

AN ORDINANCE PRESCRIBING GUIDELINES AND PROCEDURES ON THE PLANTING, MAINTENANCE AND REMOVAL OF TREES, (CUTTING, TREE BALLING, TRIMMING, PRUNING) AND OTHER VEGETATION IN URBAN AR...

MUNTILUPA CIYT ORDINANCE NO. 15-143, November 03, 2015

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Sponsored by: Hon. Court. Louisito A. Arciaga

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Hon. Coun. Elmer S. Espeleta

Hon. Coun. Rafael T. Sevilla

Hon. Coun. Vergel C. Ulanday

Hon. Coun. Robert A. Abas

Hon. Coun. Robert P. Baes

WHEREAS, it is the policy of the state to protect and advance the right of the people to a health and balance environment and to establish a holistic ecosystem approach to restore the earth natural system;

WHEREAS, poverty reduction, resource conservation and protection, climate change mitigation and adaptation, are among the priority program of the City Government of Muntinlupa;

WHEREAS, pursuant to Presidential Decree No. 953, "requiring the planting of trees in certain places and penalizing unauthorized cutting, destruction, damaging and injuring of certain trees, plants and other vegetation", was enacted to ensure strict compliance for environmental protection purposes;

WHEREAS, the City of Muntinlupa, in response to the call or ensuring the total protection of the environment particularly in the maintenance and removal of trees planted within its jurisdiction, City Ordinance No. 90-26 was enacted to complement the implementation of PD No. 953;

WHEREAS, the existing laws and regulations regarding the proper maintenance and removal of trees and other vegetation within the City of Muntinlupa should be further strengthen by amending certain provisions of City Ordinance No. 90-26, particularly its penal provisions, and to avoid confusion and ensure strict compliance, by providing necessary guidelines and procedures for the planting, maintenance and removal of trees (cutting, tree balling, trimming, pruning) and other vegetations in urban areas and in areas affected by government

infrastructure projects;

NOW, THEREFORE, BE IT ORDAINED, AS IT IS HEREBY ORDAINED, by the 7[th] Sangguniang Panlungsod of Muntinlupa in Session assembled that:

SECTION 1. Title – This ordinance shall be known as the "An Ordinance Prescribing Guidelines And Procedures On The Planting, Maintenance And Removal Of Trees, (Cutting, Tree Balling, Trimming, Pruning) And Other Vegetation In Urban Areas And In Areas Affected By Government Infrastructure Projects And Providing Penalties Therefore".

SECTION 2. Objectives – The objectives of this guidelines and procedures are as follows:

- 1) To coordinate and harmonize the thrusts, programs, strategies and directions of the Local Government through the Environmental Protection and Natural Resources (EPNRO) and other government/non-government agencies/instrumentalities for the enhancement of the quality of the environment;
- 2) To encourage individuals, non-government organizations (NGO's), other institutions/organizations and private sectors to plant, protect and maintain trees and other vegetation in public and private places;
- 3) To enjoin owners of private lands, especially those adjoining rivers or creeks and subdivision owners or homeowners association to plant, protect and maintain trees and other vegetations along rivers, creeks, subdivision roads, and in open areas reserved or designated as public parks;
- 4) To regulate the cutting and prevent destruction, damage and injury to trees and similar vegetation, and when appropriate, prescribed planting and transplanting of trees and other vegetation in public and private places.
- 5) To preserve trees and other vegetation of genetic, aesthetic, cultural ecological and/or historical importance and those that are treatment, and;
- 6) To contribute to climate change mitigation and adaptation initiatives.

