

DRAFT ORDINANCE No. **2207-004**

AN ORDINANCE REGULATING ALL ENTITIES APPLYING FOR TREE CUTTING, TRIMMING, PRUNING, AND/OR EARTHBALLING PERMITS AND LICENCES FROM THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (DENR) OFFICE WITHIN THE MUNICIPALITY OF TAYTAY, RIZAL

Introduced and Authored by Councilor John Tobit E. Cruz

WHEREAS, it is the policy of the State to protect and advance the right of the people to a healthful and balanced environment, and to establish a holistic approach to restore the earth's natural ecosystem;

WHEREAS, Presidential Decree No. 953 requires "the planting of trees in certain places and *penalizing unauthorized cutting, destruction, damaging and injuring of certain trees, plants and other vegetation*" to ensure strict compliance with environmental protection policies;

WHEREAS, the municipality of Taytay recognizes the importance of promoting, maintaining, and conserving our remaining greeneries and ensuring that necessary government permits are secured in instances that will require the trimming or cutting of trees;

WHEREAS, the municipal government of Taytay, through its Municipal Environment and Natural Resources Office, is responsible to establish, maintain, protect and preserve communal forest, watershed, tree parks, mangroves, greenbelt and similar forest projects and commercial forest, like industrial tree farm and agro-forestry projects;

NOW THEREFORE, BE IT ORDAINED AS IT IS HEREBY ORDAINED that:

SECTION 1. TITLE. – This Ordinance shall be known as the "Tree Protection Regulation Ordinance";

SECTION 2. PURPOSE AND COVERAGE. This ordinance shall cover all tree cutting, trimming, pruning, and/or earthballing activity within the municipality of Taytay that requires issuance of permits/licenses from the DENR, initiated by any public or private entity;

SECTION 3. DEFINITION OF TERMS.

- a. DENR- refers to the Department of Environment and Natural Resources Office.
- b. MENRO- refers to the Municipal Environment and Natural Resources Office.
- c. Municipality/ Local government- are used interchangeably referring to the Municipality of Taytay, Rizal.



- d. License- is a privilege granted by the State to a person to utilize forest resources within any forest land, without any right of occupation and possession over the same, to the exclusion of others, or establish and operate a wood-processing plant, or conduct any activity involving the utilization of any forest resources.
- e. Permit- a short-term privilege or authority granted by the State to a person to utilize any limited forest resources or undertake a limited activity within any forest land without any right to occupation and possession therein.
- f. State- refers to the Philippines.

SECTION 4. REGULATORY REQUIREMENT. All entities applying for permits and licenses from the DENR related to cutting, trimming, pruning or earthballing of trees must first comply to the following requirements:

4.1. FOR TREE CUTTING PERMIT

- Request Letter
- Land Title/Tax Declaration
- Homeowner's Certification of No Objection (if applicable)
- Picture of the tree

4.2. FOR CHAINSAW REGISTRATION

- Completed application form
- Chainsaw specification
- Picture of the Chainsaw (Geotagged)
- Proof of Ownership (Sales Invoice, Deed of Sale)

SECTION 5. REGULATED AND PROHIBITED ACTS. – All entities covered by this ordinance shall comply with the following regulated and prohibited acts:

5.1 Regulations:

- a. Conduct trimming, pruning, or clearing activities for tall growing plants within the power line passage without securing prior clearance or permit from, but with due notice to, the Department of Environment and Natural Resources (DENR), Philippine Coconut Authority (PCA) in the case of coconut trees, the concerned local government units (LGUs), and other relevant government agencies.
- b. Whenever a large tree threatens to fall in such a way as to cause damage to the land of another or to travelers over a public or private road, the owner of the tree shall be obliged to fell and remove it; and should he not do so, it shall be done at his expense by order of the administrative authorities. (RA 386 Article 483)
- c. If the branches of any tree should extend over a neighboring estate, tenement, garden or yard, the owner of the latter shall have the right to demand that they be cut off as they may spread over his property, and, if it be the roots of a neighboring tree which should penetrate into the land of another, the latter may cut them off himself within his property. (RA 386 Article 680)

- d. All types of palm tree are exempted on securing the permit.
- e. Cutting of grown trees on waterways.
- f. To cut trees when it is severely damaged by a typhoon or lightning. (RA 10593, Sec. 1.4d)
- g. Authorized or licensed persons only are entitled to possess and use a chainsaw.
- h. Only authorized or licensed personnel shall cut down trees with the permit from the DENR.

