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ORDINANCE NO. 8371

**AN ORDINANCE PROVIDING AN ENVIRONMENTAL CODE FOR THE CITY OF
MANILA**

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PREAMBLE

WHEREAS, Article II, Section 16 of the 1987 Philippine Constitution, provides that *"The State shall protect and promote the right of the people to a balanced and healthful ecology in accord with rhythm and harmony of nature"*;

WHEREAS, protecting the environment is a vital government concern, in the Philippine Environment Code and in Section 458, No. 1 (vi) of the Local Government Code of 1991, it is mandated that the Sangguniang Panlungsod shall protect the environment and impose appropriate penalties for acts which endanger the environment such as activities which result in pollution, destruction of rivers and lakes, or of ecological imbalance;

WHEREAS, Article 122 (n) of R.A. 7160 as a primary arm of the City Government of Manila in the development and promotion of environment friendly communities for the protection and conservation of the city's natural resources and in preserving the ecological balance of environment and its sustainable development, as well as preventing and abating pollution in the City of Manila,

WHEREAS, the Local Government of Manila has placed the protection of environment and natural resources as a pillar of community development and foundation of sustainable growth and development of the city,

WHEREAS, there now exists a global climate crisis that threatens the ecosystem of the natural environment and results to the extinction of many species of plants and animals including marine life which used to flourish before in the waters of Manila;

WHEREAS, man's contribution to worsen conditions of our environment is apparent and unabated;

WHEREAS, the time now calls for a more active, aggressive and creative approach in addressing this environmental concern which can be achieved through a comprehensive and innovative Environmental Code: NOW, THEREFORE,

Be it ordained by the City Council of Manila, in session assembled, *THAT*:

ARTICLE I GENERAL PROVISIONS

SECTION 1. Title. - This Code shall be known and cited as the "**Environment Code of the City of Manila**", and shall be commonly referred to as E-Code.

SEC. 2. Purposes of this Article. -

- a. To embody in this E-Code the shared vision of the constituents of Manila for a protected environment in its pursuit to the general welfare of the people of Manila;
- b. To codify the nature friendly and environmentally protective aspirations of the Manilans as the basis of this E-Code; and
- c. To establish institutional mechanisms that will lead and initiate formulation and implementation of pro-environment policies for the City of Manila.



SEC. 3. Statement of Vision for the Environment of the City. –

- a. A prime city in a well-ordered urban landscape respecting and maintaining protected areas as marine sanctuaries that promotes marine life biodiversity in resurrected status of Manila Bay and Pasig River;
- b. As a model city taking the initiative to be the first to commit in dedicating, preserving and protecting the environment as the basic strategy in sustainable development by restoring the rich marine life of its waters and other natural resources;
- c. As a progressive city providing education and training that elevate awareness and concern for the environment that will conserve and protect natural resources, and a clean and peaceful surrounding in pursuit of Manila in its role towards excellence, creativity and innovation without sacrificing the rights of Manilans to a balanced and healthful ecology; and
- d. A green city filled with trees that provide clean and healthy air to breathe for the Manilans.

SEC. 4. Operative Principles. - This Code is designed to attain the vision of the city based on the following principles:

- a. Active participation of all Manilans in private and government sectors to attain sustainable development through conservation and proper management of natural resources;
- b. Enactment and enforcement of laws concerning the protection, conservation and preservation of the environment and natural resources consistent with the laws of nature;
- c. Judicious use of the city's natural resources and equitable access to these resources in accordance with promulgated laws; and
- d. Precisely address the problems on different kinds of pollution plaguing the city.

SEC. 5. Declaration of Policy. - Cognizant of the enormous opportunities and potentials of the city's environment and natural resources and considering that the management and use of all these God-given gifts transcend various boundaries, it is hereby declared the policy of the City Government to secure its perpetual use for the enjoyment of the present and future generations consistent with promulgated laws and laws of nature.

SEC. 6. Legal Bases. - This Code shall be governed by the following provisions:

- P.D. 1152 known as Environment Code of the Philippines
- P.D. 979 known as Marine Pollution Decree of 1976
- P.D. 705 known as the Revised Forestry Code
- R.A. 9003 known as Ecological Solid Waste Management Act
- R.A. 8749 known as Clean Air Act
- R.A. 9275 or the Clean Water Act
- R.A. 7160 known as the Local Government Code of 1991 and its Implementing Rules and Regulations
- R.A. 4226 known as Hospital Licensure Act
- P.D. 1067 known as Water Code of the Philippines.

- Manila City Ordinance No. 7748, entitled: "An Ordinance amending Ordinance No. 6842 relative to the prohibiting on smoking in specified places and for other purposes"
- Manila City Ordinance No. 7824, entitled: "An Ordinance prohibiting minors smoking cigarettes, cigars and other tobacco products within the City of Manila"
- Manila City Ordinance No. 7842, entitled: "An Ordinance prohibiting the selling of cigarettes, and cigarette paraphernalia to minors and providing penalties and violation thereof"
- Manila City Ordinance No. 8174, entitled: "An Ordinance creating the Manila Emission System for motorized vehicles and providing penalties for smoke belching vehicles plying and traversing the territorial jurisdiction of the City of Manila"
- Manila City Ordinance No. 7866, entitled: "An Ordinance penalizing the disposal of garbage, debris and other waste materials in Rivers, Creeks, Canals and Waterways: providing penalties for violation thereof; allocating to the barangays 20% of the fine collected therefor and for other purposes"
- Manila City Ordinance No. 7906, entitled: "An Ordinance prohibiting the construction and/or operation of new plants, factories, and other manufacturing concerns along the banks of the Manila stretch of the Pasig River and providing for violation thereof"
- Manila City Ordinance No. 7924, entitled: "An Ordinance prohibiting the dumping and the discharging of garbage, refuse, sewer waste, from vessels, factories, commercial and industrial establishments, residential houses and other structures into the Manila Bay, the Pasig River and other Waterways and bodies of water within the territorial jurisdiction of the City of Manila"
- Manila City Ordinance No. 8107, entitled: "An Ordinance instituting a Water Code for the City of Manila to govern the management, utilization, development, conservation and protection of the municipal waters of the city; Creating for the purpose, the Manila Water Management Office, appropriating the amount needed therefor, and for other purposes"
- Manila City Ordinance No. 6276, entitled: "An Ordinance implementing a standard three-meter easement along the tributaries of the Pasig River System in the City of Manila including esteros, creeks and other similar waterways, in strict compliance with the provisions of Article 51 of the Presidential Decree No. 1067 (The Philippine Water Code) and Article 630 (Legal Easement) of the Civil Code of the Philippines"
- Manila City Ordinance No. 8233, entitled: "An Ordinance authorizing the City of Manila, through Mayor Alfredo S. Lim, to file an application with the Philippine Reclamation Authority to reclaim certain portions of Manila Bay, and for other purposes"
- Manila City Ordinance No. 8187, entitled: "An Ordinance amending Ordinance No. 8119 Otherwise known as The Manila comprehensive land use plan and zoning ordinance of 2006 by creating a medium industrial zone (1-2) and heavy industrial zone (1-3) and providing for its enforcement"
- Manila City Ordinance No. 7853, entitled: "An Ordinance requiring provision of garbage receptacles in all public utility vehicles in the City of Manila, providing penalties for violation thereof, and amending/repealing for the purpose Ordinance No. 6747 and Ordinance No. 7436"
- Manila City Ordinance No. 7849, entitled: "An Ordinance amending Section 4 of Ordinance No. 7695 of the City of Manila referring to disposal of garbage, by providing a higher penalty for violation thereof and providing sub-sections thereto"

- Manila City Ordinance No. 7876, entitled: "An Ordinance requiring all residents of business establishments with containers with which to segregate biodegradable and non-biodegradable garbage for composting and recycling, for the purpose of achieving and complying with the objectives and methods of the "Zero-waste technology" and providing penalties for violation thereof"
- Manila Ordinance No. 8194, entitled: "An Ordinance amending Section 3 of Ordinance No. 7404, entitled: "An Ordinance covering solid waste disposal practices, including prohibition of open dumping in vacant lots of properties, in esteros and water courses"
- Manila City Ordinance No. 8282, entitled: "An Ordinance banning the use of any form of plastic bags on dry goods, as well as the use of polystyrene and similar materials as containers for foods, goods and other products, providing penalties for violations thereof"