SECTION 3. Definition of Terms – The words and phrases used in this ordinance shall mean as follows:

- 1) Cutting – a stem, leaf, or root that is cut from a plant and used to grow a new plant; a method of vegetative propagation in which a part of the plant, such as a stem, or leaf, is induced to form its own roots.
- 2) Tree Trimming – the process of making something neat or of the required sized or form by cutting away irregular or unwanted parts.
- 3) Tree Balling/Earth Balling – the process of moving a tree by digging out the earthy and the roots in a circular shape, leaving most of the root system undisturbed and intact. "Balled refers to the root ball which has been dug up. "Burlapped" refers to the wrapping material traditionally used for transporting tree and shrub deliveries;

4) Sapling – a young tree, especially one with a slender trunk, one not over four (4) inches in diameter at breast height;

5) Wildings – a plant, especially a seedling that is growing wild or has escaped from cultivation;

6) Pruning – the process of removing the dead or superfluous twigs, branches from the tree that are not required;

7) Heritage Trees – this are trees with historical and cultural significance that are awarded special status due to their age, size, rarity or other factors as certified by the National Historical Institute or other appropriate agencies.

8) Landmark Trees – are those which has developed exceptional historical, cultural, or aesthetic value because of their age, descent, legendary stature, exemplary representation of genus or species, rarity or association with an important event or person as certified by the LGU through the recommendation of the Environmental Protection and Natural Office (EPNRO).

9) Flora – all plants that live in a particular area, time, period, or environment.

10) Tree Tagging/Numbering – the process of attaching a cardboard, plastic, or metal marker used for identification or classification of existing "Flora".

SECTION 4. Planting of Trees and other vegetation – The following individuals are required to plant trees and other vegetation.

a) Any person who owns a tract of land adjoining a river or creek shall plant trees and other vegetation on his/her land extending at least three (3) meters from the edge of the bank of a river or creek, except when such land, due to its permanent improvements, cannot be planted with trees and other vegetation.

b) Owners of subdivisions shall within three (3) years from the approval of the subdivision plan, plant trees and other vegetation in the required thirty (30%) percent of the total area of the subdivision reserved as open space for parks and recreational areas for the common use and enjoyment of the lot owners, and along all roads and service streets therein in accordance with the development plan approved by the Department of Environment and Natural Resources (DENR), which copy shall be furnished to the Environmental Protection and Natural Office (EPNRO) of Muntinlupa.

c) For the owners of subdivisions already existing prior to the enactment/passage of this ordinance, the open spaces which are originally reserved for a parks and other recreational areas for the common use and enjoyment of the lot owners, including along all roads and service streets are likewise covered and mandated to plant trees and other vegetation under this ordinance with respect to still available spaces within the area.

d) Any holder of tenure instrument from the Government for the occupation/or use of public land with a river or creek traversing it shall plant trees extending to at least 20 meters from edge of the bank of a river or creek, except when such are cannot be planted with trees and other vegetation.

e) The City Government of Muntinlupa shall establish, develop and maintain at least one (1) permanent tree park with minimum area of half (1/2) hectare for every barangay and city to be included in the comprehensive land use plan.

f) Non-Government agencies/organizations, homeowners associations, business and private sectors, may implement programs/protections on the planting of tree and other vegetation through cooperative tree planting agreements in coordination with the Environmental Protection and Natural Office (EPNRO) which has jurisdiction over the areas.

SECTION 5. Removal of trees. When maybe allowed by these ordinance.

A. Cutting of trees.

1) Any over-matured, diseased or defective tree posing hazards to lives and properties;

2) Any tree or vegetation in public or private places that shall be unavoidably affected by infrastructure projects such as construction or widening of roads and bridges, building construction and the likes.

3) Any tree and other vegetation maybe allowed to be cut if earth-balling of such tree and other vegetation is impractical as determine by the Environmental Protection and Natural Office (EPNRO) in connection with the DENR.

4) Cutting in steep areas maybe allowed provided that there is an approved development project in the area pursuant to existing ECC guidelines. In areas where there are plenty of wildlings of indigenous/premium species, the proponent shall gather wildlings to be donated to the EPNRO in support of the tree planting programs. They shall, likewise, turn over all orchids and other wild flora collected from the cut trees.