5.2 Prohibited Acts:

- a. No trees shall be planted near a residential or piece of land belonging to another except at the distance of at least three (3) meters from the dividing line of the estates if tall trees are planted and at a distance of at least fifty centimeters if shrubs or small trees are planted.
- b. Cutting of Native trees, Dipterocarp trees, and Fruit-Bearing trees within public/private lots.
- c. Preventing or refusing duly authorized agents of the owner or operator of power lines/LGU, entry to the property. (RA 11361 Sec. 6d)
- d. Cutting, destroying, or injuring of planted or growing trees, flowering plants, and shrubs, or plants of scenic value including landscapes along public roads, in plazas, parks, school premises or in any other public places.
- e. Possession of timber or other forest products without legal documents required under existing forest laws and regulations. (PD 705, Sec 68)
- f. Unregistered chainsaw.
- g. Selling, Purchasing, Re-selling, Transferring, Distributing or Possessing a Chainsaw Without a Proper Permit.
- h. Tampering of Engine serial Number of Chainsaw.

SECTION 6. REGULATORY FEE. – Whoever desires to cut a tree will be charged the following amount:

- a. For trees that impose eminent dangers to persons or properties:
 - Php100.00 for every tree and Php130.00 for the certification and endorsement
- b. For trees that does not impose eminent danger but is necessary for construction/ development:
 - Php300.00 for every tree and Php130.00 for the certification and endorsement

SECTION 7. PENALTIES. – Whoever violates, disobeys, refuses or neglects to comply with the provisions of Section 5, shall be penalized:

7.1. For Tree Cutting, Trimming, Pruning, and/or Earthballing

- a. **Individual-** A fine of ₱1,500.00 per tree and contribution of 100 seedlings with at least 2 feet high.
- b. **Private Company/ Corporation-** A fine of ₱2,500.00 per tree and contribution of 250 seedlings with at least 2 feet high.

7.2. For Unlawful Use of Chainsaw

a. Individual- A fine of ₱5,000.00 and confiscation of chainsaw.

b. Private Company/ Corporation- A fine of ₱10,000.00 per tree and confiscation of chainsaw.

SECTION 8. COLLECTION AND DISPOSITION OF FINES. The payment of fines for violation of this ordinance shall be made at the Treasury Office of the municipality. The fines collected in violation of this ordinance accrue in favor of the following:

- a. 75% to the municipality as a special fund to be expected for the implementation of this Ordinance and related Environmental Protection Program.
- b. 25% to fund the incentive program for the apprehending officer implementing ordinance.

SECTION 9. CONDUCT OF INFORMATION DISSEMINATION CAMPAIGN. – The Municipal Environment and Natural Resources Office (MENRO) in cooperation with the Information, Education, and Communication Campaign (IEC) Division of General Services Office (GSO) and the Barangay shall conduct intensive information dissemination campaigns within three (3) months after the passing of this ordinance.

SECTION 10. SEPARABILITY CLAUSE. – If, for any reasons, any part of the provision of this Ordinance shall be held unconstitutional or invalid, other parts hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 11. REPEALING CLAUSE. – All Ordinance, Resolutions, Circular, Memorandums, or Rules and Regulation inconsistent with the provision of this Code are hereby repealed and modified accordingly.

SECTION 12. EFFECTIVITY CLAUSE. – This Ordinance shall take effect immediately upon its posting at reliable social media accounts of the municipality and at least five (5) noticeable places within the municipality.