SEC. 7. Definition of Terms. - As used in this Code or may be used as reference in the future, the following words and phrases shall be defined as follows:

- a. **Air Pollutant** - in accordance with Article 2, Section 5 (Definition of Terms) of the Philippine Clean Air Act, "Air pollutant means any matter found in the atmosphere other than oxygen, nitrogen, water vapor, carbon dioxide, and the inert gases all in their natural or normal concentrations, that is detrimental to health or the environment, which includes but not limited to smoke, dust, soot, cinder, fly ash, solid particles of any kind, gases, fumes, chemical mists, contaminated steam and radioactive substances;
- b. **Air Pollution** - means any alteration of the physical, chemical and biological properties of the atmosphere, or any discharge thereto of any liquid, gaseous or solid substances that will or is likely to create or to render the air resources of the country harmful, detrimental, or injurious to public health, safety or welfare or which will adversely affect their utilization for domestic, commercial, industrial, recreational, or other legitimate purposes;
- c. **Air Shed** - refers to areas with common weather or meteorological conditions and sources of air pollution which affect the interchange and diffusion of pollution in the surrounding atmosphere;
- d. **Ambient Air Quality** - in accordance with Rule IV, Section 1 (Definition of Terms) of the Philippine Clean Air Act - Implementing Rules and Regulations, ambient air quality refers to the atmosphere's average purity in a broad area as distinguished from discharge measurements taken at the source of pollution or the present characteristic or nature of the surrounding atmosphere;
- e. **Ambient Air Quality Guideline Values** - refers to the concentration of air over specified periods classified as short-term and/or long-term which are intended to serve as goals or objectives for the protection of health and/or public welfare. These values shall be used for air quality management purposes such as determining time trends, evaluating stages of deterioration or enhancement of the air quality. In general, used as a basis for taking positive action in preventing, controlling, or abating health impacts from air pollution;
- f. **Ambient Air Quality Standard** - means the concentration of an air pollutant as listed under Philippine Clean Air Act of 1999, RA 8749 which, in order to protect public health and/or public welfare, shall not be exceeded in the breathing zone, at any time. Standards are enforceable and must be

complied with by the owner or person in-charge of an industrial operation, process or trade;

- g. Air Quality Indices (AQI)** – per definition of Manila City Ordinance No. 8174 as the level of quality for suspended particles;
- h. Biodegradable** - any material that can be reduced into finer particles (degraded or decomposed) by microbiological organisms or enzymes (synonymous with compostable);
- i. Biogas Digester** - are of two kinds: the "poso-negro" or the above-ground portable Valderia model. Biogas is a mixture of methane, carbon dioxide, and traces of inert gases produced by the fermentation of animal manure organic waste in an airtight digester chamber;
- j. Buffer Zones** - are identified areas outside the boundaries of and immediately adjacent to designated protected areas and need special development control in order to avoid or minimize harm to the protected area;
- k. Bulky Waste** - refer to waste materials which cannot be appropriately placed in separate containers because of either its bulky size, shape or other physical attributes;
- l. Business/es** - means trade or commercial activity regularly engaged in as means of livelihood or with a view of profit;
- m. Business Transaction/s** - means an act of business dealings and or contract with relation to delivery, hauling, transport, treatment and disposal of substances and/or materials which are potential and actual sources of land, air, and water pollution;
- n. Built-up Areas** - refers to the portions of land within the city or barangays that are actually occupied as residential, commercial, or industrial areas as embodied in a duly approved land use plan by the Sangguniang Panlungsod;
- o. CENRO** – the acronym that refers to City Environment and Natural Resources Office;
- p. City** - unless otherwise stated, this will refer to the City of Manila;
- q. Collection** - refers to the act of removing waste from the source or from communal storage point;
- r. Compost** - decayed organic material for use as soil conditioner or fertilizer;
- s. Composting** - biological degradation under controlled conditions; the process of making biodegradable such as food waste, garden waste, animal waste, human waste, into compost by mixing them with soil, water, biological additives/activators (optional) and air;
- t. Commercial Fishing** - the taking of species by passive or active gear for trade, business or profit beyond subsistence or sports fishing, to be further classified as (1) small-scale commercial fishing; (2) medium-scale commercial fishing; and (3) large-scale commercial fishing;

- u. **Conservation** - means the wise-use and optimum utilization of natural resources;
- v. **Critical Watershed** - refers to a drainage area of a river system, lake or water reservoir supporting existing and proposed hydroelectric power, domestic water supply, geothermal, irrigation works, which needs immediate rehabilitation and protection to minimize soil erosion, improve water yield and prevent possible flooding;
- w. **Devolution** - refers to the act by which the national government confers power and authority to the Local Government Unit as provided for by law;
- x. **Domestic Waste** - is the refuse from households, as distinguished from industrial waste, agricultural waste, hospital waste, etc., which may be classified as biodegradable (compostable) or non-biodegradable (non-compostable);
- y. **Emission** - means the act of passing into the atmosphere an air contaminant, pollutant, gas stream and unwanted sound from a known source;
- z. **Enzymes** - a protein produced by cells, with substances to initiate or accelerate chemical reactions in plants or animal matter, acting like an organic catalyst;
- aa. **MCEC** – an acronym for Manila City Environment Council;
- bb. **MANILA CENRO** – an acronym for Manila City Environmental and Natural Resources Office;
- cc. **Factory Returnable** - all non-biodegradables, non-compostables such as tin cans/metals; bottles/ glass including broken pieces; plastic / styrofoam / rubber / dry paper / dry cardboard / dry cloth / fibers / leather / hard shells / hard bones, etc., which are segregated in separate containers or placed in one sack (cans, bottles, containers already rinsed) and are sold/given away to collectors;
- dd. **Fee** - is a charge fixed by law or ordinance for the regulation, monitoring and inspection of all business, industrial, commercial, or agricultural establishments;
- ee. **Feed Materials** - all food wastes, peelings, veggie trims, fish entrails, fowl innards, spoiled fruits, leftovers, egg shells, rice / fish / meat washing, etc., that should be collected and kept in covered containers as hog / chicken / duck / pets / fish feeds;
- ff. **Fermentables** – fruit peelings, spoiled or overripe fruits, juices e.g. buko juice, etc., are made into vinegar, wine or “nata-de-coco”, “nata-de-piña”, etc.;
- gg. **Fertilizer Materials** - all compostable or biodegradables such as garden waste, (leaves, twigs, weeds), animal waste (manure, carcasses), human waste (feces, urine, blood, all excreta, soiled wipes, pads, diapers (remove plastic portions) etc., are made into compost for organic gardening;
- hh. **Filling Materials** - if efforts are exerted to find, not only the maximum but also the optimum use of waste, hardly any will be left as filling materials.

