

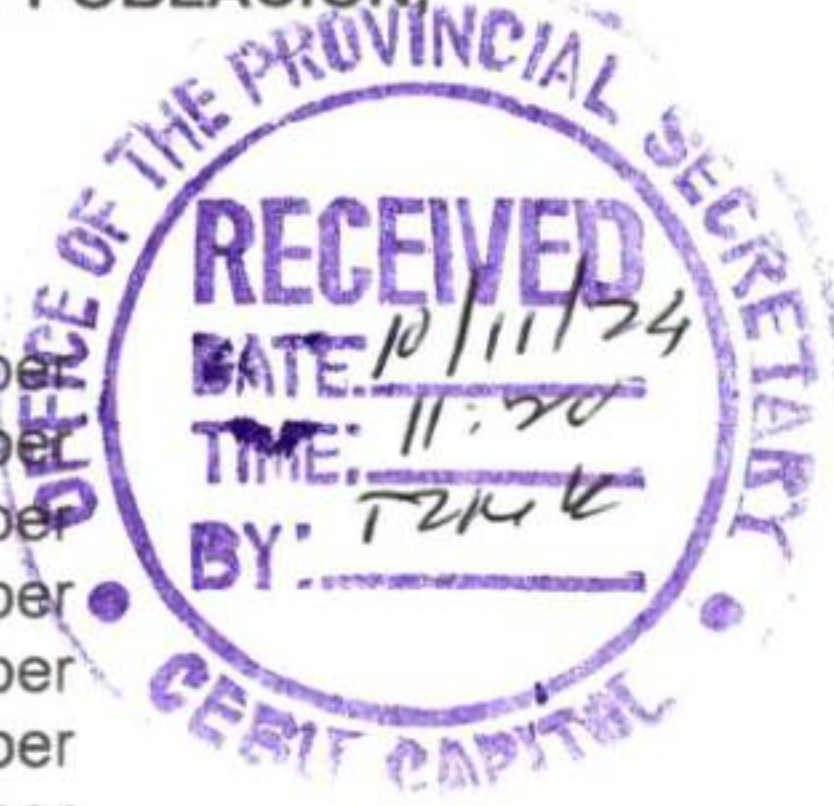


EXCERPT FROM THE MINUTES OF THE 111TH REGULAR SESSION OF THE 5TH SANGGUNIANG PANLUNGSOD (SP) HELD AT THE SP SESSION HALL, LEGISLATIVE BUILDING, EAST POBLACION, CITY OF NAGA, CEBU ON SEPTEMBER 24, 2024.

PRESENT:

- HON. VIRGILIO M. CHIONG
- HON. CARMELINO N. CRUZ, JR.
- HON. ALEXANDER R. LARA
- HON. AURELIO B. ALINSONORIN
- HON. CHARMAINE R. NAVARRO
- HON. RAY A. MANABAT
- HON. JUSTINO L. DAKAY
- HON. DOMINADOR A. LIBOR
- HON. LETECIA F. ABANGAN
- HON. ELMER JOHN R. LAPITAN
- HON. FAITH JAMES B. SERVANO

- Vice Mayor /Presiding Officer
- Majority Floor Leader
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- SK Federation President



ON OFFICIAL BUSINESS:

HON. SCOTT JUVENAL A. CHIONG - Assistant Majority Floor Leader/Liga ng mga Barangay President

ON LEAVE:

HON. CLINT ISIDRO A. CHIONG - Presiding Officer Pro Tempore

ORDINANCE NO. 2024-47

Sponsor: **HON. RAY A. MANABAT**
Chairperson, Committee on Climate Change Adaptation and Disaster Resilience

AUTHORIZING THE PRUNING OR CUTTING OF TREES AND OTHER VEGETATION, OR ANY MITIGATING ACTION THAT REACH ANY TRANSMISSION LINE OR EDGE OF ANY ROAD, ALLEY, STREET , OR BUILDING FOR PUBLIC USE IN THE CITY OF NAGA, CEBU, ESPECIALLY DURING EMERGENCY CASES AND PROVIDING GUIDELINES FOR THE SAME

EXPLANATORY NOTE

Section 16 of R.A. 7160 otherwise known as the Local Government Code of 1991 empowers every local government unit to enact ordinances as it may deem necessary and proper for efficient and effective governance and those which are essential to the promotion of the general welfare.

It has been observed that overgrown trees and vegetation within the City of Naga, Cebu are posing significant risks to public safety, particularly when they interfere with transmission lines, roads, alleys, streets, or buildings.

This pushes the city leadership to take a more proactive stance in responding to challenges posed by extended branches of trees and high growing vegetation that either obstruct safe clearance of transmission line or reach edges of roads and buildings for public use.

