



Republic of the Philippines
SANGGUNIANG BAYAN
Taytay, Rizal

DO No. 2207-004

ORDINANCE NO. 752 series of 2022

**AN ORDINANCE REGULATING THE APPLICATION OF ALL ENTITIES
FOR TREE CUTTING, TRIMMING, PRUNING, AND/OR EARTH-BALLING
PERMITS AND LICENSES FROM THE DEPARTMENT OF ENVIRONMENT
AND NATURAL RESOURCES (DENR) OFFICE WITHIN THE
MUNICIPALITY OF TAYTAY, RIZAL**

Introduced & Authored by: Coun. John Tobit E. Cruz

WHEREAS, it is the policy of the State to protect and advance the right of the people to a healthful and balanced environment, and to establish a holistic approach to restore the earth's natural ecosystem;

WHEREAS, Presidential Decree No. 953 requires “the planting of trees in certain places and *penalizing unauthorized cutting, destruction, damaging and injuring of certain trees, plants and other vegetation*” to ensure strict compliance with environmental protection policies;

WHEREAS, the Municipality of Taytay recognizes the importance of promoting, maintaining, and conserving our remaining greeneries and ensuring that necessary government permits are secured in instances that will require the trimming or cutting of trees;

WHEREAS, the Municipal Government of Taytay, through its Municipal Environment and Natural Resources Office, is responsible to establish, maintain, protect and preserve communal forest, watershed, tree parks, mangroves, greenbelt and similar forest projects and commercial forest, like industrial tree farm and agro-forestry projects;

NOW THEREFORE, BE IT ORDAINED, as it is hereby ordained by the 12th Sangguniang Bayan of Taytay, Rizal, in session duly assembled, that:

Section 1. Title - This Ordinance shall be known as the “**Tree Protection Regulation Ordinance**”.

Section 2. Purpose and Coverage - This ordinance shall cover all tree cutting, trimming, pruning, and/or earth-balling activity within the municipality of Taytay that requires issuance of permits/licenses from the DENR, initiated by any public or private entity.

Section 3. Definition of Terms

- a. **DENR** - refers to the Department of Environment and Natural Resources Office.
- b. **MENRO** - refers to the Municipal Environment and Natural Resources Office.
- c. **Municipality / Local Government** - are used interchangeably referring to the Municipality of Taytay, Rizal.

- d. **Permit** - a short-term privilege or authority granted by the State to a person to utilize any limited forest resources or undertake a limited activity within any forest land without any right to occupation and possession therein.
- e. **State** - refers to the Philippines.
- f. **Earth-balling** - is the process of moving a tree by digging out the earth and the roots in a circular shape, leaving most of the root system undisturbed and intact.
- g. **Tree** - a woody perennial plant typically having a single stem or trunk, growing to a considerable height and bearing lateral branches at some distance from the ground;

Section 4. Regulatory Requirement - All entities applying for permits and licenses from the DENR related to cutting, trimming, pruning or earth balling of trees must first comply to the following requirements:

4.1. For Tree Cutting, Permit

a. For individuals / households

- Request Letter with stated purpose
- Land Title / Tax Declaration or UPAO Certification
- Homeowner's Certification of No Objection (if applicable)
- Picture of the tree/s
- Development Permit for new construction

b. For companies

- Request Letter with stated purpose
- Land Title / Tax Declaration
- Development permit (if applicable)
- Picture of the tree/s

4.2. For Chainsaw Registration

- Completed application form
- Chainsaw specification
- Picture of the Chainsaw (Geotagged)
- Proof of Ownership (Sales Invoice, Deed of Sale)

The MENRO has the authority to deny requests, or suggest possible alternative. The clients may submit a motion for appeal addressed to the municipal mayor, and subject to the approval of the same office.

Once permit is granted, MENRO will issue a certificate of no objection to the requesting party.

Section 5. Regulated and Prohibited Acts - All entities covered by this ordinance shall comply with the following regulated and prohibited acts:

5.1 Regulations:

- a. Conduct trimming, pruning, or clearing activities for tall growing plants within the power line passage without securing prior clearance or permit from, but with due notice to, the Department of Environment and Natural Resources (DENR), the local government unit (LGU), and other relevant government agencies;
- b. Whenever a large tree threatens to fall in such a way as to cause damage to the land of another or to travelers over a public or private road, the owner of the tree shall be obliged to remove it; and should he not do so, it shall be done at his expense by order of the administrative authorities. (RA 386 Article 483);

- c. If the branches of any tree should extend over a neighboring estate, tenement, garden or yard, the owner of the latter shall have the right to demand that they be cut off as they may spread over his property, and, if it be the roots of a neighboring tree which should penetrate into the land of another, the latter may cut them off himself within his property. (RA 386 Article 680);
- d. All types of palms are exempted on securing the permit;
- e. Cutting of grown trees on waterways (easement);
- f. To cut trees when it is severely damaged by a typhoon or lightning; (RA 10593, Sec. 1.4d)
- g. Authorized or licensed persons only are entitled to possess and use a chainsaw; and
- h. Only authorized or licensed personnel shall cut down trees with the permit from the DENR, except for situations covered by Presidential Decree 953.

