



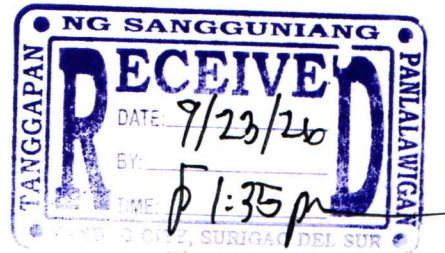
**Republic of the Philippines
MUNICIPALITY OF CAGWAIT
PROVINCE OF SURIGAO DEL SUR**

Office of the Sangguniang Bayan Secretary

September 23, 2026

**The Honorable
Sangguniang Panlalawigan Members**

**Thru: Hon. Manuel O. Alameda
Provincial Vice Governor
Tandag City**



Sir:

Pursuant to pertinent provision of the Local Government Code of 1991, I have the honor to submit the herein approved ordinance by the Sangguniang Bayan of Cagwait, for your review and approval, to wit:

ORDINANCE NO. 41-26 – AN ORDINANCE DECLARING ALL WATER BODIES, COASTAL RESOURCES AND OTHER TRIBUTARIES AS BIODIVERSITY AND CONSERVATION AREAS OF THE MUNICIPALITY OF CAGWAIT FOR THE PURPOSE OF PROTECTION AND PRESERVATION, AND IMPOSING PENALTIES FOR VIOLATIONS THEREOF AND FOR OTHER PURPOSES.

Hoping for your favorable consideration and appropriate action.

Attached herewith:

- **Certificate of Posting and Publication;**
- **Minutes of Public Hearing, and**
- **Attendance**
-

Very truly yours,

**ALAN A. CABRERA
Secretary to the Sanggunian**



Republic of the Philippines
MUNICIPALITY OF CAGWAIT
SURIGAO DEL SUR

Office of the Sangguniang Bayan Secretary

CERTIFICATE OF POSTING AND PUBLICATION

This is to certify that, in compliance to Section 59 of RA 7160; Article 113, IRR of R.A. No. 7160, copy of approved Ordinance titled hereunder was properly posted and published in three conspicuous places in the municipality.

ORD. NO. 41-26 – AN ORDINANCE DECLARING ALL WATER BODIES, COASTAL RESOURCES AND OTHER TRIBUTARIES AS BIODIVERSITY AND CONSERVATION AREAS OF THE MUNICIPALITY OF CAGWAIT FOR THE PURPOSE OF PROTECTION AND PRESERVATION, AND IMPOSING PENALTIES FOR VIOLATIONS THEREOF AND FOR OTHER PURPOSES.

Date Enacted	:	September 8, 2026
Date Approved	:	September 23, 2026
Date Posted	:	September 23, 2026
Place Posted	:	Municipal Hall Bulletin Board; Tubo-tubo Public Terminal; and Poblacion Gymnasium Cagwait, Surigao del Sur

Certified Correct:

ALAN A. CABRERA

Secretary to the Sanggunian



Republika ng Pilipinas
LALAWIGAN NG SURIGAO DEL SUR
BAYAN NG CAGWAIT

Tanggapan ng Sangguniang Bayan

EXCERPT FROM THE MINUTES OF THE 34th REGULAR SESSION OF THE SANGGUNIANG BAYAN OF THE MUNICIPALITY OF CAGWAIT, SURIGAO DEL SUR HELD AT THE SESSION HALL ON SEPTEMBER 8, 2026:

PRESENT:

Hon. Melchie C. Tuscano ----- Municipal Vice Mayor
(Presiding Officer)

REGULAR SANGGUNIANG BAYAN MEMBERS:

Hon. Armando P. Reyes
Hon. Joanne Socorro L. Ubongen
Hon. Arthur M. Sanchez
Hon. Amelito E. Estrada

Hon. Rogen P. Tabugot
Hon. Joel E. Bayogbog
Hon. Guardian C. Lozada
Hon. Angelyn P. Prado