Such materials may be compacted, mixed with rice chaff and "binders" and use for appropriate construction projects;

ii. Fine Crafts - many of the non-biodegradables could be used as materials for handicrafts, cottage industries, art works, toys and other livelihood projects such as paper mache, paper basketry, tin craft, metal craft, plastic twine or rope braids, feather craft, wooden craft, even "lahar" craft. Styrofoam melted in small amount of gasoline solvent provides cheap glue or "binder" for many of the projects;

jj. Food Materials - include certain kinds of seeds, pulp, peelings, that are made into pickles, "sweets" or candies, or snacks;

kk. Functional Facilities/Equipment - useful equipment/facilities devised or created from discards, throwaways, junks, scraps e.g. chairs, tables, doormats, play equipment from rubber tires, roofing from milk cans, flower pots, "planters" from plastic bags, sacks, containers, etc;

ll. Green Charcoal - another form of fuel or grass charcoal, manufactured from compostable, organic, cellulotic material with the use of enzymes to break down the lining or binding material, after which it is molded and dried then used in charcoal-fed stoves;

mm. Hazardous Waste - special types of waste containing the chemical, biological, and radiological elements which are harmful to human health;

nn. Incineration - the controlled process by which combustible waste are burned and changed into gasses and residues that contain little or non-combustible materials;

oo. ISO 14001 - is an international standard that certifies an organization having and implementing an environmental management system;

pp. Leachate - the downward seeping of water through the landfill carrying with it the dissolved water-soluble contents of the waste which may be collected by the underground drainage of water system;

qq. Manila Coastal Areas - include the shorelines of Manila stretching from Roxas Boulevard corner Pablo Ocampo Street, Malate up to north end of Tondo, Manila Bay area;

rr. Permit - is a short-term privilege or authority granted by the state to a person to utilize any limited natural resources or undertake a limited activity within a piece of land without any right of occupation or possession therein;

ss. Person - includes natural, as well as juridical persons;

tt. Pollution - means any alteration of the physical, chemical, biological, properties of any water, air and/or and resource of City of Manila, or any discharge thereto of any liquid, gaseous or solid waste, or any production of unnecessary noise, or any emission of objectionable odor, as will or is likely to create or to render such water, air and/or land resources harmful, detrimental or injurious to public health, safety or welfare, or which will adversely affect their utilization for domestic, industrial, agricultural, recreational or other legitimate purposes;

- uu. Public Consultation** - refers to a stage of public participation at which information is disseminated and opinions gathered in public in order to ensure that public concerns are fully integrated into the process of the environmental impact assessment, project development and management, and policy formulation;
- vv. Putrescible** -a substance that decomposes at a certain temperature in contact with air and moisture; generally containing nitrogen;
- ww. RA 7160** - refers to the Local Government Code of 1991;
- xx. Recycling** - the reuse, retrieval, re-commission of element/matter for any and all purposes necessary to healthful and productive living; the process by which waste materials are transformed into new products in such a manner that the original products may lose their identities;
- yy. Recycling of Domestic Waste** - the full utilization of domestic waste into factory-returnables (around 50-60%), feed (about 20%), fertilizer (about 30%), fuels, fine crafts, fermentables, etc., with little left for filling material. (Proportions vary with the kind of community, the more affluent the more factory returnables). This includes both man-devised and nature designed recycling schemes;
- zz. Resource Recovery** - the extraction of materials or energy from wastes;
- aaa. Solid Waste** - this includes anything thrown away, such as garbage, rubbish, trash, litter, junk, and refuse from any source (homes, businesses, farms, industries, or institutions); this is a discarded material with insufficient liquid content to flow. Examples are those non-liquid, waste resulting from the domestic, commercial, agricultural and industrial activities which can be divided into several components under two board categories:
- Biodegradable compostable-putrescible. There are four (4) groups of waste under this category such as:
 - (a) food (cooking) waste/kitchen waste: peelings, leftovers, vegetable trims, fish/fowl/meat/animal entrails/innards/cleanings, soft shells, seeds, etc.; and
 - (b) agricultural (garden) waste: leaves/flowers, twigs, branches, stems, roots, trimmings, weeds, seeds/inedible fruits, etc.; (c) animal waste: manure/urine, carcasses, etc.; and (d) human waste: excreta, soiled pads, sanitary napkins, etc.
 - Non-biodegradable compostable-putrescible. There are ten (10) groups of waste under this category:
 - (a) metals: tin cans, aluminum, iron, lead, copper, silver, etc.;
 - (b) glasses: bottles, cullets (broken glass), sheets (shards), mirrors, bulbs, etc.;
 - (c) plastics: polyethylene (bags), polypropylene (straws) jute sacks/containers, polyurethane (foam, mattresses), polystyrene (styrofoam), polyvinyl (tubes, pipes, linoleum), poly-acetate (fibers, cloth, rayon), etc.;
 - (d) rubber (natural and synthetic), tires, boots, etc.;
 - (e) papers: dry papers, cardboards, etc.;
 - (f) dry processed fibers: cloth, twine, etc.;

- (g) dry leathers, skin, feathers, etc.;
- (h) hard shells;
- (i) bones; and
- (j) rocks

- bbb. Solid Waste Management** - the purposeful, systematic control of the generation, storage, collection, transport, separation, processing, recycling, recovery, and final disposal of solid waste;
- ccc. Sorting at Source** - the segregation or separation of waste at the point of generation or at the very place where they are produced, into biodegradable and non-biodegradable;
- ddd. Transport** - includes conveyance by air, water and land;
- eee. Water Resources of Manila** – includes the bodies of water such as the Manila Bay and portion of Pasig River and all marine resources found therein;
- fff. Waste Management** - the proper disposition of both solid and liquid wastes; and
- ggg. Zero Waste at Source Management System** - is an ecological method of handling waste that does not degrade the environment nor pollute air, water, and soil, and facilitates their sanitary retrieval, reuse or recycling.

ARTICLE II AIR QUALITY, NOISE MANAGEMENT AND ENERGY SAVING PRACTICES

SECTION 1. Operative Principles. - The City of Manila envisions to be the city with air quality and noise management and a city which encourages energy-saving practices.

- a.** The city recognizes that measures should be in place to manage and control air and noise pollution to ensure that the health and well-being of its people are protected. For this purpose, the city, pursuant to Sec. 17 of RA 7160, reaffirms its authority to enforce pollution control laws and take over the testing and apprehension of smoke belching vehicles and in the abatement of noise and nuisance;
- b.** The city reaffirms the principles enunciated in RA 8749 (Clean Air Act of 1999) to the effect that the responsibility of cleaning the habitat and environment is primarily area-based; that polluters must pay; and that a clean and healthy environment is for the good of all, and should therefore be the concern of all; and
- c.** The city will partner and enter into administrative arrangements with DENR, DOH and LTO to further minimize pollution in the city.

SEC. 2. Vehicle Emission Control. - The city in accordance to Manila City Ordinance No. 8174 and in coordination with the LTO shall establish a permitting system to ensure that the emission of vehicles operating within the city is in accordance with the standards provided for under existing laws. Administrative arrangements with LTO shall endeavor to deputize the City Government to undertake the necessary testing and initiate the prosecution of those in violation.

SEC. 3. Mandatory Smoke Emission Test on All Vehicles Impounded for Traffic Violations before Release to the Owners. - All vehicles being impounded for serious traffic law violations shall undergo smoke emission test by the Anti-Smoke Belching Unit before release to the owner. Any vehicle subjected to smoke emission test and failed the same shall be meted with the penalty clauses under the Manila City Ordinance No. 8174.

SEC. 4. Industrial Air Pollution Control. - The city in collaboration with the DENR, shall ensure that industrial firms operating within the city shall comply with air quality standards, periodically testing the emissions of industrial firms and establish adequate capability to respond to citizen's complaints on industrial air pollution. Since the use of "dry sand-blasting" machines in shipyards, as well as in any shop is a violation of the Clean Air Act as they spray sand that mixes with rust which eventually gets into the air thus posing serious health hazard not only to the workers but to the people in the vicinity who could inhale this harmful mixture, the use of "dry sand-blasting" is strictly prohibited.

SEC. 4.a. Penalties. - The following penalties shall be imposed for any violation of Section 4 of this Article.

First Offense:	Fine of Six Hundred Pesos (PhP. 600.00)
Second Offense:	Fine of One Thousand Pesos (PhP. 1,000.00)
Third Offense:	Fine of Two Thousand Pesos (PhP. 2,000.00)
Fourth Offense:	Closure of the Establishment and Revocation of Business Permit

SEC. 5. Regulating Noise Pollution. - The city shall be responsible in evaluating the noise generating potential of infrastructure projects as part of its responsibility in the grant of zoning clearances and building permits. All projects which generate potential noise level must conform to the standards established by the DENR, the Occupational Health and Safety Standards of the DOLE, the DOH and other offices and shall be required to install soundproofing devices and eliminate vibration. In consultation with DENR, DOLE and DOH and other offices, noise and vibration standards shall be set for both mobile and stationary engines, factories, pub houses, restaurants, karaokes, amusement parks and other similar establishments.

