



Republic of the Philippines
Province of Ilocos Norte
MUNICIPALITY OF SAN NICOLAS

OFFICE OF THE SANGGUNIANG BAYAN

EXCERPTS FROM THE MINUTES OF THE FIRST REGULAR SESSION OF THE 10TH SANGGUNIANG BAYAN OF THE MUNICIPALITY OF SAN NICOLAS, ILOCOS NORTE HELD AT THE MUNICIPAL SESSION HALL ON THE 2ND DAY OF NOVEMBER, 2016 AT 10:00 O'CLOCK IN THE MORNING.

PRESENT:

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| Hon. Edistio P. Valdez, | Vice-Mayor/Presiding Officer; |
| Hon. Angel Miguel L. Hernando, | Member; |
| Hon. Domingo C. Ambrocio, Jr., | Member; |
| Hon. Ariel B. Villa, | Member; |
| Hon. Efren C. Butay, | Member; |
| Hon. Norberto S. Dadiz, Jr., | Member; |
| Hon. Manuel D. Coloma, Sr., | Member; |
| Hon. Orlando B. Badua, | Member; |
| Hon. Jessie Julito P. Pumaras, Sr., | Member; |
| Hon. Linda E. Badua, | Member/Liga ng mga Barangay President. |

ABSENT:

None.

“MUNICIPAL ORDINANCE NO. 2016-10

AN ORDINANCE PRESCRIBING THE UTILIZATION AND SUSTAINABILITY OF IRRIGATION WATERS AND CONSERVATION (PUSWAC) OF IRRIGATION FACILITIES AND SERVICES LOCATED WITHIN THE TERRITORIAL JURISDICTION OF THE MUNICIPALITY OF SAN NICOLAS, PROVINCE OF ILOCOS NORTE AND FOR OTHER PURPOSES.

WHEREAS, to date there are seven (7) Small Water Impounding Projects located within the territorial jurisdiction of the Municipality of San Nicolas, one (1) catchment dam, and two (2) diversion dams;

WHEREAS, the establishment of these dams was made possible in coordination with line agencies of the National Government such as the Department of Agriculture, the National Tobacco Administration and the Bureau of Soils and Water Management, as well as the Farmers Associations in the barangays where these projects are located;

WHEREAS, Memorandum of Agreements were forged by and between the LGU and the Farmers Association as to the terms and condition in the operation of the SWIPs and shall still subsist and shall be an integral part of this ordinance;

WHEREAS, the SWIPs necessarily increased rice production and also provided other sources of livelihood for the farmers such as raising of tilapia fingerlings;

WHEREAS, the Local Government Unit earned recognition from the Regional Development Council adjudged as Champion in the Best Practices of LGUs category in maintaining these SWIPs in the locality;

WHEREAS, in order to sustain this noble program, a broad set of guidelines and regulations should be imposed and observed in the operation and preservation of these water source facilities;

WHEREAS, consultations and dialogues with the different stakeholders have been conducted prior to the enactment of this ordinance;

WHEREFORE, BE IT ORDAINED, THAT:

SECTION 1. Title of the Ordinance. - This ordinance shall be known as **PUSWAC (Prescribing the Utilization and Sustainability of Irrigation Waters And Conservation of Irrigation Facilities and Services)** Ordinance of San Nicolas, Ilocos Norte.

SECTION 2. Declaration of Policy. – It is hereby declared the policy of the municipality to promote, propagate, develop further and implement the practice of sustainable and responsible irrigation that will cumulatively condition and enrich the fertility of the soil, increase farm productivity, reduce pollution and destruction of the environment, prevent the depletion of natural resources, and further protect the health of farmers, consumers, and the general public thereby accelerate agricultural productivity and to promote self-sufficiency and full development of agricultural potentials.

SECTION 3. Office Responsible in the Implementation of this Ordinance. - The Municipal Agriculture Office (MAO) is the primary department of the municipal government in the implementation of this ordinance.

MAO, however, shall coordinate with other department of the municipal government such as the Municipal Engineering Office, Municipal Environment and Natural Resources Office, Municipal Disaster Risk and Reduction Officer, Municipal Tourism Officer – Designate, and other related national agencies in the protection, preservation, and promotion of the Small Water Impounding Projects.