EX-OFFICIO MEMBERS:

Hon. Bernard V. Loma ----- LnB Fed. Pres./SB Member
Hon. Princess Chewon C. Park ----- SK Fed. Pres./SB Member

ORDINANCE NO. 41-26

AN ORDINANCE DECLARING ALL WATER BODIES, COASTAL RESOURCES AND OTHER TRIBUTARIES AS BIODIVERSITY AND CONSERVATION AREAS OF THE MUNICIPALITY OF CAGWAIT FOR THE PURPOSE OF PROTECTION AND PRESERVATION, AND IMPOSING PENALTIES FOR VIOLATIONS THEREOF AND FOR OTHER PURPOSES:

WHEREAS, Section 16, Article II of the 1987 Philippines Constitution expressly declares that the State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature;

WHEREAS, section 44 (a) (5) (I) of the Local Government Code states that the Sangguniang Bayan shall approve ordinances which shall ensure the efficient and effective delivery of the basic services and facilities as provided for under Section 17 of the Code, and in addition to said services and facilities, shall provides for the establishment, maintenance, protection, and conservation of communal forests and watersheds, tree parks, greenbelts, mangroves, and other similar forest development projects;

WHEREAS, every municipality or city shall exert efforts to establish, develop and maintain a permanent forest, tree parks or watershed within the public land owned by such municipality or city with an aggregate size equivalent to at least two (2) percent of its entire area within two (2) YEARS FROM THE APPROVAL OF THE Act.: Provided, That the forest, park, or watershed may be located in one or more places within the municipality;

WHEREAS, Republic Act No. 9275, otherwise known as "Philippine Clean Water Act of 2004" states that it shall be the policy of the state to pursue a policy of economic growth in a manner consistent with the protection, preservation and revival of the quality of our fresh, brackish and marine waters. To achieve this end, the framework for sustainable development shall be pursued. As such, it shall be the policy of the State:



PROVINCE OF SURIGAO DEL SUR
Office of the Secretary to the Sangguniang Panlalawigan
Tel. No.: 086-2115832
Email: ossp@surigao.gov.ph
OSSP-26-06336

- a) To streamline processes and procedures in the prevention, control and abatement of pollution of the country's water resources;
- b) To promote environmental strategies, use of appropriate economic instruments and of control mechanisms for the protection of water resources;
- c) To formulate a holistic national program of water quality management that recognizes that water quality management issues cannot be separated from concerns about water sources and ecological protection, water supply, public health and quality of life;
- d) To formulate and integrated water quality management framework through proper delegation and effective coordination of function and activities; and
- e) To promote commercial and industrial processes and products that are environment friendly and energy efficient.

WHEREAS, Local Government Units shall share the responsibility in the management and improvement of water quality within their territorial jurisdictions;

WHEREAS, every concerned agency, association and individuals shall extent efforts in order to conserve, protect, restore and enhance the water bodies within the local government unit, consistent with the rules and regulations authorized or promulgated by the Department of Environment and natural Resources (DENR) and other national government agencies;

WHEREAS, the Municipality of Cagwait has the following sub-watershed areas and/or water bodies namely:

- | | |
|---------------------|---------------------|
| a. Hinayhayan River | g. Pacpacon River |
| b. Bacolod River | h. Marihatag River |
| c. Tagmalinao River | i. Panaosawon River |
| d. Albizzia River | j. Memo River |
| e. Aras-asan River | k. Arangasa River |
| f. Bitaugan River | |

WHEREAS, the Municipality of Cagwait also recognizes the need to conserve and protect the Municipal waters and its coastal and aquatic resources to ensure the sustainable management, development and conservation thereof;

NOW THEREFORE:

BE IT ORDAINED by the Sangguniang Bayan of the Municipality of Cagwait, Province of Surigao del Sur in session assembled, that:

SECTION 1. Title. This Ordinance shall be known as the *"Cagwait Water Bodies, Coastal and Aquatic Resources Management, Protection and Conservation Ordinance"*.