SEC. 5.a. Penalties. - The following penalties shall be imposed for any violation of Section 5 of this Article.

First Offense:	Fine of Three Hundred Pesos (PhP. 300.00)
Second Offense:	Fine of Four Hundred Pesos (PhP. 400.00) and/or imprisonment not to exceed six (6) days
Third Offense:	Fine of Six Hundred Pesos (PhP. 600.00) and/or imprisonment not to exceed ten (10) days

SEC. 6. Ambient Air and Noise Level Monitoring Stations. - The city in collaboration with the DENR and other offices shall establish, operate and maintain noise and ambient air quality sampling and monitoring stations to ensure that its residents enjoy air quality and are protected from noise pollution.

SEC. 7. Requirement for Certificate of Compliance for Issuance of Business Permits. - The City Engineer's Office and the City Health Office shall issue necessary Certificate of Compliance to any business establishment applying for business permit showing the applicant's prior compliance with the DENR rules and regulations on ambient air and noise level allowance.

SEC. 8. Regulating Motorized Tricycle Operations. - Every three (3) years, the Mayor, through the City Franchising Unit, shall determine the carrying capacity of the city with respect to motorized tricycles and will set a cap to those that will be allowed to apply. Thereafter, no additional franchises shall be issued beyond the cap.

SEC. 9. Prohibition of Smoking in Public Places and Public Vehicles. - Smoking inside a public building or an enclosed public place including public vehicles and other means of public transport or in any enclosed area outside of one's private residence, private vehicle, private place of work is hereby prohibited and shall be penalized under the aforesaid City Ordinances relative to prohibition of smoking to include the following areas:

- a. Smoking in public places, except in duly designated smoking areas;
- b. Knowingly allowing, abetting, or tolerating smoking in accommodation establishments, except when smoking is done inside or within the duly designated smoking areas referred to in the ordinance;
- c. Smoking while inside a government owned or public utility vehicles whether moving or stationary or while solicitation of passengers is going on or while the vehicle is waiting for passengers;
- d. Prohibiting the selling of cigarettes, and cigarette paraphernalia to minors; and
- e. Prohibiting the minors from smoking.

SEC. 10. Measures Against Offensive Odor. - The city shall require industries or other businesses whose operations emit odor which causes secondary disturbances such as nausea, insomnia and overall discomfort to adopt measures that will mitigate the odor pollution including dilution by ventilation or dispersal, combustion or oxidation, neutralization or odor masking. Upon recommendation of the MCEC, until such time that measures is in place, the operations of said industries or businesses will be suspended.

SEC. 11. Close Coordination with DENR. - Consistent with Section 36 of RA 8749 which mandates that the "Department shall provide LGUs with technical assistance, training and continuing capability building program to prepare them to undertake full administration of air quality management and regulation within their territorial jurisdiction", the Mayor shall, within six (6) months from the passage of this Code enter into suitable administrative arrangements with DENR and come up with a comprehensive program on air quality management to implement said mandate. The city shall seek deputation from the DENR to enable it to monitor air and noise pollution and industrial pollution and likewise strengthen its quick response mechanism in environmental law violations.

SEC. 12. Promotion of Environment-Friendly Alternative Transport Systems.- The city shall encourage and provide incentives to persons who will utilize alternative and environment-friendly transport systems.

SEC. 13. Promotion of Energy-Saving Practices. - The city shall put in place and encourage shift to energy-saving measures such as daylight saving time, efficient lighting systems and utilization of solar and wind energy and anti-idling in parking areas. Incentive will be given to establishments which will showcase best energy-saving measures.

ARTICLE III MARINE AND FRESHWATER RESOURCES

SECTION. 1. Purpose of the Article. - Protect and conserve marine and coastal resources through control of marine pollution, abatement of destructive fishing practices and over fishing:

- a. Strengthen capacity of stakeholders to manage marine and coastal resources;
- b. Support implementation of international and local agreements on protecting marine biodiversity; and
- c. Review, assess, implement and regulate industrial use permits/rights and other interests over coastal areas.

SEC. 2. Operative Principles. - The coastal area of the City of Manila shall comprise the shorelines of Manila Bay delineated by city land area. The territory is covered by the scopes of national policies namely:

- a. It is the duty of the MANILA CENRO and the Water Management Office as its functions provided for under Manila City Ordinance No. 8107, to prevent and control the pollution of its sea by the dumping of wastes and other matter which create hazards to human health, harm living resources and marine life, damage amenities or interference with the legitimate uses of the sea within the territorial jurisdiction of the Philippines (PD No. 979, Sec. 2); and
- b. Executive Order 533 or the adoption of Integrated Coastal Management (ICM) as national strategy for the sustainable development of coastal and marine environment resources.

SEC. 3. Prohibited and Punishable Acts: -

- a. Spilling, leaking, pumping, pouring, emitting, emptying or dumping oil and gas, ballast water and other wastes from any marine vessel or fishing boat using, in transient or navigating its waters are prohibited;
- b. Fishing using dangerous and possibly harmful and poisonous substances and materials which can kill off animals and/or destroy marine habitat is strictly prohibited. Violators shall be prosecuted;
- c. No person/entity, group or company shall collect, extract and quarry marine resources for commercial gain without the necessary permit from the City Government;
- d. The altering, possession, transport, and/or extraction of marine products, and other coastal resources for commercial gain particularly those under the National List of Threatened Philippine Marine Flora and Fauna and their Categories and the list of other Wildlife Species, without the necessary permit is hereby prohibited;
- e. No cutting, destroying or injuring of planted or growing trees, flowering plants and shrubs or plants of scenic value along public coastal roads, plazas, parks, school premises or in any other public coastal ground shall be permitted, except when the cutting, destroying, or injuring of same is necessary for public safety, or such pruning is necessary to enhance its beauty;
- f. The unauthorized use of coastal and shoreline lands for residential, commercial, recreational or eco-tourism purposes without the necessary permit is hereby prohibited;
- g. The unauthorized occupation of seashores and protected areas is strictly prohibited; and

- h. No exotic wildlife flora and fauna shall be introduced nor cultured in the city seas unless a clearance had been issued by the MANILA CENRO.

SEC. 3.1. Penalties. - The following penalties shall be imposed for any violation of Section 3 of this Code without prejudice to the penalty clauses provided for under Manila City Ordinance No. 8107:

A. Commercial and Industrial:

First Offense:	Fine of Six Hundred Pesos (PhP 600.00)
Second Offense:	Fine of One Thousand Pesos(PhP 1,000.00)
Third Offense:	Fine of Two Thousand Pesos (PhP 2,000.00)
Fourth Offense:	Closure of the Establishment and Revocation of Business Permit

B. Individual:

First Offense:	Fine of Two Hundred Pesos (PhP 200.00)
Second Offense:	Fine of Three Hundred Pesos (PhP 300.00) and/or imprisonment not to exceed five (5) days
Third Offense:	Fine of Five Hundred Pesos (PhP 500.00) and/or imprisonment not to exceed ten (10) days

- a. If the offense is committed by a corporation, partnership or other juridical entity, the chief executive officer, president, general manager or person-in-charge shall be liable for the commission of the offense penalized under this act; and
- b. In addition, if the offender is a foreigner, he/she shall be recommended for deportation. The fines and penalties shall be without prejudice to civil liabilities for damages.

