



Republic of the Philippines  
Province of Cebu  
Municipality of Tuburan

## Office of the Sangguniang Bayan

EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN OF TUBURAN, CEBU HELD ON JANUARY 9, 2012 AT 2:00 O'CLOCK IN THE AFTERNOON AT THE SB SESSION HALL, TUBURAN, CEBU.

PRESENT:	HON. DOMINADOR PESIAO	- Mun. Vice-Mayor, presiding
	HON. DANILO DIAMANTE	- SB Member
	HON. SESINANDO POTENCIOSO	- SB Member
	HON. FEDERICO MONTEBON	- SB Member
	HON. EDUARDO ONDOY	- SB Member
	HON. RENANTE DELA CERNA	- SB Member
	HON. ROSENDO MENDOZA	- SB Member
	HON. NICOLAS EDILLON, JR.	- SB Member
ABSENT:	HON. MARIE TABOTABO	- SB Member
	HON. ROMEL TUNDAG	- SB Member/ABC Pres.
	HON. BRET MONSANTO	- SB Member/SKF Pres.

### RESOLUTION NO. 2012-03

RESOLUTION ENACTING AN ORDINANCE REGULATING THE CUTTING OF TREES FOR CHARCOAL MAKING, FIREWOOD AND FOR OTHER PURPOSES WITHIN THE TERRITORIAL JURISDICTION OF THE MUNICIPALITY OF TUBURAN, CEBU.

WHEREAS, it has been observed that cutting of trees has become rampant in some areas of the municipality for commercial charcoal making and for other purposes;

WHEREAS, there is a need for the municipality to adopt a good environmental governance in the management of its forest resources including policy formulation in accordance with the principles of participatory, accountability and transparency;

WHEREAS, with the present catastrophes happening due to the neglect in the implementation of environmental laws, the people has to be made aware of the importance of taking care of the environment for the generations to come;

NOW, THEREFORE, on motion of Hon. Eduardo E. Ondoy and duly seconded by all Members present, it was

RESOLVED, as it is hereby resolved, to enact the following ordinance:

### ORDINANCE NO. 75

AN ORDINANCE REGULATING THE CUTTING OF TREES FOR CHARCOAL MAKING, FIREWOOD AND FOR OTHER PURPOSES WITHIN THE TERRITORIAL JURIDICION OF THE MUNICIPALITY OF TUBURAN, CEBU.

BE ORDAINED by the Sangguniang Bayan of Tuburan, Cebu, Province of Cebu:

Section 1. **POLICIES AND PRINCIPLES.** In unity with the Filipino people, the State and Province of Cebu, the Municipality of Tuburan hereby declares and acknowledges the following guiding principles and recognizes:

- g) The development, utilization and management of forest resources in a sustainable manner;
- h) The protection and rehabilitation of watershed areas as to assure abundant supply of water requirements for domestic, agricultural, fisheries, industrial and recreational uses;
- i) To ensure that activities conducted within the forest lands are in accordance with existing laws, rules and regulations, as well as applicable ordinances.

Section 3. **DEFINITION OF TERMS.** As used in this Ordinance, the following terms shall be understood to mean as follows:

- k) *Watershed* – refers to a drainage area of a river system, lake or water reservoir supporting existing and proposed domestic water supply and irrigation water.

- m) *Business* – means trade or commercial activity regularly engaged in as means of livelihood with a view of profit.
- n) *Charcoal* – a black, porous, carbonaceous material, 85 to 98 percent carbon, produced by the destructive distillation of wood and used as a fuel, filter, and absorbent.
- o) *Chainsaw* – a portable power saw with teeth linked in an endless chain.

Section 4. **RATES OF FEES.** There shall be collected the following fees from any person engaging in the cutting and transport of trees and/or charcoal within the territorial jurisdiction of the municipality, to wit:

- 1. Mayor's permit.....P200.00 per year
- 2. Business Tax
- 3. Permit to Cut.....P 25.00 per tree
- 4. Permit to Transport.....P200.00 per transport

Section 5. **REGULATED ACTS.**

- 1. No person shall use chainsaws without the corresponding permit from the DENR. The MENRO shall issue a clearance for the chainsaw as a requirement for DENR permit and shall be furnished a copy of the permit.
- 2. No person shall cut, possess, transport and/or extract timber and other forest products, particularly those under the National List of Threatened Philippine Plants and their Categories without first securing first the necessary permit from the Barangay concerned, SB Chairman on Environment & Natural Resources and the Municipal Environment and Natural Resources Officer (MENRO) of this municipality.
- 3. No person shall be allowed to cut trees below 1 foot (1') in height and below 6 inches (6") in diameter.
- 4. Cutting of trees in public and private places without the necessary permits is strictly prohibited unless it becomes urgently necessary to save the life or property of an individual from eminent danger or destruction.
- 5. There shall be no cutting of trees on a strip of twenty (20) meters wide on both sides of creeks or rivers bordering or traversing land areas. If the said area is already bereft of trees, then said area shall be reforested by trees of known economic value, as well as native to the location.
- 6. No tree cutting activities shall be done in watershed areas.
- 7. Transport of charcoal shall only be 300 sacks per month per permittee.
- 8. Transport of firewood shall only be 600 bundles at 6"Ø/bundle per month per permittee.
- 9. No transport of charcoal and/or firewood shall be made without first securing a permit from the municipality.
- 10. No permit to cut shall be issued to applicants without a Certificate of Tree Planting issued by the barangay concerned.
- 11. For purposes of this Ordinance, no new applicant shall be granted permit except those existing permittees as of December 31, 2011.
- 12. The Barangay concerned, with the supervision of the MENRO, shall be responsible for the sustainable development of the existing forest resources and closely monitor the implementation of the plans and programs of the government related to forest resources and similar concerns.

Section 6. **PENALTY CLAUSE.** Any person or establishment violating any provision of this Ordinance shall put its owner and/or manager to be imposed with the following:

- First Offense = a fine of P1,000.00
- Second Offense = a fine of P1,500.00 and one (1) month suspension of permit
- Third Offense = a fine of P2,500.00 or imprisonment of not more than six (6) months or both, at the discretion of the Court.

Section 7. **SEPARABILITY CLAUSE.** If, for any reason, any Section 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 8. **EFFECTIVITY.** This Ordinance shall take effect upon its approval.

**DATE ENACTED: January 9, 2012.**



ATTESTED & CERTIFIED  
TO BE DULY ENACTED:

  
**DOMINADOR P. PESIAO**  
Presiding Officer

APPROVED: \_\_\_\_\_

  
**DEMOCRITO M. DIAMANTE**  
Municipal Mayor