SECTION 2. Declaration of Policy. It is hereby declared the policy of the Municipality of Cagwait to:

- a) Promote conservation and ensure sustainable and equitable management of its water bodies, especially the watersheds in the municipality and the coastal and fishery resources in the municipal waters in conformity with local laws and regulations and other applicable special laws of the country;
- b) Ensure, for the benefit and enjoyment of the people, the judicious and wise utilization, protection, conservation and sustainable management of its water bodies and coastal resources to maintain biodiversity and sound ecological balance, and protect its surrounding environment;



- c) Allow people's full and active participation in the conservation and management of the water bodies of Cagwait and its coastal and aquatic resources and promote awareness of sustainable fisheries through appropriate education and training for fisherfolks, including the proper taking out, catching or collecting of any living or non-living thing from or within the water bodies;

Provide full support for sustainable fisheries in the municipal waters through appropriate technology and research, adequate financing, production and marketing assistance and other services;

- d) Allow the private sector to develop and utilize resources under the basic concepts that the grantee, licensee or permittee thereof shall not only be a privileged beneficiary of the municipality, but also an active participant and partner of the municipal government in the management, development, conservation and protection of water bodies and the coastal and aquatic resources of the municipality; and
- e) Promote and adhere to the precautionary principle of conservation, management and exploitation of living coastal and aquatic resources in order to assure the sustainable development of its surrounding environment. The absence of adequate scientific and technical information should not be used as a reason for postponing or failing to take conservation and management measures.

SECTION 3. Objective. The objective of this Ordinance is to protect and manage the water bodies and coastal and aquatic resources within the municipality to ensure the sustainable use thereof for better enjoyment and benefit of the people, and to establish the means and methods to enforce, control and regulate the activities, tourists, swimmers, boats and other resource users of the municipal waters of Cagwait.

SECTION 4. Applicability and Enforcement. The provisions of this Ordinance shall be applied and enforced in:

- a) All the municipal waters in Cagwait, which includes the rivers, seas and watersheds;
- b) All water bodies and to its respective coastal and aquatic resources;
- c) All fishery activities or businesses relating to the use, development, conservation and management of the municipal waters and its coastal and aquatic resources; and
- d) All people, entities or corporations that use or intend to use the coastal and aquatic resources in the water bodies of Cagwait.

SECTION 5. Creation and Composition of Cagwait Bantay Kalikasan Task Force (CBKTF). The CBKTF shall be created and be composed of the following:

Chairperson	:	Municipal Mayor
Vice Chairperson:		Municipal Environment & Natural Resources Officer
Members	:	Chairperson, SB Committee on Environment & Natural Resources
		Chairperson, SB Committee on Indigenous Peoples (IPs)
		Municipal Administrator
		Municipal Planning & Development Coordinator
		Municipal Engineer
		Municipal Agriculturist
		Municipal Economic Enterprise Administrator
		Municipal health Officer
		CENRO – Representative
		MLGOO
		Chief of Police, Cagwait MPS-PNP



SECTION 6. Duties and Functions. The Cagwait Bantay Kalikasan Task Force shall perform the following duties and functions in the implementation of this Ordinance:

- a) **Inspection** – Request the Municipal Environment and Natural Resources Office (MENRO) to designate field inspectors who will check if water pollutants and other hazardous substances are present in the water bodies and coastal zone areas of the municipality.
- b) **Apprehension** – Coordinate with the Philippine national Police, Cagwait – MPS and Department of Natural and Environment Resources (DENR), if necessary for the apprehension of any person, natural or juridical, found to be violating any of the prohibited acts of this Ordinance.
- c) **Information, Education, Communication (IEC)** – Coordinate with the MENRO, Municipal Health Office and other offices and agencies concern for the conduct of massive IOEC activities in collaboration with appropriate government or private agencies on proper wastewater management to increase the level of awareness and commitment of the public to the conservation and cleanliness of the water bodies and coastal zone areas of the municipality.