SEC. 4. Implementation of Republic Act 8550. - This Ordinance shall adopt the pertinent provisions of RA 8550 otherwise known as THE PHILIPPINE FISHERIES CODE of 1998 to ensure the attainment of the following objectives of the city's fishery sector:

- a. Conservation, protection and sustained management of the country's fishery and aquatic resources;
- b. Poverty alleviation and the provision of supplementary livelihood among municipal fisher folk;
- c. Improvement of productivity of aquaculture within ecological limits;
- d. Optimal utilization of off-shore and deep-sea resources; and
- e. Upgrading of post-harvest technology

SEC. 5. Implementation of Presidential Decree 705. - This Ordinance shall adopt the pertinent provisions of PD 705 otherwise known as the REVISED FORESTRY CODE OF THE PHILIPPINES underscoring the protection of mangroves:

- a. Strips of mangrove forest bordering numerous islands which protect the shoreline, the shoreline roads, and even coastal communities from the destructive force of the sea during high winds and typhoons, shall be maintained and shall not be alienated. Such strips must be kept from artificial obstruction so that flood water will flow unimpeded to the sea to avoid flooding or inundation of cultivated areas in the upstream;
- b. All mangrove swamps set aside for coast-protection purposes shall not be subject to clear-cutting operation; and
- c. Mangrove and other swamps released to the Bureau of Fisheries and Aquatic Resources for fishpond purposes which are not utilized, or which have been abandoned for five (5) years from the date of such release shall revert to the category of forest land.

**ARTICLE IV
WATER RESOURCES MANAGEMENT**

SECTION. 1. Operative Principles. - The City of Manila envisions to be the city with sustainable water management. The city will ensure that:

- a. The primary need of its residents for domestic water will be perpetually met;
- b. Water will be made available and prioritized in the following order: domestic use, ecological flows, and economic use; and
- c. The city adopts RA 9275 otherwise known as the Philippine Clean Water Act.

A. Provision to Ensure Water Quality

SEC. 2. Water Quality Monitoring. - Within one (1) year from the effectivity of this Code, the Mayor, in consultation with related national government agencies and private sectors shall come up with a master plan for effective water quality monitoring of major water bodies and ground water in the city, including identification of potable water sources.

SEC. 3. Administrative Arrangements. - An administrative arrangement shall be initiated by the Mayor with concerned national government agencies so that they can assist them in:

- a. Requiring industries to establish water treatment facilities;
- b. Controlling effluents and other pollutive⁹⁹ substances entering waterways and preventing contamination;
- c. Requiring resource users to adopt precautionary measure, clean production techniques, recycling and waste audits and minimization in all stages of industrial operations;
- d. Controlling effluent discharge from point sources; and
- e. Prevent illegal structures along shoreline areas.

SEC. 4. Prohibition on the Disposal of Effluent and Sludge. - No person shall dispose or cause to allow disposal of effluent and sludge from motor repair shops, motor pools, vehicle garage and terminals, car wash and junk shop establishments, gasoline stations, livestock and poultry and other similar establishments into the drainage canals, creeks, rivers or any water bodies including land areas to avoid pollution.

SEC. 5. Annual Environmental Clearance of Industrial Firms. - In coordination with the DENR, all industrial firms shall be subjected to an annual environmental clearance evaluation of the MANILA CENRO subject to compliance after the prerequisite by the DENR and any firm found to be violating its environmental responsibilities shall not be issued business permits until corrective measures are instituted.

SEC. 6. Protection of Public Water Infrastructures. - The Mayor shall identify waterworks and irrigation systems and shall take measures to ensure that engineering works and infrastructure projects within the city do not adversely impact water quality

SEC. 7. Maintenance of Drainage Systems. - The Mayor shall adopt necessary measures to ensure that adequate city and barangay drainage systems are established and maintained to prevent the negative effects of all types of effluents on both surface and underground water quality

SEC. 8. Health and Sanitation Measures. - The Mayor shall adopt appropriate measures to assist barangay officials to improve environmental sanitation by expanding the use of sanitary toilets for waste disposal. Such assistance shall, if necessary include,

but not limited to direct investments in public health, education and strict enforcement of the Building Code.

B. Provisions to Prevent or Minimize Flooding

SEC. 9. Scope and Coverage. - These provisions shall apply to all contractors, developers and planners who are undertaking or intent to undertake land development projects in the City of Manila.

SEC. 10. Regulation of Construction and Development Activities. - Construction and development activities within the city shall be regulated in consideration of the need to ensure that the water supply of the city continues to be sufficient for the needs of its residents. Contractors, developers and/or planners intending to develop areas within the City of Manila shall submit their plans for consideration and approval to the city through MANILA CENRO to ensure compliance with this Code and the Office of the City Building Official to ensure compliance with the National Building Code. The MANILA CENRO shall review the plans and assess whether these are in conformity with the guidelines and design standard provided in this Code. The endorsement of the MANILA CENRO shall be a prerequisite to the issuance of the development permit issued by the City Government.

SEC. 11. Guidelines in the Construction and Development of Land in the City. - In addition to the provisions of P.D. 957, its implementing rules and regulations, the following guidelines shall be observed by contractors, developers and planners:

- a. The problem of water recharge and flooding shall be taken into consideration in the formulation of land development plans;
- b. Methods/measures to address problems to recharge and flooding shall be employed subject to the design parameters provided herein;
- c. Permeable materials shall be used in surface areas located in open spaces;
- d. A significant portion of the developed land shall be allotted for recharge; and
- e. Vegetation shall be encouraged.

SEC. 12. Methods/Measures to Address the Problems of Recharge and Flooding. - To address the problem of recharge and flooding in the city, future land developments shall be flood neutral. Contractors, developers and/or planners shall incorporate in their development plans provisions for appropriate retention ponds, in the area being developed.

SEC. 13. Effect of Non-Compliance with Guidelines. - Contractors, developers and/or planners who fail to comply with the foregoing in their plans shall not be endorsed for approval of the MANILA CENRO. Failure of the contractors, developers and/or planners to execute their approved plans shall be sanctioned with the revocation of their development permit, without prejudice to making the necessary remedial measures at their own expense.

SEC. 14. Penalties. - The following penalties shall be imposed for any violation of Article IV of this Code:

A. Commercial and Industrial:

First Offense:	Fine of One Thousand Pesos (PhP 1,000.00)
Second Offense:	Fine of Two Thousand Pesos (PhP 2,000.00)
Third Offense:	Closure of the Establishment and Revocation of Business Permit

B. Individual:

First Offense:	Fine of Three Hundred Pesos (PhP 300.00)
Second Offense:	Fine of Four Hundred Pesos (PhP 400.00) and/or imprisonment not to exceed Six (6) days
Third Offense:	Fine of Six Hundred Pesos (PhP 600.00) and/or imprisonment not to exceed twelve (12) days

**ARTICLE V
SOLID WASTE MANAGEMENT**

SECTION 1. Authority. - This is enacted to supplement the provisions of existing laws related to solid waste management pursuant to the specific provisions of The Ecological Solid Waste Management Act of 2000 (R.A. 9003).

SEC. 2. Purpose. - This is enacted for the following purposes:

- a. To guide, control and regulate the generation, storage, collection, transportation and disposal of solid waste within the locality and promote an orderly and sanitary system for the same;
- b. To enhance the total environment of the locality through the necessary control and mitigation of negative environmental impacts of solid waste;
- c. To promote and protect the health, safety, peace and convenience and general welfare of the inhabitants of the city; and
- d. To minimize generation of solid waste and maximize possible resource recovery/recycling and utilization by:
 - maximizing the use of goods and consumption of foods;
 - allocating fair inputs in the production of goods, foods and services;
 - encouraging the salvaging of possible "recoverable" from solid waste for re-use and/or recycling back to production process;
 - encouraging the recycling and resource recovery of waste in own backyard through composting and biogas production; and
 - providing assistance and cooperation in the recycling of solid waste in disposal sites.

SEC. 3. Goal. - The primary goal is to enhance ecological balance of the community through sustainable and integrated waste management.

SEC. 4. Objectives. -

- a. To ensure round-the-clock cleanliness through orderly and waste management;
- b. To cease and desist from utilization of open garbage dumps which serve as breeding places of insects causing disease, foul odors and harmful fumes; emit "greenhouse gases" which contribute to global warming and thinning of the ozone layer; generate "leachate" which pollute soil and water resources; and creates unhealthy scavenging activities in the vicinity;
- c. To eradicate unsightly, uncovered and overflowing waste containers in streets, public places, and open spaces;
- d. To maximize and optimize sanitary resource recovery for feeds, fuel, materials, energy etc.; and
- e. To minimize pollution arising from harmful gases, smoke, particulates produced by needless burning/dumping; polluted runoffs into water sources/supply; and hazardous substances.

