



REPUBLIC OF THE PHILIPPINES
City of San Carlos, Negros Occidental
OFFICE OF THE SANGGUNIANG PANLUNGSOD

EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG PANLUNGSOD HELD ON THE 1ST DAY OF MARCH, 2018 AT 4:10 P.M. AT THE SP SESSION HALL, THIS CITY

PRESENT:

Hon. MARK E. CUI	SP Member/Presiding Officer Pro Tempore'
" BENITO Y. GUSTILO, JR.	SP Member
" CHRISTOPHER PAUL S. CARMONA,	SP Member
" MARI-CAR O. QUISUMBING,	SP Member
" JOSE CARLOS L. VILLARANTE,	SP Member
" CLINT S. MANSUETO	SP Member
" JONIE S. UY,	SP Member
" CARLITO S. LASTIMOSO,	SP Member (ABC Representative)

ON OFFICIAL BUSINESS:

Hon. RENATO Y. GUSTILO	Vice Mayor
" VICTORIANA C. CABILI,	SP Member
" WILMER L. YAP,	SP Member
" ALEXANDER Y. ONGTIAOBOK,	SP Member

ORDINANCE NO. 18-011

AN ORDINANCE ENFORCING TOTAL PROTECTION AND CONSERVATION OF BIRD & WILDLIFE SANCTUARY IN THE ISLAND OF SIPAWAY, SAN CARLOS CITY AND IMPOSING PENALTIES IN VIOLATION THEREOF AND PROVIDING FUNDS THEREFOR

Introduced by: HONS. VILLARANTE and MANSUETO

BE IT ORDAINED by the Sangguniang Panlungsod of San Carlos City, Province of Negros Occidental in its Regular Session assembled, that:

SECTION I - TITLE - This Ordinance shall be known as "AN ORDINANCE ENFORCING TOTAL PROTECTION AND CONSERVATION OF BIRDS & WILDLIFE SANCTUARY IN THE ISLAND OF SIPAWAY, SAN CARLOS CITY AND IMPOSING PENALTIES IN VIOLATION THEREOF AND PROVIDING FUNDS THEREFOR.

SECTION 2 - DECLARATION OF POLICY - Cognizant of the immensely rich and unique biodiversity of the Philippines, the extraordinarily high levels of endemism and the high rate of deforestation and habitat destruction, it is hereby declared the policy of the City Government to secure the remaining wildlife and its habitats through proper conservation, utilization and sustainable development of natural resources.

The high level of endemism in the Philippines reveals an astonishing 35% are endemic to the country, 32% are resident, 1% are introduced species and 32% are migratory species. Some of this species are found in the coastal area and mudflats like in the city like Sipaway Island. The island unique coastal mudflats of Sipaway host several species of birds including the once of the endemic and vulnerable species of waterbirds in the country Philippine Duck *Anas luzonica*, two endangered species of migratory birds Far Eastern Curlew *Numenius madagascariensis*, Great Knot *Calidris tenuirostris*, Chinese Egret *Egretta eulophotes* and several near threatened species like Asian Dowitcher *Limnodromus semipalmatus*, Bar-tailed Godwit *Limosa lapponica*, Eurasian Curlew *Numenius arquata*, Red Knot *Calidris canutus*, Curlew Sandpiper *Calidris ferruginea*, Grey-tailed Tattler *Tringa brevipes*, and Red-necked Stint *Calidris ruficollis*. The island hosts several species of resident birds like Pink-necked Green Pigeon

Treron vernans and Black-naped Oriole *Oriolus chinensis* which are usually common in earlier years. Roosting colony of Island Flying Fox *Pteropus hypomelanus* with in the mangrove forest. Spurred by these, this Ordinance is hereby enacted to curb, or if possible, totally eradicate destructive practices such as poaching, hunting and other illegal activities in order to protect and conserve the vanishing treasures of the Island of Sipaway, San Carlos City.

SECTION 3 - LEGAL BASIS - Republic Act 7160 or otherwise known as the Local Government Code of 1991 provides the local government units the power, authority, responsibility and resources to be able to enjoy and attain their fullest development as self-reliant communities and make effective partners in the attainment of national goals.