5.2 Prohibited Acts:

- a. No trees shall be planted near a residential or piece of land belonging to another except at the distance of at least three (3) meters from the dividing line of the estates if tall trees are planted and at a distance of at least fifty centimeters if shrubs or small trees are planted.
- b. Cutting of Native trees, Dipterocarp trees, and Fruit-Bearing trees within public/private lots.
- c. Preventing or refusing duly authorized agents of the owner or operator of power lines/LGU, entry to the property. (RA 11361 Sec. 6d)
- d. Cutting, destroying, or injuring of planted or growing trees, flowering plants, and shrubs, or plants of scenic value including landscapes along public roads, in plazas, parks, school premises or in any other public places. (PD 953)
- e. Possession of timber or other forest products without legal documents required under existing forest laws and regulations. (PD 705, Sec 68)
- f. Unregistered chainsaw.
- g. Selling, Purchasing, Re-selling, Transferring, Distributing or Possessing a Chainsaw Without a Proper Permit.
- h. Tampering of Engine serial Number of Chainsaw.

Section 6. Regulatory Fee - Whoever desires to cut a tree shall apply for a certification and endorsement from the Municipal Environment and Natural Resources Office and shall be charged with the amount of Thirty Pesos (Php30.00).

Section 7. Penalties - Whoever violates, disobeys, refuses or neglects to comply with the provisions of Section 5, shall be penalized:

7.1 For Unauthorized Tree Cutting, Trimming, Pruning, and/or Earth-balling

- a. **Individual** - A fine of ₱1,500.00 per tree and contribution of 100 seedlings with at least 2 feet high.
- b. **Private Company / Corporation** - A fine of ₱2,500.00 per tree and contribution of 250 seedlings with at least 2 feet high.

7.2 For Unlawful Use of Chainsaw

- a. **Individual** - A fine of ₱1,500.00
- b. **Private Company / Corporation** - A fine of ₱2,500.00

Violation on the unlawful use of chainsaw shall be reported to the Provincial Environment and Natural Resources Office for confiscation and turnover.

The Municipal Environment and Natural Resources Office shall report violations to the Department of Environment and Natural Resources Office for proper filing of applicable cases.

Section 8. Collection and Disposition of Fines - The payment of fines for violation of this ordinance shall be made at the Treasury Office of the municipality. The fines collected in violation of this ordinance accrue in favor of the following:

- a. 75% to the municipality as a special fund to be expected for the implementation of this Ordinance and related Environmental Protection Program.
- b. 25% to fund the incentive program for the special fund for apprehending officer implementing the ordinance.

Section 9. Conduct of Information Dissemination Campaign - The Municipal Environment and Natural Resources Office (MENRO) in cooperation with the Information, Education, and Communication Campaign (IEC) Division of General Services Office (GSO), the Public Information Office (PIO) and the Barangays through its Barangay Environment and Natural Resources Office (BENRO) shall conduct intensive information dissemination campaigns within three (3) months after the passing of this ordinance.

Section 10. Proper Coordination for Tree Planting Initiatives - All entities that plans to conduct tree planting activities within the municipality of Taytay shall properly coordinate with the Municipal Environment and Natural Resources Office, which shall help coordinate the activity with the Provincial Environment and Natural Resources Office and/or with the Department of Public Works and Highways, if applicable.

These agencies shall ensure the clearance for the proper location of the tree planting initiative, that the right species will be planted on the selected area, and that the organizers will commit to monitor and ensure that the trees planted will survive.

Section 11. Separability Clause - If, for any reasons, any part of the provision of this Ordinance shall be held unconstitutional or invalid, other parts hereof which are not affected thereby shall continue to be in full force and effect.

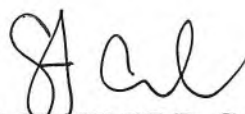
Section 12. Repealing Clause - All Ordinance, Resolutions, Circular, Memorandums, or Rules and Regulation inconsistent with the provision of this Code are hereby repealed and modified accordingly.

Section 13. Effectivity Clause - This Ordinance shall take effect ten (10) days after its posting at reliable social media accounts of the municipality and at least five (5) noticeable places within the municipality.

ENACTED, this 12th day of October, 2022, 4:06 PM at the Sangguniang Bayan Session Hall, Municipality of Taytay, Province of Rizal.



I HEREBY CERTIFY, to the correctness of the foregoing Ordinance which was duly enacted by the Sangguniang Bayan of Taytay on second reading on October 5, 2022 and was passed on third and final reading on October 12, 2022, during the 15th Regular Session held on the 12th day of October, 2022.


ATTY. STANLEE D. CALMA
Secretary to the Sanggunian

ATTESTED AND CERTIFIED TO BE DULY
ADOPTED BY HER HONOR



HON. SOPHIA PRISCILLA L. CABRAL
Municipal Vice Mayor / Presiding Officer

APPROVED BY HIS HONOR
DATE 23 NOV 2022



HON. ALLAN MARTINE S. DE LEON
Municipal Mayor