SEC. 5. Waste Generation and Storage. -

A. Residential Areas:

- a.** Residents should know the two (2) kinds of waste: biodegradable or compostable and non-biodegradable or non-compostable. These two kinds of waste shall be stored and segregated at the site or place where they are generated;
- b.** The concerned residents shall ensure that the generated solid waste shall be properly placed in two (2) separate containers for biodegradable or compostable and non-biodegradable or non-compostable. However, the leftovers or kitchen refuse may not be included in the waste to be given to the waste collectors but instead may either be directly given to the animals as feeds or stored temporarily for composting and/or biogas production;
- c.** Residents shall choose proper containers such as cans, sacks, bags, bins, etc., that will facilitate efficient handling, storage, collection, transport or disposal at the least cost. Food waste shall be placed in covered cans or pails. Garden and human waste in sacks, cans and bags; and the non-biodegradables in either sacks, bags or boxes;
- d.** Public thoroughfares and grounds in front or in the vicinity of residential houses shall be kept clean and tidy by the owner/lessee of the house or building at all times; and
- e.** Trees, shades and other vegetation within the vicinity of residences shall be regularly cared for and maintained to minimize generated waste/yard waste and unpleasant sight.

B. Commercial Areas (including markets/agoras):

- a.** The storage containers for segregated commercial waste shall be communal or individual with cover depending on its location for collection and transport process;
- b.** The enclosed communal receptacle possibly on wheels shall be located kept inside the storage area of the establishment where the waste was generated and shall be brought out only and give to the waste collector during the collection time and schedule;
- c.** The lobby and fronting sidewalks/immediate grounds of commercial establishments shall be maintained clean and presentable by the owner/operator/lessee of the establishments (shops, stalls, stores, restaurants, eateries, carinderias, barber shops, beauty parlors, entertainment facility like theaters, billiard halls, folk houses, beer gardens, discos, cocktail lounges, dance halls, cabarets, bistros, etc.); and
- d.** The fronting sidewalks and immediate areas of stalls/open spaces of markets shall be kept clean and orderly by the lessee of said stall/space at all times.

C. Institutional/Industrial Areas:

- a.** The head of any institutional/industrial firm shall ensure the proper and hygienic storage of generated and segregated wastes in receptacles/containers which shall be kept inside the storage area of the said establishment and shall be brought out only and give to the waste collector during the collection time and schedule;
- b.** Hazardous wastes shall be kept safely in good, durable, and duly covered receptacles and shall be stored in a secured and distant site, prior to final collection/disposal;

- c. The head of any institutional/industrial/firm/establishment shall ensure the cleanliness and orderliness of its facilities, yards, and its fronting sidewalk and street; and
- d. Hazardous waste such as chemical, biological, and radioactive substances shall be stored, collected and transported, and disposed of in accordance with applicable laws, guidelines, rules and regulations of the Environment Management Bureau (EMB-DENR), the Department of Health (DOH), and the Philippine Nuclear Research and Institute (PNRI).

SEC. 6. Installation of Waste Material Recovery Facility in Every Barangay. -

There shall be a Waste Material Recovery Facility to maintain in every barangay in a designated suitable area thereat wherein strict implementation of Manila City Ordinance No. 7876 relative to segregation of non-biodegradable and biodegradable materials of residential and commercial wastes within the barangay and relative waste management process are being done before collection.

SEC. 7. Waste Processing and Resource Recovery. –

A. Residential Areas

- a. Segregated recyclables shall be properly stored before collection. These recyclables shall be collected separately and brought to recycling center, eco-centers or junk dealers;
- b. Local waste managers shall be designated in every barangay who shall oversee the collection of recyclables and shall be responsible in coordinating with accredited dealers of manufacturers of recycled products;
- c. Food and kitchen refuse shall be collected as fodder or feeds for animals. Those portions which are not suitable as fodder shall be composted; and
- d. Residents shall avoid open burning and dumping and adopt recycling, practicing the F's scheme (feed, fermentables, food and fuel). Fuel materials from households waste consist of two kinds:
 - (a) firewood material – consist of twigs, branches, leaves, husks, shells, cobs, chaff, saw dust, wood shavings, soiled papers, bagasse, stalks, etc.; and
 - (b) flammable gas – produced by anaerobic decomposition of all biomass or biodegradable materials in biogas digester.

B. Commercial Areas

- a. Segregation of waste from commercial areas (shopping malls, restaurants, commercial complexes, recreational center, etc.) shall be mandatory before issuance or renewal of business permits;
- b. Markets/agoras shall adopt a segregation scheme that will facilitate the segregation of recyclables, food/vegetable waste, non-recyclables, etc.; and
- c. Food wastes from commercial centers (e.g. food centers, restaurants, canteens, etc.) shall be collected as fodder/animal feeds and shall not be disposed to sewers.

C. Industrial/Institutional Areas

- a. In industrial establishments, segregation of biodegradable/compostable and non-biodegradable/non-compostable wastes shall be performed to avoid foul odors and proliferation of flies and other insects and pests;

- b. Schools (both private and public) shall adopt appropriate resource recovery and recycling strategies; and
- c. Hazardous waste shall be incinerated only after getting proper assistance/guidance from concerned agencies.

SEC. 8. Collection and Transportation of Solid Waste. -

A. Residential Areas:

- a. The concerned resident shall ensure that the solid wastes are brought out only during the collection schedule for the specific kind of waste (i.e. biodegradable or non-biodegradable) and shall be given or brought directly to the waste collector or the collection vehicle/cart, during the collection period;
- b. He/she shall report to the MANILA CENRO or concerned official for any uncollected solid waste within the vicinity of his/her residence;
- c. Garbage not segregated and placed in approved containers by the local government shall not be collected and shall be considered in violation of the provisions of this Ordinance and violators shall be penalized accordingly; and
- d. The specific date and hour of garbage collection in particular locations shall be scheduled and announced for strict compliance by all concerned;

B. Commercial Areas:

- a. The owner/operator/lessee of any enterprise shall be responsible for the timely positioning of stored solid waste during collection period which shall be made known in advance by the proper authorities which shall likewise assist wherever necessary in the sanitary means of loading wastes for collection purposes; and
- b. He/she shall remind the MANILA CENRO in the collection of uncollected solid wastes and other related matters.

C. Institutional/Industrial Areas:

- a. The head of any institutional/industrial establishment shall assist the City Government in the orderly and sanitary way of collecting and transporting its solid waste; and
- b. The collection and transportation of any hazardous waste (if necessary) shall be duly coordinated with the government agencies concerned with such type of waste.

SEC. 9. Disposal of Solid Waste. –

A. Residential, Commercial and Institutional Waste:

- a. Incineration or open burning of solid waste shall be prohibited. Residuals of solid waste after resource recovery, recycling and composting shall be disposed of by sanitary landfilling; and
- b. Illegal dumping of solid waste along streets, alleys, river banks, and in any public places shall be strictly prohibited.

B. Industrial Wastes:

- a. Hazardous waste shall be incinerated only after getting the proper assistance/guidance from concerned government agencies; and

- b. Other hazardous waste shall be disposed in accordance with the laws, rules, regulations and guidelines of the concerned national agencies like the Environmental Management Bureau (EMB-DENR), the Department of Health (DOH) and the Philippine Nuclear Research and Institute (PNRI).

SEC. 10. Conduct of Public Information, Education and Communication (IEC) Campaigns. - The City Government, as well as all the component Barangay Government Units in cooperation with the Environmental Management Bureau (EMB-DENR), the Department of Health (DOH) and the Philippine Nuclear Research and Institute (PNRI), shall conduct a massive public awareness campaign to inform and instruct the people and communicate with people and all stakeholders and matters relative to the implementation of Article V of this Code.