B. Earth-balling of trees and other vegetation – Generally, trees and other vegetation, both planted and naturally-growing, with diameter of 15 centimeter and below, maybe earth-balled, subject to the following conditions:

1) Only healthy trees and other vegetation shall be earth balled and transplanted;

2) The immediate environment or surrounding of the affected tree or vegetation is free from any structures or

impediments to support digging and moving operation, and;

3) There shall be a suitable and available site for the transplanting of earth-balled trees or other vegetations to guarantee its continuous growth and/or survival.

The transplanting of earth-balled trees shall be the obligations of the permittee. They shall maintain and protect the transplanted tree for a period of at least one (1) year. For every transplanted tree that did not survive after six (6) months the permittee shall conduct replacement planting preferably with sapling of indigenous species. That for every tree that was removed, the permittee shall be required to donate sapling at the ration of 1:100 (100 samplings for every one (1) tree cut or removed) to the Environmental Protection and Natural Office (EPNRO) to help sustain its greening program/activity.

Heritage trees and landmark trees within the jurisdiction of Muntinlupa shall be preserved, nurtured and applied with proper tree maintenance practices as necessary.

The proper care, protection and maintenance techniques maybe applied as needed:

- 1) Pruning and trimming
- 2) Application of fertilizer
- 3) Tree surgery
- 4) Tree guard or fencing
- 5) Mulching
- 6) Watering

SECTION 6. Tree Tagging/Numbering – For purpose of proper monitoring of the trees planted within Muntinlupa, an inventory of existing "Flora" shall be made to ensure their protection and preservation.

The Environmental Protection and Natural Office (EPNRO) is mandated to conduct tree tagging/numbering of all the trees planted within Muntinlupa and corresponding create a data base for proper inventory and easy monitoring.

SECTION 7. Issuance of Permits. The issuance of permits or authority for the removal, cutting, earth-balling, pruning/trimming of trees and other vegetation under this guidelines shall be as follows:

1) The cutting, destroying, damaging or injuring is necessary for public safety or the pruning, thereof is necessary to enhance beauty, as verified by the Environmental Protection and Natural Office (EPNRO) shall be undertaken only after the filing of the corresponding application and upon issuance of the needed clearance to proceed by the said office;

2) The application for the removal of trees causing obstruction to building construction and other infrastructure projects (e.g. road widening, road right of way) shall be filed at the nearest DENR office.

SECTION 8. Requirements.

- 1) Application letter;
- 2) Photographs of trees to be removed/cut;
- 3) Sketch map showing the location of the trees to be removed/cut;
- 4) Clearance from the homeowners association, if the tree to be remove/cut is within/inside the village or subdivision;
- 5) Endorsement from Barangay having jurisdiction over the tree/s to be remove/cut;
- 6) ECC, if required and minutes of public consultation concerning the removal of trees;

The Environmental Protection and Natural Office (EPNRO) shall cause the conduct of the necessary inspection and evaluation of the area including the inventory of trees covered by the application to determine the necessity to remove, prune/trim the trees.

SECTION 9. Payment of fees for the issuance of clearance – Clearance for the removal, cutting, trimming/pruning, and the corresponding authority to proceed shall be issued the application upon:

- 1) Submission of the requirements as provided under Section VI hereof.
- 2) Payment of the clearance fee amounting to Two Hundred Pesos (Php200.00) with the Treasurer's Office.

The receipt as proof of payment shall be presented to the EPNRO for validation purposes. The fees collected shall cover the expenses for inspection and monitoring and other miscellaneous expenses.

SECTION 10. Issuing Authority – Permit shall be issued by the Environmental Protection and Natural Office (EPNRO) only after submission of the requirements as prescribed under this ordinance.

- 1) For ten (10) trees and below – Environmental Protection and Natural Office (EPNRO)
- 2) For trees eleven (11) and above – Department of Environment and Natural Resources (DENR)

In case of application involving at least two (2) operation (cutting, earth-balling and trimming/pruning) issuance of authority shall be based on the number of trees to be cut.

Issuance of earth-balling and pruning/trimming permit regardless of the number of trees shall be at the EPNRO level.