Thus, immediate action may be required to mitigate, if not, totally avoid potential hazards in times of disasters or emergencies without the delay of seeking consent especially from private property owners.

NOW THEREFORE, BE IT ORDAINED, as it is hereby **ORDAINED** by the 5th Sangguniang Panlungsod (SP) of the City of Naga, Cebu, in a session duly assembled, by virtue of the powers vested in it by law, that:

ARTICLE I GENERAL PROVISIONS

SECTION 1. SHORT TITLE. - This Ordinance shall be known as "ANTI-OBSTRUCTION OF TRANSMISSION LINES, ROADS AND PUBLIC BUILDINGS ORDINANCE OF THE CITY OF NAGA, CEBU"

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SECTION 2. RATIONALE. - The recurrence of damages to properties, casualties, and obstructions along road, transmission line, and public buildings is causing tremendous amount in terms of damages caused during clearing operations of the City of Naga, Cebu. The City Government shall make an effort to develop and strengthen its capacities to mitigate, prepare, and respond immediately to the effects of disasters.

SECTION 3. DEFINITION OF TERMS. - The following terms as used in this Ordinance shall be construed to mean as:

- a. Power Transmission Lines - an overhead power line which consists mainly of conductor or cables supported by structures for transmitting electric power from generating power plants to substation, from substation to another substation, and from a substation to a customer's load end station.
- b. Public Roads - City roads, barangay roads, alleys and streets within the City of Naga, Cebu.
- c. Buildings for Public Use - Hospital, schools, government buildings and similar structures intended for public use except open spaces reserved for park, playgrounds or recreational use.
- d. High growing vegetation - plants, vines and other plant specified which grow or has potential to grow more than three (3) meters in height from the ground.
- e. Hazards Tree - A tree that requires immediate removal or other mitigating actions to reduce the level of risk posed to people or property as certified by the Disaster Risk and Management Office or its authorized representatives. In order for a tree to be considered hazardous, it should be at an increased likelihood of failure due to structural defect or calamities and there must be one or more targets present. A target may be persons or property that could potentially be damaged or injured should a failure occur. If there are no targets present, there is no risk and the tree will not be considered a hazard.
- f. Pruning - The cutting of major or minor branches of trees that reach the safe clearance of transmission line and facilities, edges of roads, and buildings for public use.
- g. Cutting - The cutting of a tree that reach the safe clearance of transmission line and facilitate, edges of roads, and buildings for public use.
- h. Emergency cases - Shall refer to situations where there is an immediate threat to public safety or property, necessitating prompt action to prevent harm or mitigate damage. Such situations include, but are not limited to:
 - Natural Disasters - Events such as weather disturbances, typhoons, earthquakes, landslides, floods, or any other natural occurrences that cause trees or vegetation to pose an imminent danger to transmission lines, roads, alleys, streets, or buildings.
 - Accidents - Incidents involving vehicles, construction, or other activities that result in trees or vegetation obstructing or threatening public infrastructure.
 - Structural Failures - The sudden collapse or damage of trees or large branches due to age, disease, or weather conditions that interfere with transmission lines or public pathways.
 - Fire Hazards - Situations where trees or vegetation are at immediate risk of catching fire or spreading fire to nearby vicinity.
 - Public Health Threats - Cases where overgrown vegetation harbors pests, diseases, or other hazards that pose a direct risk to the health and safety of the public.

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ARTICLE II - STRATEGIES OF IMPLEMENTATION, LIMITATIONS & EXCEPTIONS

SECTION 4. IMPLEMENTING AGENCY. - There should be created a Technical Working Group (TWG) spearheaded by the City Environment and Natural Resources Offices (C-ENRO) and City Disaster Risk Reduction Management Office (CDRRMO) and the Barangay Disaster Risk Reduction Management Council (BDRRMC) of the twenty-eight (28) barangays of the City of Naga, Cebu which will facilitate quarterly inventory, pruning or cutting of high growing vegetation located near transmission lines, along public roads, and near buildings for public use. Other government agencies may be involved as the case may be, such as Visayan Electric Company and Internet Service Providers operating in the City of Naga, Cebu.

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SECTION 5. INVENTORY AND RISK ASSESSMENT OF HAZARDOUS TREES. - To minimize the hazard and liabilities, hazardous trees should be marked in order to determine which trees would pose danger to persons and properties. The TWG with core members from CDRRMO in coordination with C-ENRO shall conduct the geotagging of such hazardous trees and do inventory regularly in a quarterly basis. If a tree is not tagged as hazardous, it shall not be cut, pruned, nor trimmed, or subject to any mitigating action.