SEC. 11. Collection and Disposition of Fines. –

11.1. The payment of fines for violation of Article V of this Code shall be at the City Treasurer's Office.

11.2. The fines collected in violation of this Article shall accrue in favor of the following:

a. 40% to the City Government which shall be allocated further as follows:

- 60% to fund Research and Development Projects related to waste management by the City Government of Manila;
- 20% to Barangays which administer the enforcement of this Article; and
- 20% to fund the incentive program in support to the Comprehensive Solid Waste Management of Manila.

b. 60% to the National Solid Waste Management Fund

SEC. 12. Implementing Agency. - The Office of the Mayor, all concerned Barangay Officials as Deputized Enforcers by operation of law and the CENRO shall be responsible for the proper implementation of Article V of this Code. The City Mayor may issue subsequent rules, implementing rules and guidelines and systems of procedures.

SEC. 13. Penalties. -

13.1. Issuance of Citation Ticket Violator/s of any provision of Article V of this Code shall be issued Citation/Violation Ticket by the Environmental/Sanitation/Police/Enforcer or by the duly Deputized Enforcers informing them the nature of infraction committed and the corresponding fines to be paid.

13.2. **Payment of Fines.** If the violator is a corporation, firm, institution or other corporate entities, the president, manager or person responsible for its operation shall be held liable. The head of association or owner of mall, condominium, tenement house and household shall be the respondent in case of violation of Article V of this Code.

13.3. The following schedule of penalties shall be imposed, upon conviction:

A. Commercial and Industrial:

- 1st Offense: A fine of Six Hundred Pesos (PhP. 600.00)
- 2nd Offense: A fine of One Thousand Pesos (PhP. 1,000.00)
- 3rd Offense: A fine of Two Thousand Five Hundred Pesos (PhP. 2,500.00) and cancellation of permit or

imprisonment of not less than fifteen (15) days but not more than six (6) months or both at the discretion of the Court.

B. For Individual and Residential.

- 1st Offense: A fine of Six Hundred Pesos (PhP. 600.00)
- 2nd Offense: A fine of One Thousand Five Hundred Pesos (PhP. 1,500.00)
- 3rd Offense: A fine of Two Thousand Pesos (PhP. 2,000.00) or imprisonment of not less than One (1) day but not more than Fifteen (15) days or both at the discretion of the Court.

Refusal to pay on the third offense will be subject to arrest upon the order of the City Mayor. He may order the immediate arrest and detention and subsequent filing of necessary criminal charges in court.

SEC. 14. Provision of Technical Assistance and Recommendation by MANILA CENRO on the Capability Waste Management Contractor. - The MANILA CENRO may, upon the request of the Sangguniang Panlungsod, to look into the capability of any person to undertake Waste Management Contract with the city. It shall submit proper recommendation to the Sangguniang Panlungsod regarding the matter for consideration.

**ARTICLE VI
INSTITUTIONAL MECHANISMS TO IMPLEMENT THIS CODE**

SECTION 1. Operative Principles. The City of Manila envisions all of its citizens to partake its share in environmental protection and management.

- a. The city recognizes that the sound management of the environment cannot be done by the city alone. For this purpose, it shall enter into partnership arrangements with the DENR and other government agencies, non-governmental organizations, business entities, religious and all other sectors of the community in environmental protection and management;
- b. The Mayor shall call upon the entire citizenry of the city and rally the people towards environmental conservation, protection, restoration and enhancement; and
- c. The city shall also set up a "Quick Response Mechanism" to immediately respond to environmental law violations.

SEC. 2. Creation of Manila Environmental Council. - There is hereby created the **Manila City Environmental Council (MCEC)**, composed of the following as members:

- 1. City Mayor
- 2. Vice-Mayor
- 3. SP Chair on Environment
- 4. Liga President
- 5. SK Federation President
- 6. City Health Officer
- 7. City Building Official
- 8. Chief of Police
- 9. DENR Regional Executive Director or Representative
- 10. Representative from the Academe
- 11. Representative from the Business Sector

12. Non-governmental organization on Environment
13. Representative from the Women Sector
14. Representative from the Homeowners Association Sector
15. Representative from the Religious Sector
16. Representative from the Senior Citizens Sector
17. Representative from the Transportation Sector

The members/representative from numbers 10-17 shall be chosen from among their respective sectors, who must be a recognized leader in the sector, of unquestionable integrity, and have passion for the environment, and a bona fide resident of the City of Manila. The members shall elect from among themselves the set of officers, whose term shall be co-terminus with the LGU city elected officials.

All members of the City Council shall serve as ex-officio members/resource persons in the MCEC. The MCEC may also invite other resource persons/sector representatives as it may deem necessary and appropriate.

SEC. 3. Functions. - The MCEC shall meet at least once every quarter and shall have the following functions:

- a. Serve as a venue to discuss various environmental breakthroughs, issues and problems in the city and act on the same either by taking direct action and/or recommend the same to the appropriate body/office;
- b. Monitor progress and implementation of the city's Environment Code;
- c. Make the discussions, deliberations and findings of the MCEC public except when the MCEC itself decides that the same is confidential;
- d. Recommend environmental policies and programs to the Sangguniang Panlungsod;
- e. Take the lead role in information and education campaigns on environmental protection, conservation and management; and
- f. Mobilize the MCEC members in support of environmental protection and management. Meetings may be rotated among the different barangays or in some other places.

SEC. 4. MANILA CENRO (Manila City Environmental and Natural Resources Office) to act as secretariat. The MANILA CENRO shall serve as the Secretariat of the MCEC, and for this purpose:

- a. Assist the MCEC in ensuring that regular meetings are conducted;
- b. Prepare preliminarily the agenda for every meeting for approval of the chair of MCEC;
- c. Follow-up on meetings' attendance to ensure that quorum and maximum participation of members are achieved;
- d. Take down minutes of meeting, and prepare summary of meeting and agreements reached;
- e. Follow-up on agreements reached and report the same in the next meeting;
- f. Provide technical support to the members; and
- g. Undertake such actions and assistance as the Chairperson or the members may direct.

SEC. 5. Setting up of Environment Desks in Barangays and PNP Offices. - Within six (6) months from the passage of this Code, all Barangay Chairpersons and the City Chief of Police Officer shall establish environment desks in their units to act on immediate complaint of its residents.

SEC. 6. Incorporating Environmental Concerns in School Curricula. - All city elementary, high school and tertiary levels shall incorporate environmental protection and management in the school curricula. The students shall likewise be enjoined to participate in the cleaning and environmental protection of the city. For this purpose, all schools shall submit a yearly report to the Mayor thru the MENRO on the progress of accomplishments.

SEC. 7. Information and Education Campaigns. - The City Mayor shall come up with year-long sustained information and education campaigns designed to educate and elicit people's participation in environmental protection and management.

SEC. 8. System of Recognition. - The City Mayor shall come up with programs and projects on a yearly basis to give recognition to champions of environmental protection and management.

SEC. 9. Quick Response Mechanism. - In all cases of violations of environmental laws, notwithstanding that the DENR or some other national agency is the national government agency primarily responsible for the enforcement of national laws, the city through MENRO pursuant to Rule 11 of the Supreme Court Administrative Matter No. 09-6-8, otherwise known as the Rules of Procedure for Environmental Cases, approved on April 10, 2010, may arrest a person violating environmental laws, even without a warrant in the following instances, quoted, thus: "(a) When in his presence, the person to be arrested has committed, is actually committing or is attempting to commit an offense, or (b) When an offense has just been committed, and he has probable cause to believe based on personal knowledge of facts or circumstances that the person to be arrested has committed it. Individuals deputized by the proper government agency who are enforcing environmental laws shall enjoy the presumption of regularity under Section 3(m), Rule 131 of the Rules of Court when effecting arrests for violations of environmental laws."