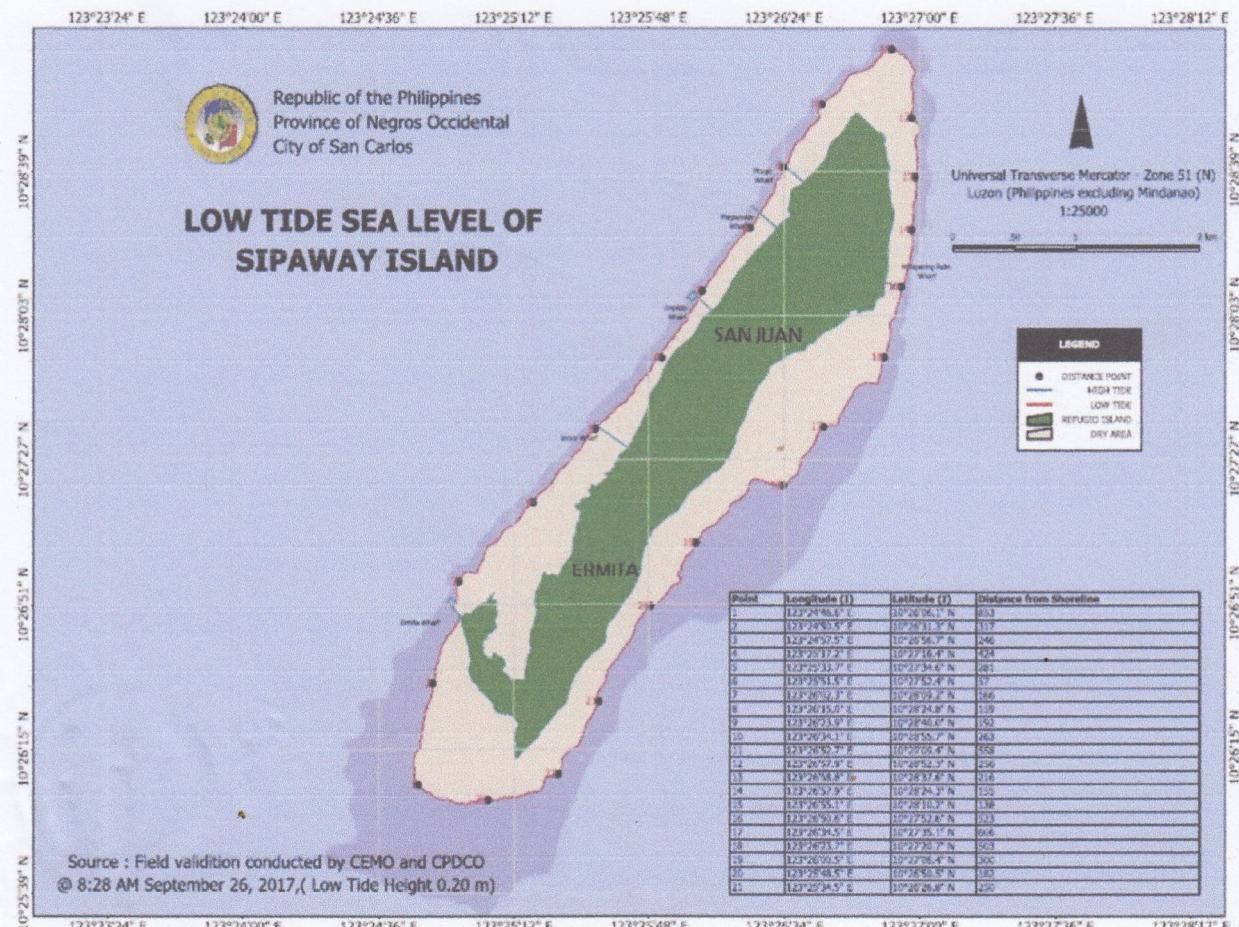
Section 17 (2) I and ii of RA 7160 stipulates that the basic services and facilities of the city includes provision for conservation and forest development projects. Moreover, Section 16 of RA 7160 empowers the Local Government Units to enact ordinances that protect the environment enhancing the right of the people to a balanced ecology.

In addition, the newly approved Republic Act 9147 of 2001 otherwise known as the Wildlife Resources Conservation and Protection Act specifies the conservation of the country's wildlife resources and their habitats for sustainability.