SECTION 6. PREVENTION AND REMOVAL OF HIGH GROWING VEGETATION OBSTRUCTING TRANSMISSION LINES. -

- a. **On public property.** In case where the transmission line corridor is wholly or partially located within public property or on property owned by the owner or operator of the transmission lines, the authorized personnel of the implementing agencies as mentioned in Section 4 of this Ordinance shall have the right to enter the said property to conduct the trimming, pruning, cutting, or clearing activities for all growing plants within the transmission line corridor without securing prior clearance or permit, but with due notice in the form of a letter to the Department of Environment and Natural Resources (DENR), Philippine Coconut Authority (PCA) in the case of coconut trees, and the concerned barangay.
- b. **On private property.** In case where the transmission line corridor is wholly or partially located within a private property, the property owner shall coordinate and assist the authorized personnel of the implementing agencies by facilitating the necessary access in order to perform, the acts enumerated in Section 6(a).

The property owner shall have the primary duty and responsibility to prevent transmission line obstructions and to inform the implementing agency of their existence. The property owner shall be entitled to necessary assistance such as technical and manpower support from the owner or operator of transmission line.

The property owner shall coordinate with the authorized personnel of the implementing agencies in facilitating the necessary access in order to perform the acts enumerated in Section 6(a).

In the event that the property owner fails to perform any duty and responsibility under the preceding paragraphs, authorized personnel from the implementing agency shall have the right to access the transmission line corridor in order to undertake the acts enumerated under Section 6(a). Provided, that the entry to private property may only be affected after due notice to, and proper coordination with the property owner.

Provided, however, that the foregoing shall no longer be required to avert an imminent danger posed by a transmission line, obstruction in accordance with Article 432 of the Civil Code of the Philippines, particularly during emergency cases.

SECTION 7. PREVENTION AND REMOVAL OF HIGH GROWING VEGETATION NEAR PUBLIC ROADS. -

- a. **On public property.** In the event that a hazardous tree threatens to fall in such a way that it will cause damage to travelers over a public road, the authorized personnel of the implementing agencies shall conduct trimming, pruning, cutting, or clearing activities, with due notice to the DENR, PCA, in the case of coconut trees, the concerned barangay and other relevant agencies.
- b. **On private property.** In non-emergency cases, in the event that there is a private owner of the tree, the private owner shall be notified of at least three (3) days prior to cutting/pruning of the tree. Should the private owner not allow the implementing offices to do so, the private owner should sign an undertaking that he shall be held liable for all the damages to property incurred and shall be charged to his real property tax, notwithstanding the criminal liability should the high growing vegetation cause damage or injury to person(s).

Provided that in emergency cases, notice to the property owner shall be averted and the authorized personnel of the implementing agencies shall proceed to conduct trimming, pruning, cutting, or clearing activities, with due notice to the DENR, PCA, in the case of coconut trees, the concerned barangay and other relevant agencies, to prevent potential damage to property or any injury should a result to the failure of trimming, pruning, cutting, or clearing activities occur.

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SECTION 8. PREVENTION AND REMOVAL OF HIGH GROWING VEGETATION NEAR BUILDINGS FOR PUBLIC USE. -

- a. **On public property.** In the event that a hazardous tree threatens to fall or come in contact with any building intended for public use in such a way that it will cause damage to the structure, the authorized personnel of the implementing agencies shall conduct trimming, pruning, cutting, or clearing activities, with due notice to the DENR, PCA, in the case of coconut trees, the concerned barangay and other relevant agencies.
- b. **On private property.** In non-emergency cases, in the event that there is a private owner of the tree, the private owner shall be notified of at least three (3) days prior to cutting/pruning of the tree. Should the private owner not allow the implementing offices to do so, the private owner should sign an undertaking that he shall be held liable for all the damages to property incurred and shall be charged to his real property tax, notwithstanding the criminal liability should the high growing vegetation cause damage or injury to person(s).

Provided that in emergency cases, notice to the property owner shall be averted and the authorized personnel of the implementing agencies shall proceed to conduct trimming, pruning, cutting, or clearing activities, with due notice to the DENR, PCA, in the case of coconut trees, the concerned barangay and other relevant agencies to prevent potential damage to property or any injury should a result to the failure of trimming, pruning, cutting, or clearing activities occur.

SECTION 9. INFORMATION DISSEMINATION. - The implementing agencies shall have the duty and responsibility to inform individuals and communities in the areas it serve the danger of existing transmission line, road, and public building obstructions, the urgency of removing them, the manner of preventing them, and other important related information.

SECTION 10. - TIMETABLE FOR CUTTING AND PRUNING OF HIGH GROWING VEGETATION. - The cutting and pruning of hazardous trees shall be within six (6) months after the approval of the Implementing Rules and Regulations (IRR) of this Ordinance and may be subject for extension as the need arises.

