 2003 provided that the Davao City Government under its mandate to assist national government agencies and its instrumentalities in the implementation of government programs, may through the recommendation of the Watershed Council, provide financial and logistical support to the WMMT;

b. FUNCTIONS: The WMMT shall:

- 1) Assist in ensuring the implementation of the provisions of this Code and its Implementing Rules and Regulations and other laws on environmental protection;
- 2) Monitor activities in the watershed areas relative to the compliance or non-compliance of the provisions of this Code and its Implementing Rules and Regulations and other environmental laws;

- 3) Coordinate watershed protection, conservation and development activities of the various stakeholders in its area of coverage;
- 4) Implement the comprehensive guidelines for the protection, conservation, management, utilization and development of the watershed areas developed by the WMC;
- 5) Recommend proposals for legislation to strengthen protection, conservation and management strategies and policies in the protection, conservation and management of the watershed areas;
- 6) Monitor the implementation of community information, education and communication and social development programs in its area of concern and make suggestions and recommendations to the WMC;
- 7) Receive complaints / requests from the public at large in its area of concern and recommend immediate measures to address the com-complaint;
- 8) Report complaints / requests from the public at large in its area of concern that it could not decide on to the WMC for action;
- 9) Prepare and submit a monthly report of activities to the WMC;
- 10) Properly administer the documentation, reporting and public disclosure of all its reports and findings to reflect transparency and ensure pro-active mechanism for feedback from the concerned public without access to the usual communication channels of regulatory agencies;
- 11) Perform such other functions as may be assigned by the WMC.

d. DUTIES AND POWERS: The WMMT shall:

- 1) Recommend cessation of agri-business and other industries or persons violating the provisions of this Code and other environmental laws;
- 2) Exercise police and visitorial powers necessary for the discharge of its functions;
- 3) Perform such other duties and powers as mandated by PD 1568, DAO 21 of 1992 and DAO 30 of 2003.

SECTION 20. Support Staff - For administrative and operational effectiveness and efficiency in the sustained, consistent and comprehensive implementation of this Code, the City Mayor, as Chair of the WMC, may create, staff, fund and equip an office under the WMC, specifically:

- a) to provide secretariat services to the WMC;
- b) to provide administrative and operational assistance to the BWMC and WMMT;
- c) to undertake / work with others for continuing researches and studies;
- d) to monitor regularity of meetings of BWMC, WMMT and the continuity of initiatives in the areas of education, enforcement and reforestation.

RULE VII
ADMINISTRATION OF PRIME AGRICULTURAL AREAS

SECTION 21. Prime Agricultural Areas - The Davao City government recognizes the vast potentials of its Prime Agricultural Areas for economic development and allows its responsible use, subject to rules and regulations on environment protection, to sustain the health and sustainability of the watershed areas and the city's water resources.

All agricultural activities in Prime Agricultural Areas aiming to ensure food security shall be pursued through sustainable and environment-friendly agriculture in a harmonious balance between economic development and environmental protection and subject to government rules and regulations.

SECTION 22. Other Prime Agricultural Areas - For inclusion as Prime Agricultural Areas are those other areas suitable for agricultural crop production identified in existing or future technical studies upon approval by the WMC.

SECTION 23. Crop Zoning Plan - Within 6 months after the approval of this IRR, a Crop Zoning Plan based on a Crop Suitability Assessment shall be prepared by the City Agriculturist in coordination with the City Planning and Development Office to be submitted to the Watershed Management Council for adoption. The Crop Zoning Plan shall provide for a rational land use and utilization of the Prime Agricultural Areas in Davao City in consonance with the City Land Use Plan and Zoning Ordinance and the Barangay Land Use Plan; promote sustainable and organic upland agriculture; and provide a blueprint for crop diversification and zoning for optimum crop suitability for both large-scale agricultural and subsistence farmers.

RULE VIII
REGULATIONS ON MONOCROP AGRICULTURE

SECTION 24. Monocrop Agriculture - Monocrop agriculture, including but not limited to banana and pineapple plantations shall be allowed to operate only in specific locations within the Prime Agricultural Areas as designated in the Crop Zoning Plan subject to the regulations of the Department of Environment and Natural Resources (DENR) and other pertinent laws, provided:

a. A minimum of 40-meter buffer zone shall be established between the plantation and critical areas such as recharge zones, critical slopes, riverbanks, rivers, springs, wells and other sources of water measured from the outermost boundary of the nearest critical area towards the plantation area within 6 months after the approval of this IRR;.

b. A minimum of 30-meter buffer zone shall be established between the plantation and the nearest residential, school, chapel, clinic and other institutions measured from the outermost boundary of the nearest structure as enumerated above towards the plantation area within 3 months after the approval of this IRR.