All operations involving cutting, earth-balling, trimming/pruning and other silvicultural treatment shall be under the supervision of the Environmental Protection and Natural Office (EPNRO) in coordination with the DENR-NCR.

SECTION 11. Disposition of Trees Cut.

1) For public places, all trees cut and parts thereof shall be turned over to the Local Government of Muntinlupa for proper disposition.

2) For trees cut inside the private places, this shall belong to private landowner. However, in case of transport, necessary transport documents shall be secured first from DENR office concerned.

SECTION 12. Replacement for trees removed. Trees removed shall be replaced by the permittee to be given to EPNRO concerned based on the following ratio:

Diameter Classes of Tree/s to be removed	Required number of seedling/sapling replacements per tree to be removed
Less than 3 centimeter	10
3-9 centimeter	20
10-19 centimeter	30
20-29 centimeter	40
30-35 centimeter	50
35 centimeter above	100

SECTION 13. Environmental Impact Assessment (EIA) – An Environmental Compliance Certificate (ECC) shall be required in the removal of trees and other vegetation if it is within in the purview of PD 1586 "Philippine Environmental Impact Statement System" and its Implementing Rules and Regulations. Provided, that in case of immediate threat to public safety, and property, an ECC shall not be required.

SECTION 14. Penalties – Any violation of the provisions of this ordinance shall be subject to the following penalties.

VIOLATIONS PENALTIES

1. Failure to secure environmental clearance to proceed from the EPNRO Php2,500.00
2. Refusal entry of bonafide environmental inspection 1,500.00
3. Failure to comply/continuous failure to comply with the conditions prescribed under the clearance 1,500.00

SECTION 15. Fees and Penalties – All fees and penalties collected pursuant to this ordinance shall be divided as follows:

a) Fifty percent (50%) shall go to an Environmental Trust Fund and the remaining Fifty Percent (50%) shall go to the General Fund of the City.

b) Fees and penalties that will accrue to the Environmental Trust Fund will augment the funding of all environmental programs and projects of the EPNRO and other agencies concern.

SECTION 16. Repealing Clause – All ordinance and resolutions or parts thereof which are inconsistent with the provisions hereof are hereby repealed or modified accordingly.

SECTION 17. Separability Clause – If, for any reason or reasons, any part or provisions of this ordinance shall be held to be unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 18. Effectivity Clause – This ordinance shall take effect fifteen (15) days after its completion of its publication in a newspaper of general circulation.

ENACTED, by the 7[th] Sangguniang Panlungsod of Muntinlupa, this 26[th] day of October 2015, on its 101[th] Regular Session.

CONCURRED:

DISTRICT I:

(Sgd.) COUN. ATTY. PATRICIO L. BONCAYAO, JR.
Member

(Sgd.) COUN. STEPHANIE G. TEVES
Member (Sgd.) COUN. LOUISITO A. ARCIAGA
Member

(Sgd.) COUN. MARGARITA AMYTHYST PATDU-LABIOS, MD.
Member

(Sgd.) COUN. RINGO A. TEVES
Member

DISTRICT II:

(Sgd.) COUN. MA. DHESIREE G. AREVALO
Member (Sgd.) COUN. LUVI P. CONSTANTINO
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(Sgd.) COUN. ROBERT A. ABAS

Member (Sgd.) COUN. ROBERT P. BAES

Member

ABSENT:

COUN. ATTY. RAUL R. CORRO

Member COUN. BAL NIEFES

Member

COUN. ALEXANDER B. DIAZ

Member

COUN. CELSO C. DIOKO

Sectoral Representative

President

Association of Barangay Captains

I HEREBY CERTIFY, as to the correctness of the foregoing Ordinance.

(Sgd.) CECILIA C. LAZARTE

Secretary

ATTESTED:

(Sgd.) ARTEMIO A. SIMUNDAC

City Vice-Mayor/Presiding Officer

APPROVED:

(Sgd.) ATTY. JAME R. FRESNEDI
City Mayor

Date : NOV 03 2015

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