SECTION 11. - REMOVAL, TRANSPORTATION AND DISPOSITION OF LOGS, TIMBERS AND OTHER DEBRIS. - Gathering and removing of logs, timbers, and other debris as a result of the acts enumerated under Sections 6, 7, and 8 shall not be considered illegal acts, provided, that due to notice is given to the DENR and PCA, in case of coconut lumber, and other relevant products.

Logs, timbers, and debris from public lands will be taken into inventory and turned over to the City Government for use in their programs and projects; while logs, timber and debris from private properties will not be gathered. The collection and disposition of logs and timbers shall be determined by the City Government in the case of trees in public land and by the owner in the case of trees in private land.

SECTION 12. REPLACEMENT OF CUT TREES. - For planted and naturally-growing trees, tree replacement shall have a 1: 100 ratio, and for coconut trees, its replacement shall have a 1: 2 ratio in support of the National Greening Program (NGP) and climate change initiatives of the Government. Reforestation sites as well as species to be planted will be determined by the C-ENRO.

Seedling donation shall be encouraged and all donated seedlings shall be properly recorded and turned over to the C-ENRO. The implementing agencies will be responsible in the identification of persons who will be responsible in the conduct of reforestation.

SECTION 13. IMPLEMENTING RULES AND REGULATIONS. - The created TWG shall promulgate the IRR of this Ordinance thirty (30) days upon its approval.

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ARTICLE III - PROHIBITED ACTS, FEES & PENALTIES

SECTION 14. PENAL CLAUSE. - Any penal sanctions and/or civil liabilities including its mode of prosecution and/or filing of complaints to proper judicial and administrative bodies imposed by national laws are hereby incorporated under this Ordinance. Violations and acts punishable under this Ordinance not being covered/penalized by existing national and local laws shall upon conviction, be punished by a fine not less than One Thousand Pesos (Php1,000.00) nor more than Five Thousand Pesos (Php5,000.00) or an imprisonment of not less than one (1) month but not more than six (6) months or both fine and imprisonment at the discretion of the Court.

SECTION 15. SEPARABILITY CLAUSE. - If any part, section or provision of this Ordinance shall be held invalid or unconstitutional, no other part section or provision thereof shall be affected thereby.

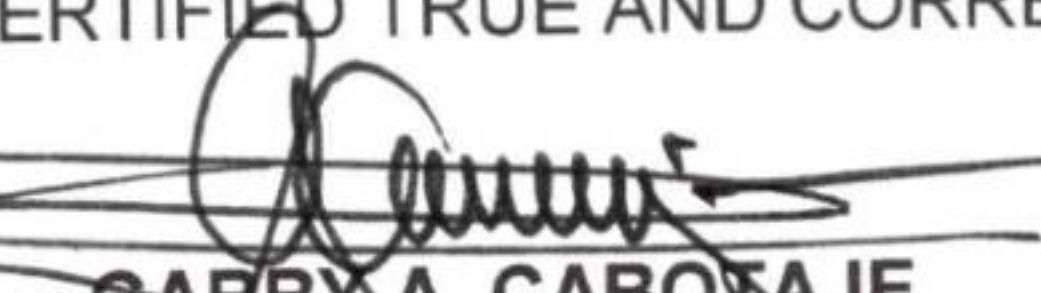
SECTION 16. REPEALING CLAUSE. - All ordinances, executive orders, memoranda and other local issuances or parts thereof inconsistent with the provisions of this Ordinance are thereby repealed or modified accordingly.

SECTION 17. EFFECTIVITY CLAUSE. - This Ordinance shall take effect immediately following its publication in a newspaper of general circulation in the Province of Cebu and complete posting of the same in a bulletin board at the entrance of the City Hall of Naga Cebu and in at least two (2) other conspicuous places in the City of Naga, Cebu.

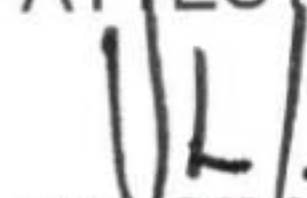
ENACTED BY THE SANGGUNIANG PANLUNGSOD, CITY OF NAGA, CEBU, on motion of Hon. Ray A. Manabat, seconded by Hon. Aurelio B. Alinsonorin, in its regular session held on the 24th day of September 2024.

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CERTIFIED TRUE AND CORRECT:


GARRY A. CABOTAJE
Secretary to the Sanggunian

ATTESTED BY:


VIRGILIO M. CHIONG
City Vice Mayor/Presiding Officer

APPROVED BY:


VALDEMAR M. CHIONG
City Mayor

9/27/2024