In addition, a Monocrop Agriculture/ Monocrop Plantation Operator shall:

a. adopt a plan shifting to low chemical farm production inputs and crop protection agents and organic farming practices to replace reliance on inorganic fertilizer and other synthetic farm production inputs.

b. provide for the relocation of those within the buffer zones to a suitable site at the plantation's own expense.

c. submit to the WMC, a written plan approved by its board of directors, supportive of and providing for an attainable timetable and workable activities leading towards a gradual increase of the ratio of organic farm production inputs.

d. submit together with the written plan in Section 24 (c), a notarized list of its growers and thereafter become responsible for violations of this Code by firms or persons with which they have growership contracts or agreements.

e. conduct at least a bi-annual free medical check-ups to residents of the barangays contiguous to the plantation's boundaries, results of which shall be provided to the Department of Health, City Health Office and the WMC.

SECTION 25. Phase Out - Monocrop agriculture already operating within the Conservation Areas and Agro-Forestry / Agricultural Non-Tillage Areas at the time of the approval of this IRR shall be given three (3) years to phase out its operations, provided they undertake the provision of Section 24 of the preceding section during the interim period prior to its phase out of operations. Provided further, that those issued a 3-year phase out notice shall submit a written phase out plan for approval by the WMC.

No expansion shall be allowed to monocrop agriculture scheduled for phase out and those found to be violating any of the subparagraphs of the preceding section.

RULE IX REGULATIONS ON TENURED MIGRANTS IN WATERSHED AREAS

SECTION 26. List of Tenurial Agreements – 1 month after the approval of this IRR, the DENR shall provide the WMC with the list of all existing tenurial agreements within the Conservation Areas and Agro-Forestry/Agricultural Non-Tillage Areas already designated in the Code and still to be designated by the WMC which it has issued to any corporation, trust, firm, association or any juridical or natural person, indicating the location, coverage and dates of issue and expiration of such tenurial agreements.

SECTION 27. Renewal or Extension of Tenurial Agreements- Upon approval of this IRR, no renewal or extension of any tenurial agreement upon its expiration shall be approved and such areas covered by the expired agreements shall thereafter be subject of a co-management agreement between the Davao City Government and the DENR.

SECTION 28. Prohibition of New Tenurial Agreements - No new application by any juridical or natural person for any form of tenurial agreements shall be approved without the recommendation of the Davao City Government through the WMC.

SECTION 29. Review of Tenurial Migrants – The WMC shall cause the review of the tenurial migrants in the list submitted by the DENR for the purpose of verifying evidences of its validity and proofs of compliance to the conditions for the grant of such agreement.

SECTION 30. Actions after the Review– Tenurial agreements found to have its conditions violated by its holders shall be recommended for revocation by the Davao City Government through the WMC to the DENR and subsequent eviction proceedings shall be initiated by the WMC.

RULE X
REGULATIONS ON ANCESTRAL DOMAINS WITHIN THE WATERSHED
AREAS, CONSERVATION AREAS AND AGRO-FORESTRY /
AGRICULTURAL NON-TILLAGE AREAS

SECTION 31. The rights over Ancestral Domains of the Indigenous Peoples as enshrined in the Indigenous Peoples Rights Act (IPRA) of 1997 or RA 8371 shall be respected to ensure their economic, social and cultural well-being.

SECTION 32. The customary laws governing property rights in determining the ownership and extent of ancestral domains, provided that:

- a. Any lease granted to any juridical and natural person by the Indigenous Tribal Council over any portion of the Ancestral Domain shall be in consultation with the Watershed Management Council;
- b. No such lease shall be granted in any part of the Conservation Areas, except to juridical and natural persons engaging in reforestation projects and other activities for the protection and conservation of the watershed areas;
- c. No such lease in any part of the Conservation Areas shall be granted to any entity engaged in monocrop agriculture.

RULE XI
REGULATIONS ON QUARRYING OPERATIONS OF SAND, GRAVEL AND
OTHER QUARRY RESOURCES WITHIN THE WATERSHED AREAS AND
OTHER ENVIRONMENTALLY CRITICAL AREAS

SECTION 33. Upon approval of this IRR, no Quarry Permit shall be granted to any juridical or natural persons within the watershed areas, conservation areas and agro- forestry / agricultural non-tillage areas.

SECTION 34. Desiltation Operations – The Davao City Government, through the City Engineer’s Office as lead office, shall be solely responsible for all desilting operations in all rivers, streams within the watershed areas where such operations are needed; provided that where a government project is being undertaken by any government agency, a government gratuitous permit must be first secured in accordance with R.A.7944 otherwise known as the Philippine Mining Act of 1995.

RULE XII
SPECIFYING THE SUSTAINING ACTIVITIES
TO IMPLEMENT THE ORDINANCE

SECTION 35. Watershed Protection, Conservation and Management Framework. – A general framework shall be developed as part of an over-all strategy to be adopted by this Code in the protection, conservation and management of all the city watershed areas identified in the Terrain Analysis and such others watershed areas that may be identified in the future. A Technical Working Group shall be formed by the Chairman of the Watershed Management Council, who shall designate its members, to develop the framework.

SECTION 36. Watershed Protection, Conservation and Management

Plan.- A management plan shall be developed for the protection, conservation and management for each of the city's identified watershed areas and those watershed areas to be identified later taking into account trans-boundary cooperation/co-management with other LGU's and stakeholders. A Technical Working Group shall be formed by the Chairman of the Watershed Management Council, who shall designate its members, to develop the plan.