Sections 4 and 25 of RA 9147 known as the Wildlife Resources Conservation and Protection Act and EO number 578 of 2006 and Section 4.2 of DENR Memorandum Circular 2007-02 provides for the Establishment of Critical Habitat initiated by Local Government Units through an ordinance.

SECTION 4 – AREA COVERAGE

The entire Island of Sipaway comprising two (2) barangays namely; Brgys. San Juan & Ermita are hereby declared as Bird Sanctuary and other wildlife species. The identified critical areas as habitats of threatened birds and other enumerated wildlife species are contained within an area of Four Thousand Two Hundred Seventy-Eight (4,278) hectares during low tide. The longitude and latitude coordinates including distance from shoreline is reflected as shown in the map of Refugio Island commonly known as Sipaway Island.



SECTION 5 - DEFINITION OF TERMS AND PHRASES - For the purpose of this Ordinance the following terms and phrases are hereby defined or shall mean:

- a. *Threatened species* - a general term to denote species or subspecies considered as critically endangered, endangered, vulnerable or other accepted categories of wildlife whose population is at risk of extinction.
- b. *Endemic* - means species or subspecies which is naturally occurring and found only within specific areas in the country e.g. the Philippines, the island of Sipaway which holds e.g. Philippine Duck *Anas Luzonica*.
- c. *Migratory species* - are animals that migrate to Tundra Region countries like Siberia to Australia and its external territories, within the East Asian Australasian Flyway Network during their annual migrations. Examples of migratory species of birds found in Sipaway Island are Far Eastern Curlew *Numenius madagascariensis*, Great Knot *Calidris tenuirostris*, Chinese Egret *Egretta eulophotes* and several near threatened species like Asian Dowitcher *Limnodromus semipalmatus*, Bar-tailed Godwit *Limosa lapponica*, Eurasian Curlew *Numenius arquata*, Red Knot *Calidris canutus*, Curlew Sandpiper *Calidris ferruginea*, Grey-tailed Tattler *Tringa brevipes*, and Red-necked Stint *Calidris ruficollis*.
- d. *Endangered species* - refers to species or subspecies that is not critically endangered but whose survival in the wild is unlikely if the causal factors continue operating.
- e. *Habitat* - means a place or environment where a species or subspecies naturally occur or has naturally established its population
- f. *Wildlife sanctuary* - comprises an area which assures the natural conditions necessary to protect endemic, indigenous or migratory species, groups of species, biotic communities or physical features of the environment where these may require specific human manipulation for their perpetuation
- g. *Wetland* - refers to areas of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static, flowing, fresh, brackish or salt, including areas of marine water, the depth of which at low tide does not exceed six (6) meter
- h. *Wildlife* - means wild forms and varieties of flora and fauna, in all developmental stages, including those which are in captivity or are being bred or propagated
- i. *Law Enforcement Team* - refer to persons who are duly deputized by the City Government of San Carlos to act as local guards and Natural Resources Officers who has the primary objective of protecting endangered wildlife of Sipaway Island. These are mainly locals from the surrounding communities supporting the conservation efforts.
- j. *Protected landscapes/seascapes* - are areas of national significance which are characterized by the harmonious interaction of man and land while providing opportunities for public enjoyment through recreation and tourism within the normal lifestyle and economic activity of these areas
- k. *Within the perimeters of Sipaway Island* - refers to all mixed plantations of mangroves, sea grass beds and mudflats of Sipaway.
- l. *Poachers* - are those natural persons regardless of age and gender who are found inside the perimeters of Sipaway Island without any valid reason (s) of their presence and/or catching endangered bird species and/or their eggs and hatchlings and/or other wildlife and other kind of natural resources for purposes of pleasure, business and personal use or gain.
- m. *Poaching* - is an overt act committed by poachers.
- n. *Hunters* - are those natural persons regardless of age and gender who are found inside the perimeters of Sipaway Island having on their possession hunting instruments such as, but not limited to guns, bows and arrows, blow guns, entraptments or snares for catching birds, poisonous concoctions, sling shots and/or committing the act of hunting or catching endangered bird species and/or their eggs and hatchlings and/or other wildlife and other kind of natural resources for

purposes of pleasure, business and personal use or gain.

