

EXCERPTS from the minutes of the regular session of the Sangguniang Bayan of Camaligan, Camarines Sur held at its session hall on September 19, 2011.

PRESENT: Eduardo C. Loriaga - Mun. Vice Mayor/Presiding Officer  
Ma. Belen A. Paura - Municipal Councilor/Member  
Shiela A. Morico - Municipal Councilor/Member  
Alfredo A. Azutillo - Municipal Councilor/Member  
Josefina N. Asor - Municipal Councilor/Member  
Arturo P. Almendral - Municipal Councilor/Member  
Jose O. Agomaa - Municipal Councilor/Member  
Purificacion M. Caudilla - LNB Pres./Member  
Jacquereen Q. Prado - SK Federation President

ABSENT: Marissa F. Trinidad - Municipal Councilor/Member  
Diano S.J. Ibardaloza, Jr. - Municipal Councilor/Member

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**MUNICIPAL ORDINANCE NO. 09**  
**Series of 2011**

**AN ORDINANCE PROHIBITING THE CONSTRUCTION OF RESIDENTIAL HOUSES, STABLES, PIGPENS, POULTRY HOUSES AND OTHER STRUCTURES WITHIN THE THREE-METER (3 M) LEGAL EASEMENT AND ALONG THE POBLACION CIRCUMFERENTIAL FIVE (C-5) AND OTHER CREEKS OF THE MUNICIPALITY OF CAMALIGAN, CAMARINES SUR AND THE DUMPING OF ANY FORM OF WASTES THERETO.**

**WHEREAS**, Article 638 of the Civil Code provides “The banks of rivers and streams, even in case they are of private ownership, are subject throughout their entire length and within a zone of three meters along their margins, to the easement of public use in the general interest of navigation, floatage, fishing and salvage.

**WHEREAS**, observance of this three-meter legal easement is mandatory pursuant to the provisions of Presidential Decree No. 1067 otherwise known as the Water Code of the Philippines;

**WHEREAS**, environmental sanitation is a primary responsibility of every constituent of the municipality;

**WHEREAS**, health-related concerns have always been one of the top priorities of the LGU particularly the prevention of outbreak of diseases caused by contaminated, unhygienic stagnant water;

**WHEREAS**, several months ago there is an incidence of Dengue disease-carrying insects like mosquitoes which survive in the unsanitary environment at the Poblacion C-5 creek.

**WHEREAS**, the waterways should always be free from potential pollutants as these are environmental hazards and may cause disastrous effects in the future.

**WHEREAS**, the main vision of this Ordinance is to prevent major flooding caused by clogged waterways and maintain the original God-given nature of the Poblacion C-5 and other creeks in the municipality.

**NOW THEREFORE** on motion by Councilor Jose O. Agomaa duly seconded by Councilor Purificacion M. Caudilla:-

**BE IT ORDAINED** by the Sangguniang Bayan of Camaligan, Camarines Sur that:-

**SECTION 1. TITLE.** -This Ordinance shall be known and cited as the "Poblacion C-5 and Other Municipal Creek Protection Ordinance".

**SECTION 2. DEFINITION OF TERMS.** The following terms as used in this ordinance shall be taken to mean the following:

1. Creeks - any natural streamed or God-given waterways that actually exist and/or indicated in the cadastral map of Camaligan, Camarines Sur.
2. Dwelling – shall mean any building or structure which is entirely or partly used, or intended to be used for living and sleeping by human occupants.
3. Easement - rt. 613. An easement or servitude is an encumbrance imposed upon an immovable for the benefit of another immovable belonging to a different owner.(Art. 613, New Civil Code)
4. Entity – group, association, organization, company residence, partnership or aggrupation with judicial personality
5. Poultry houses – structures built for the purpose of raising fowl and poultry
6. Stables - buildings in which livestock, especially horses, are kept.
7. Waterways – any natural channel or man-made specifically assigned to be part of Poblacion C-5 Creek.

**SECTION 3. PROHIBITION.** It is hereby prohibited for any person or entity to:

Section 3.1. Construct any structure, or to place or dump any material on Poblacion C-5 Creek

Section 3.2. Close, hinder, obstruct, suspend or cause the delay of the free flow of rain or floodwater in C-5 Creek

Section 3.3. It is prohibited for any person to construct or put up a residential house , stables (cuadra), pigpens (tangkal), poultry houses and other establishments within three meters legal easement along the C-5 Creek.

Section 3.4. Construct drainage creek or man-made waterways in accordance with proper elevation for the free flow of water.

Section 3.5. Dump any form of wastes in the Poblacion C-5 Creek

**SECTION 4. EXCEPTION.** All government structures constructed over the creek and along the legal easement using public funds shall be exempt from the application of this ordinance provided they are actually and currently used for public service purposes.

**SECTION 5. PENALTY.** Any person or entity who violated any provision of the ordinance shall be penalized with a fine of not less than One Thousand Pesos (P1,000.00) and not more than Two Thousand Five Hundred Pesos (Php 2,500.00) or an infringement of not less than one (1) month but not more than six (6) months or both such fine and imprisonment at the discretion of the court.

If the violator is an entity, the highest official or the head of the family shall be made responsible and answerable to the penalty herein mentioned.

Aside from the penalties, the violators shall remove or demolish all obstructions that were put up and shall restore the creek or any waterways to original condition upon receipt of the notice of violation at his expense.

All entities or individuals who constructed and/or put up any constructions on the Poblacion Circumferential Creek before this Ordinance is enacted shall be given three (3) to six (6) months to remove them, failure to comply will be meted with the same penalty as the above.

**SECTION 6. ENFORCEMENT.** The Municipal Mayor with the designated Bantay Sulong Task Force (PBSTF), the Municipal Health officer, Municipal Engineer, the PNP, Barangay officials, with the following functions:

1. Monitor and cause the maintenance of cleanliness of the municipal creeks thru regular clean-up drives, etc;
2. Conduct IEC activities to raise public awareness and motivated unified action;
3. Promulgate internal rules and procedures to ensure the implementation of the other functions

**SECTION 7. REPEALING CLAUSE.** All ordinances, rules, regulations or portions thereof inconsistent with this Ordinance are hereby repealed, amended, and/or modified accordingly.

**SECTION 8. SEPARABILITY CLAUSE.** If for any reason, any section of this Ordinance is held unconstitutional or invalid, the other provisions hereof remains to continue in full force and effect.

**SECTION 9. EFFECTIVITY.** This ordinance shall take effect immediately upon approval.

ENACTED.: September 19, 2011.

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**WE HEREBY CERTIFY** to the correctness and truthfulness of the foregoing.

**JOY MARIE I. SAN BUENAVENTURA**  
*Sangguniang Bayan Secretary*

(abstained)  
**MA. BELEN A. PAURA**  
Municipal Councilor

(abstained)  
**SHIELA A. MORICO**  
Municipal Councilor

**MARISSA F. TRINIDAD**  
Municipal Councilor

**ALFREDO A. AZUTILLO, SR**  
Municipal Councilor

**JOSEFINA N. ASOR**  
Municipal Councilor

**ARTURO P. ALMENDRAL**  
Municipal Councilor

**JOSE O. AGOMAA**  
Municipal Councilor

**DIANO SJ. IBARDALOZA, JR.**  
Municipal Councilor

**PURIFICACION M. CAUDILLA**  
Liga ng mga Barangay President

**JACQUEREEEN Q. PRADO**  
SK Federation President

***Attested by:***

**EDUARDO C. LORIAGA**  
*Municipal Vice-Mayor and Presiding Officer*

***Approved:***

**EMMANUEL T. PRADO**  
*Municipal Mayor*