SECTION 37. Information, Education, Communication Program – The

WMC shall cause the preparation of an initial, comprehensive, 12-month IEC Plan, within 1 month after the approval of this IRR. The goal of the IEC Plan is to promote the importance of, need for and the actions expected from the various community sectors in the protection, conservation and management of the watershed areas.

The IEC's target audiences are the members of the WMC, BWMC, WMMT and all other key sectors in the barangays where the watershed areas are located.

The IEC methods, approaches and materials may include, but not limited to, documentary films, posters, flyers, lectures, focus group discussions, media advertisements, mascots and other similar forms.

SECTION 38. Reforestation Program – The City Environment and

Natural Resources Office is the lead office in planning and implementing a continuing and massive Reforestation and Maintenance Program which shall include the production and / or sourcing of planting materials, selection of priority planting areas, supervising the actual planting and the sustained maintenance of planted trees until maturity, in the watershed areas, most preferably, using indigenous forest tree species.

For this purpose, the City ENRO shall seek the assistance from the national government agencies, as well as the NGO's, PO's and the private business sector, to implement the massive Reforestation and Maintenance Program, with the first reforestation activity conducted within 6 months after the approval of this IRR and the subsequent activities following every quarter, thereafter.

SECTION 39: Reporting, Investigation, Prosecution of Cases

a. Reporting- Any person who has personal knowledge of facts and circumstances involving the commission of an offense/s of this Code, may report the incident in any form, to the WMC, to the police, or other law enforcement agencies, or to any Barangay Official of the place where she/he resides.

b. Investigation- Not later than 3 days from the receipt of the report, the WMC or official concerned shall conduct an investigation. The WMC or official concerned shall endeavor to gather as accurate and complete information and evidences, as possible under the prevailing circumstances, of the particular violation discovered.

The WMC or official concerned may seek assistance from any law enforcement personnel before or upon making the approach against the violator/s. For this purpose, the WMC may organize, train and deputize volunteer individuals and / or groups and provide them with Identification Cards. Every apprehended violator/s shall be issued with Citation Tickets.

c. Investigated Cases – In cases reported to and investigated by WMC or other government office/ official, the Investigation Report together with all the material and relevant evidences shall immediately be forwarded to the City Prosecution Office, for the preparation and filing of the appropriate criminal charge.

RULE XIII FUNDING THE IMPLEMENTATION OF THE ORDINANCE

SECTION 40. Initial Fund – There shall be allocated and made available the amount of Five Million Pesos (P 5,000,000.00) to be used as mobilization fund for the operations of the bodies tasked to implement the Ordinance. This amount shall be taken from the General Fund of the city's Annual Budget.

SECTION 41. Other Budgetary Requirements – Any additional budgetary requirements needed for the operation of the Watershed Management Council and all its instrumentalities, shall be taken from any available funds in the Annual Budget, subject to the approval of the Sangguniang Panlungsod.

Other funds may be taken from donations, grants and fees through payment of environmental services.

SECTION 42. Levy and Collection of an Environmental Tax to Constitute the Environmental Fund- An annual Environmental Tax shall be imposed on all agricultural businesses, both principals and growers, operating in the Agro-Forestry/Agricultural Non-Tillage Areas and Prime Agricultural Areas of not less than 50 hectares at The rate of Twenty Five Centavos (P .25) per square meter, payable upon the renewal of the annual business permit.

The environmental tax shall accrue to the General Fund and shall be appropriated in the Annual Budget solely for the purpose of the implementation of this Ordinance, the operational expenses of the Watershed Management Council and all its instrumentalities and for the watershed protection, conservation and management programs and projects, subject to the approval of the Sangguniang Panlungsod.

RULE XIV PENALTIES

SECTION 43. Penalty - Violation of any provision of this Code and its Implementing Rules and Regulations shall be punished with imprisonment not exceeding one (1) year or a fine not exceeding Five Thousand (5,000.00) Pesos or both at the discretion of the Court.

If the violation is committed by a corporation, trust, firm, partnership, association or any other juridical person, the penalty shall be imposed upon the President, General manager, and other guilty officer or officers of such corporation, trust, firm, partnership, association or entity; provided that in addition, a penalty of Five Thousand (5,000.00) Pesos shall be imposed on such corporation, trust, firm, partnership or association violating any provision of this code and its Implementing Rules and Regulations.

**RULE XV
MISCELLANEOUS PROVISIONS**

SECTION 44. Separability Clause – In the event that any word, article, sentence, clause or paragraph of this Ordinance is declared invalid for any reason, other provisions thereof shall not be affected by such declaration and shall continue to be in full force and effect.

SECTION 45. Repealing Clause – All ordinances as well as pertinent rules and regulations inconsistent with this Ordinance are hereby repealed and amended accordingly.

SECTION 46. Effectivity – This Implementing Rules and Regulations shall take effect upon its approval by the City Mayor.

APPROVED: _____, 2008

RODRIGO R. DUTERTE
City Mayor

Attested:

WENDEL E. AVISADO
City Administrator
Chair, Joint Executive-Legislative Committee