- o. Hunting -is an overt act committed by poachers.
- p. Especially Protected Wildlife - are wildlife bird species especially protected and covered by this Ordinance including those observed on Sipaway Island. Listed below are, but not limited to the species especially covered by this Ordinance:

SPECIES NAME	LOCAL NAME	Range	Status
Wandering whistling duck <i>Dendrocygna arcuata</i>	Gakit, dakit, pato ihalas	R	LC
Philippine Duck <i>Anas luzonica</i>	pato ihalas	E	VU
Intermediate Egret <i>Egretta intermedia</i>	Talabong, tagak	M	LC
Little Egret <i>Egretta garzetta</i>	Talabong, tagak	R,M	LC
Chinese Egret <i>Egretta eulophotes</i> (Vu)*	Talabong, tagak	M	VU
Black-crowned night heron <i>Nycticorax</i>	Lapay	R	LC
Striated (little) heron <i>Butorides striatus</i>	Yuhoo	R,M	LC
White-bellied Sea-eagle <i>Haliaeetus leucogaster</i>		R	LC
Brahminy Kite <i>Haliastur indus</i>		R	LC
Barred Rail <i>Gallirallus torquatus</i>	Tikling	R	LC
Grey Plover <i>Pluvialis squatarola</i>		M	LC
Pacific Golden-Plover <i>Pluvialis fulva</i>		M	LC
Kentish Plover <i>Charadrius alexandrinus</i>		M	LC
Greater Sand Plover <i>Charadrius leschenaultia</i>		M	LC
Eurasian Curlew <i>Numenius arquata</i>		M	NT
Far Eastern Curlew <i>Numenius madagascariensis</i>	Sansuyan	M	EN
Whimbrel <i>Numenius phaeopus</i>	Sansuyan	M	LC
Common Greenshank <i>Tringa nebularia</i>		M	LC
Grey-tailed tattler <i>Tringa brevipes</i>		M	NT
Ruddy turnstone <i>Arenaria interpres</i>		M	LC
Great Knot <i>Calidris tenuirostris</i>		M	EN
Sanderling <i>Calidris alba</i>		M	LC
Red-necked stint <i>Calidris ruficollis</i>		M	NT
Black-naped tern <i>Sterna sumatrana</i>	Canaway	M	LC
Whiskered tern <i>Chlidonias hybridus</i>	Canaway	M	LC
Philippine Green pigeon <i>Treron pompadora</i>	Punay (dako)	E	LC
Pink-necked Green Pigeon <i>Treron vernans</i>	Punay	R	LC
Island Collared dove <i>Streptopelia bitorquata</i>	Tukmo	R	LC
Spotted dove <i>Spilopelia chinensis</i>	Korokotok	R	LC
Zebra dove <i>Geopelia striata</i>	Korokotok	R	LC
Grey-capped Emerald Dove <i>Chalcophaps indica</i>	Manatad	R	LC
Philippine Coucal <i>Centropus viridis</i>	Saguksok; Kokok	E	LC
Lesser Coucal <i>Centropus bengalensis</i>	Saguksok; kokok	E	LC
Philippine nightjar <i>Caprimulgus manillensis</i>	Tuktor; tagulilong	E	LC
Glossy Swiftlet <i>Collocalia esculenta</i>	Sayaw	R	LC
Pygmy Swiftlet <i>Collocalia troglodytes</i>	Sayaw	R	LC
White-throated Kingfisher <i>Halcyon smyrnensis</i>	Tikarol; Salaksakan	R	LC
White-collared kingfisher <i>Halcyon chloris</i>	Tikarol	R	LC
Barn swallow <i>Hirundo rustica</i>	Sayaw	M	LC
Pied triller <i>Lalage nigra</i>	Buga-ongon	M	LC
Yellow-vented bulbul <i>Pycnonotus goaivier</i>	Tangol-ol; Purok-purok	M	LC
Black-naped Oriole <i>Oriolus chinensis</i>	Antulihaw	M	LC
Golden-bellied flyeater <i>Gerygone sulphurea</i>		M	LC
Philippine Magpie Robin <i>Copsychus orientalis</i>	Asisiloy	E	LC
Middendorff's grasshopper-warbler <i>Locustella ochotensis*</i>		M	LC
Philippine Pied Fantail <i>Rhipidura nigritorquis</i>	Maria capra	E	LC
Glossy Starling <i>Aplonis panayensis</i>	Galansiyang	E	LC
Olive-backed sunbird <i>Cinnyris jugularis</i>	Tamsi	E	LC
Eurasian tree sparrow <i>Passer montanus</i>	Gorion	I	LC
White-bellied Munia <i>Lonchura leucogastra</i>	Maya	R	LC