In addition to the foregoing functions, the Cagwait Bantay Kalikasan Task Force shall maintain the quality of the water bodies and coastal zone areas at the optimal level relative to protection of the conservation areas as well as the natural productivity and the cleanliness of areas devoted for fisheries and aquaculture development, in coordination with the concerned offices and agencies of the national government.

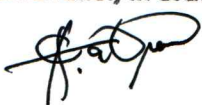
SECTION 7. Prohibited Acts. Thus, the following shall be considered as prohibited acts:

- a) Discharging water pollutants and other hazardous substances to the water bodies and the coastal area zones of Cagwait;
- b) Disposing of potential infectious medical waste into water bodies like in seas, rivers and creeks;
- c) Killing and destroying species and other aquatic resources using prohibited chemicals for fishery;
- d) Throwing of litters or scattering of solid waste in the water bodies within the municipality;
- e) Leaving of animal manure or improper waste disposal of the owner of the animal to any water bodies; and
- f) Other activities in the grounds or waters which directly or indirectly result or likely to result in damage or destructions to the water bodies and its coastal and aquatic resources, or may have such deleterious effect that may harm the living and non-living coastal and aquatic resources, or may cause hazard to human health.

SECTION 8. Fines and Penalties. Any Person or entity who has committed the prohibited acts in the preceding section shall be subject to the following fines and penalties:

- a) **First Offense** – A fine of One Thousand Pesos (Php1,000.00);
- b) **Second Offense** – A fine of Two Thousand Pesos (Php2,000.00);
- c) **Third and Subsequent Offenses** – A fine of Two Thousand Five hundred Pesos (Php2,500.00) or imprisonment of not more than six (6) months or both at the discretion of the Court.

In addition to the foregoing, the violators shall be required to contain, remove and clean-up the pollutants at their own expense. In case of failure to do such requirement, the municipality shall undertake containment, removal and clean-up operations and the expenses incurred in the operations shall be borne/shoulder by the violator/s: Provided, That the municipality shall take appropriate legal action for damages provided under existing and applicable laws and ordinances, including the application for injunctive relief, in order to address the violation of this Ordinance.



The fines collected shall accrue to the General Fund of the municipality. An incentive of twenty percent (20%) of the fines shall be shared equitably among the person/personnel involved in the apprehension of the violators.

SECTION 9. Mandatory Review. The Sangguniang Bayan shall undertake mandatory review of this Ordinance at least once every three (3) years or as often as it may deem necessary, to ensure that the policies and guidelines relative to the protection, management, conservation and/or development of the water bodies of the municipality and its coastal and aquatic resources remain responsive to the changing circumstances of time.

SECTION 10. Separability Clause. In the event that any provision or Section/s of this Ordinances is held unconstitutional or invalid, other provisions or sections not otherwise affected shall remain in full force and effect.

Unlawful acts which are not covered by this Ordinance, but punishable under special laws, this Ordinance shall be suppletory to such laws, unless the letter should specifically provide the contrary.

SECTION 11. Repealing Clause. All ordinances, local issuances or rules and regulations in conflict or inconsistent with any provisions of this Ordinance are hereby repealed or modified accordingly.

SECTION 12. Effectivity. This Ordinance shall take effect immediately after the required posting pursuant to Republic Act 7160, otherwise known as the Local Government Code of 1991.

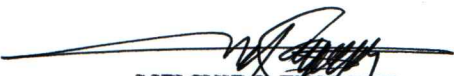
Adopted and approved this 8th day of September 2026 authored by Hon. Guardiano C. Lozada and co-authored by Hon. Amelito E. Estrada.

Unanimously Approved

I HEREBY CERTIFY to the correctness of the above-quoted ordinance.


ALAN A. CABRERA
Secretary to the Sanggunian

ATTESTED:


MELCHIE C. TOSCANO
Municipal Vice Mayor
Presiding Officer

APPROVED:


GLENN G. BATANCILA, REE
Municipal Mayor

Dated of Approval: 9/23/26