ARTICLE VII

ESTABLISHMENT OF THE MANILA ENVIRONMENT AND NATURAL RESOURCES OFFICE (MANILA CENRO)

SECTION. 1. Purpose. – Pursuant to Article VI of this Code, the Manila City Environment and Natural Resources Office is hereby created as the institutional mechanism that will handle the policies, projects and activities of the City Government of Manila, recommended by the MCEC that affect the city's environment and natural resources pursuant to the goals of sustainable development and climate change adaptation.

SEC. 2. Declaration of Policies. – The City Government of Manila affirms the national government policies on sustainable development, climate change adaptation, disaster risk reduction and management, and the constitutional right to a balanced and healthy ecology bearing in mind the needs of the present and future generations without compromising the needs of the poor.

2.1. The declaration of policies in Ordinance No. 8323 creating the Manila Disaster Risk Reduction and Management Office, Section 3, is hereby affirmed for the guidance of the MANILA CENRO.

2.2. The GREENPRINT 2030 framework of the Metro Manila Development Authority (MMDA), being adopted by the City Planning and Development Office is hereby affirmed and quoted for immediate reference by the MANILA CENRO:

"The Metro Manila Greenprint 2030 is a two-decade development plan that will be a strategy, guiding the form of the urban region, trunk infrastructure, green systems and clustering economic activities. It will take into consideration the significant transformation in the economic, social and environmental conditions of the metropolis with special concerns on climate change, increasing vulnerable to natural disasters, the need for sufficient affordable housing accessible to livelihood and the rise of strong urban competitors across East Asia."

"The Greenprint 2030 will provide guidance to local and national government in terms of trunk infrastructure, investment programming and land-use. It will also provide guidance to the policy formulation process of local government and sectorial agencies. Given the rapid spread of Extended Metro Manila Region, the spatial framework will transcend the region's boundaries to cover neighboring areas in the CALABARZON and Central Luzon regions."

"The Greenprint shall be crafted in cooperation with key governmental agencies, sectorial experts, the private sector, academe, non-governmental organizations and major stakeholders with technical assistance and support from World Bank, AusAID and Cities Alliance."

"The Greenprint process is meant to produce a transformational vision, strategic road map and spatial strategy leading the region to a highly competitive and inclusive East Asian metropolis."

2.3. The policies and objectives of R.A. 9003, otherwise known as the "Ecological Solid Waste Management Act" are hereby affirmed for the guidance of the MANILA CENRO.

SEC. 3. Qualifications, Powers and Duties of the Manila City Environmental and Natural Resources Officer (MANILA CENRO). – The qualifications, powers and duties of the MANILA CENRO shall be in accordance with Section 484, R.A. 7160:

3.1. No person shall be appointed environmental officer unless he is a citizen of the Philippines, a resident of Manila, of good moral character, a holder of a college degree preferably in environment, forestry, environmental science, agriculture, or a related course from a recognized college or university, and a first grade civil service eligible or its equivalent. He must have acquired experience in environmental and natural resources management, conservation, and utilization for at least five (5) years.

3.2. The MANILA CENRO shall take charge of the office on environment and natural resources and shall:

3.2.1. Formulate measures for the consideration of the sanggunian and provide technical assistance and support to the mayor in carrying out measures to ensure the delivery of basic services and provision of adequate facilities relative to environment and natural resources services as provided under Sec. 17 of R.A. 7160;

3.2.2. Develop plans and strategies and upon approval thereof by the mayor, implement the same, particularly those which have to do with environment and natural

resources programs and projects which the mayor is empowered to implement and which the sanggunian is empowered under R.A. 7160 and the Manila Charter;

3.2.3. In addition to the foregoing duties and functions, the MANILA CENRO shall:

3.2.3(i) establish, maintain, protect and preserve communal urban forest or green gardens, watersheds, tree parks, mangroves, greenbelts, commercial green spaces and similar projects;

3.2.3(ii) provide extension services to beneficiaries of green development projects and technical, financial and infrastructure assistance;

3.2.3(iii) manage and maintain, seek banks and produce seedlings for mangrove forest, green spaces and tree parks;

3.2.3(iv) provide extension services to beneficiaries of green space and mangrove development projects and render assistance for natural resources-related conservation and utilization activities consistent with ecological standards;

3.2.3(v) promote responsible practices in quarrying and other small-scale utilization of mineral resources;

3.2.3(vi) coordinate with government agencies and civil society organizations in the implementation of measures to prevent and control land, air and water pollution with the assistance of the Department of Environment and Natural Resources;

3.2.4. Recommend to the sanggunian and advise the mayor on all matters relative to the protection, conservation, maximum utilization, application of appropriate technology and other matters related to the environment and natural resources such as providing technical assistance on propriety of an act to reclaim certain portions of the Manila Bay provided under the Manila City Ordinance No. 8235.

3.4. Integrate the ecosystem-based approach to climate change adaptation for urban based on relevant frameworks and policies, such as but not limited to the programs and projects of the United Nations Environment Program and other multi-lateral technical and financial institutions, and local relevant policies, program and projects, in coordination with the City Planning and Development Office;

3.5. Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

SEC. 4. Data Link. – The MANILA CENRO shall share all information with City Planning and Development Office and the Disaster Risk Reduction Management Office to support the Manila Development Plan. Information generated by the MANILA CENRO shall be disseminated internally and externally through the Office of the Mayor, Office of the Vice Mayor/ City Council and Manila Barangay Bureau. Bulletin/billboards in conspicuous place in the city hall, the city satellite offices and barangays shall post essential facts and updates on the state of the city environment and natural resources.

SEC. 5. Technical and Financial Assistance. – Technical and financial assistance, in whatever form, to the MANILA CENRO, its duties and responsibilities, shall be submitted to MANILA CENRO for approval of the City Council and processed in accordance with the city and audit rules and regulations.

ARTICLE VIII FINAL PROVISIONS

SECTION 1. Legal Action and Applicable Fines and Penalties. - The provisions of Presidential Decree No. 1152 or the Philippine Environmental Code, pertaining to legal actions, enforcement procedures and institution of criminal proceedings, as well as the sanctions, punitive action and the fines and penalties prescribed by the said Decree, are hereby adopted for implementation and enforcement.

SEC. 2. Implementing Rules and Regulations (IRRs). - The Office of the Mayor and the City Legal Office, in coordination with concerned offices/agencies of the City Government, is hereby tasked to formulate and prepare the necessary Implementing Rules and Regulations (IRRs) for the effective implementation of the Environment Code of the City of Manila.

SEC. 3. Mandatory Review Every Three Years. - The City Council of Manila shall undertake a mandatory review of this Code at least once every three (3) years and as often as it may deem necessary.

SEC. 4. Suppletory Effect Clause. - All national laws which have something to do with this Ordinance shall be used to supplement the implementation thereof.

SEC. 5. Repealing Clause. - All local ordinances, resolutions, provisions, rules and regulations, or parts thereof, which are inconsistent with any of the provision of this Code, are hereby repealed or modified accordingly.

SEC. 6. Separability Clause. - If for any legal reason or reasons, any part or provision of this Ordinance shall be held and declared unconstitutional or invalid by a court of competent jurisdiction, or revoked or suspended by the concerned authorities, the other provisions or parts hereof, which are not affected hereby, shall continue and remain in full force and effect. Any existing general or special ordinances which may be inadvertently excluded in the codification process and formulation of this Code, shall continue to be in full force and effect, *PROVIDED*, that; such ordinances are not in conflict with, or contrary to the provisions under this Code.

SEC. 7. Effectivity Clause. This Ordinance shall take effect upon its publication in a local newspaper of general circulation.

This Ordinance was finally enacted by the City Council of Manila on October 14, 2014.

PRESIDED BY:



EDWARD V.P. MACEDA
President Pro-Tempore and
Acting Presiding Officer
City Council, Manila

ATTESTED:



LUCH R. GEMPIS, JR.
City Government Department Head III
(Secretary to the City Council)

APPROVED BY HIS HONOR, THE MAYOR, ON NOV 18 2014



JOSEPH EJERCITO ESTRADA
Mayor
City of Manila

ATTESTED:



EDWARD S. BERAPIO
City Government Department Head III
(Secretary to the Mayor)