Scaly-breasted Munia <i>Lonchura punctulata</i>	Maya	R	LC
Chestnut Munia <i>Lonchura Malacca</i>	Mayang bungol	R	LC
Endemic birds	9		
Threatened species	4		
Migratory birds	21		
Resident species	17		
Introduce species	1		
Total species	52		

Range:

A Accidental
NE Near Endemic
E Endemic
M Migrant
R Resident
I Introduce species

Conservation status:

CR Critically Endangered
EN Endangered
VU Vulnerable
NT Near Threatened
DD Data Deficient
OWS Other Wildlife Species
NE Not evaluated

NOTE:

List of species with in Sipaway Wildlife Sanctuary should be updated every 2 years.

SECTION 6 – NATURE DESCRIPTION OF VIOLATION AND IMPOSITION OF CORRESPONDING PENALTIES

- A) Poaching is strictly prohibited. Any person regardless of age and gender found within the perimeters of Sipaway Island and the coastal and cultivated areas within the island (defined in Section 4, letter J) committing the simultaneous act of catching/poaching species of birds, mammals and reptiles, gathering or destroying active nests and nest trees, or with the absence of such an act, a mere possession of said birds either alive or dead without necessary documents as required by Republic Act 9147 or otherwise known as the Wildlife Act, is considered a POACHER.

Poachers are to be administratively fined an amount of Two Thousand Pesos (P2,000.00) and shall face charges against the Wildlife Act of 2001 or RA 9147. Likewise, said wildlife caught in the possession of a poacher without a certificate of wildlife registration will be confiscated and turn over to DENR for quarantine and study before release.

- B) Scientific researches and studies within the perimeter of Sipaway Island are allowed only if this coordinates with the Local Government of San Carlos City through the City Environment & Management Office (CEMO) upon presentation of necessary permits from concerned agencies.
- C) Hunting is strictly prohibited. Any person regardless of age and gender found within the perimeters of Sipaway Island (defined in Section 4, letter j) committing the simultaneous act of hunting species of birds, mammals and reptiles, gathering or destroying active nests and nest trees, or with the absence of such an act, a mere possession of hunting instruments such as but not limited to guns, bows and arrows, blow guns, snares, sling shots, bird glue, poisonous concoctions is considered a HUNTER.

Hunters are to be administratively fined an amount of Two Thousand Pesos (P2,000.00) and shall face charges against the RA 9147 of 2001. Likewise, all live wildlife caught in the possession of a hunter will be confiscated and turned over to the Department of Environment and Natural Resources Office for quarantine and study before release.

- D) Conversion of mangrove forest into any agricultural activity is prohibited inside the Critical Habitat/Wildlife Sanctuary. Any person caught expanding/converting the mangrove forests within the Island of Sipaway into any agricultural activity thereon same shall be fined an amount of Two Thousand Five Hundred Pesos (P2,500.00) or an imprisonment of 60 to 90 days or both upon the discretion of the Court.
- E) Collection and gathering on non-wood forest products from the Island of Sipaway e.g. prohibited shells, sea grasses , etc. without a legitimate permit issued by DENR is prohibited. Any person caught in violation of this particular provision shall be administratively fined an amount of Two Thousand Five Hundred Pesos (P2, 500.00).

- F) Persons regardless of age and gender, either transients or residents of the Island of Sipaway, who are engaged in commercial business or trade of but not limited to Pigeons and doves, migratory birds, Owls, birds of prey, bird's nests, and other forms of wildlife are, upon apprehension by the Law Enforcement Team (LET) and other authorized personnel, and found on their possession with the abovementioned wildlife species are to be administratively fined an amount of Three Thousand Pesos (P3,000.00) and shall face charges against RA 9147. Furthermore, the wildlife in their possession will be confiscated and turned over to Department of Environment and Natural Resources for quarantine before releasing the species back in the wild.
- G) Local transport of wildlife and its by-products and derivatives collected from Sipaway Island to any destination within the territorial jurisdiction of the Philippines is allowed only when a Local Transport Permit is secured from CENRO Cadiz provided that the wildlife, by-products and its derivatives were collected or acquired in accordance with RA 9147.
- H) Illegal occupation or squatting close to, adjacent, within the perimeters and inside the perimeter of Sipaway Island by transients is strictly prohibited. Any person or persons violating this provision shall be administratively fined Two Thousand Five Hundred Pesos (P2,500.00) and shall face charges against the RA 9147.
- I) This Ordinance shall be implemented in force by the LET or Law Enforcement Team duly designated by the City Government of San Carlos through the City Environment Management Office (CEMO), and deputized by the City Mayor. These bodies are given authority, power and responsibility to implement strictly this Ordinance and the Wildlife Act.