SECTION 4. Interpretation and Construction of this Ordinance. – In case of conflict, this ordinance is interpreted and construed based on the following precepts:

1. It upholds and respects the efficacy and content of various Memorandum of Agreements entered into by the farmers, land owners, and municipal government in the construction of the Small Water Impounding Projects;
2. It upholds the welfare of affected communities;
3. It ensures efficient use and sustainability of land, water and other productive resources, and that ecological balance and environmental protection are maintained and observed in its pursuit of rural development goals.

SECTION 5. Prohibited Acts. – The following are the prohibited acts:

1. For one party of the Memorandum of Agreement to deviate from the terms and conditions without the other party's/ consent;
2. That major repair/s of the dam is/are done without the prior knowledge of the Municipal Agriculturist and the Municipal Engineer;
3. Construction of fish cages by non-members of the farmers and irrigator's association within the dams;
4. Making excavations in the adjacent lots of the dam without permit from the Building Official;
5. Those fishing at the dam of non-members of the association except when it is done by an owner of an affected lot but he/she must inform the association prior to fishing;
6. Loitering within the premises of the dam without permission from the association especially during nighttime;
7. Swimming of children without the assistance of their parents/guardian;
8. Presence and greasing of animals within the premises of SWIPs;

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- 9. Dumping and cleaning of chemicals or fertilizers; and
- 10. Cutting of trees and charcoaling within the premises of SWIPs .

SECTION 6. Penalties. – Any person who shall violate Section 5 hereof is hereby penalized as follows:

- 1. First Offense - fine in the amount of P1,000.00
- 2. Second Offense – fine in the amount of P2,000.00
- 3. Third Offense – fine in the amount of P2,500.00 or imprisonment of one (1) day to (10) days, or both upon the discretion of the court.

SECTION 7. Sharing of Collected Fines. - Fifty (50%) percent of the collected fines shall be used by the concerned association in the protection of the affected SWIP. The remaining fifty (50%) shall be used by the municipality in the preservation of affected SWIPs.

SECTION 8. LGU Funding Support. - It shall be the duty of the LGU to see to it that the dam’s structure, stability and strength is well maintained and monitored, and shall provide necessary funding support coming from the Agricultural Development allocation in the General Budget.

SECTION 9. Repealing Clause. - The provisions of previous local enactments, resolutions, memoranda, circulars, and other issuances inconsistent with this Ordinance are hereby repealed or modified accordingly.

SECTION 10. Separability Clause. - In the event that any provision of this Ordinance is found or decreed to be invalid or unconstitutional, all other provisions hereof not affected by such findings or decree shall remain to be in full force and effect.

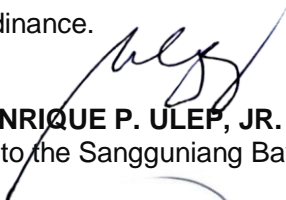
SECTION 11. Effectivity Clause. - This Ordinance shall take effect after fifteen (15) days following the completion of its full publication in any newspaper of general circulation within the Province of Ilocos Norte


UNANIMOUSLY APPROVED.”

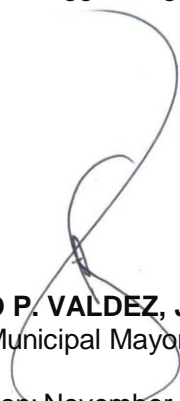
Voting on the foregoing ordinance was as follows:

- AYES : Members Ambrocio, Jr., Villa, Butay, Dadiz, Jr., Coloma, Sr.,
Badua, O., Pumaras, Sr., and Badua, L.
- NAYS : None.
- ABSTAINED : None.

I hereby certify to the correctness of the foregoing ordinance.


ENRIQUE P. ULEP, JR.
 Secretary to the Sangguniang Bayan I

ATTESTED:

EDISTIO P. VALDEZ
 Vice-Mayor/Presiding Officer

APPROVED:

ALFREDO P. VALDEZ, JR., M.D.
 Municipal Mayor
 Approved on: November 2, 2016