The assigned Law Enforcement Team will regularly patrol and monitor the wetland areas, plantations, scrubland areas, mangroves and areas of particular interests e.g. marine protected areas (MPAs) in strategic areas where sightings of threatened wildlife are confirmed around the perimeter of the island.

SECTION 7. INCOME DERIVED FROM COLLECTED FINES - *Fifty* percent (50%) of all income derived from collected fines shall be disbursed to the LET Enforcers as additional incentive. The other 40% will be divided accordingly to the different Peoples Organizations protecting the island sanctuary to be used for wildlife and mangrove forest conservation and protection activities within their respective organizations. The remaining 10% of the funds will go to a special trust account labeled as - WILDLIFE CONSERVATION TRUST FUND LIABILITY- to be managed by the City Government of San Carlos through the City Environment Management Office (CEMO) for wildlife and mangrove forest protection and conservation activities.

SECTION 8. MANAGEMENT of Critical Habitat/Wildlife Sanctuary – Management of the Wildlife Sanctuary/Critical Habitat shall be managed in joint partnership with concerned agencies, non-government organization involved in biodiversity conservation, DENR and the Local Government Unit. The proposed management structure is presented as an attachment. *Annex 1*

SECTION 9 – APPROPRIATION - There is hereby a yearly appropriation of but not limited to **TWO HUNDRED NINETY FOUR THOUSAND AND EIGHTY PESOS (Php294,080 .00)** to finance the operation and implementation of biodiversity conservation programs of the BIRD & WILDLIFE SANCTUARY IN THE ISLAND OF SIPAWAY. Budget appropriation will be taken from the Annual Budget of the City Government of San Carlos effective 2018 and thereafter.

Other donors may be tapped by the city government to help defray expenses for the implementation of this Ordinance.

SECTION 10 - SEPARABILITY CLAUSE – If, for any reason any part or section of this Ordinance is declared invalid, the other provisions not affected shall continue to be in full force and effect.

SECTION 11 - REPEALING CLAUSE – All ordinances and parts thereof which are inconsistent with the provisions of this Ordinance are hereby amended, repealed and modified accordingly.

SECTION 12 - EFFECTIVITY CLAUSE - This Ordinance shall take effect on the day after copies

shall have been posted for ten days in the bulletin board at the entrance of the City Hall and at least two (2) conspicuous places.

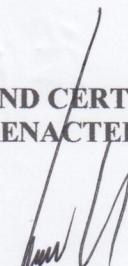
ENACTED: March 1, 2018, by the affirmative votes of Hons. GUSTILO, JR., CARMONA, QUISUMBING, VILLARANTE, MANSUETO, UY and LASTIMOSO.

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I HEREBY CERTIFY to the correctness of the foregoing ordinance which was duly enacted by the Sangguniang Panlungsod, during its regular session held at the SP Session Hall, this city, on March 1, 2018.

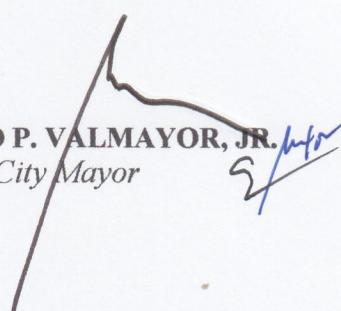

BARBARA A. CAMPO
Local Legislative Staff Officer V

**ATTESTED AND CERTIFIED
TO BE DULY ENACTED:**


MARK E. CUI

SP Member/ Presiding Officer Pro Tempore'

APPROVED: 02 APR 2018, 2018


GERARDO P. VALMAYOR, JR.
City Mayor