

**Selected Provisions of RA 7160  
(Local Government Code of 1991)  
Affecting the Environment and Natural Resources Sector**

**Book I - General Provisions**

**Title One - Basic Principles**

**Chapter 2 - General Powers and Attributes  
of Local Government Units**

**Section 17. Basic Services and Facilities. -**

Local government units shall endeavor to be self-reliant and shall continue exercising the powers and discharging the duties and responsibilities currently vested upon them. They shall also discharge the functions and responsibilities of national agencies and offices devolved to them pursuant to this Code. Local government units shall likewise exercise such other powers and discharge such other functions and responsibilities as are necessary, appropriate, or incidental to efficient and effective provision of the basic services and facilities enumerated herein.

Such basic services and facilities, include, but are not limited to, the following:

- (1) For a Barangay:
  - iii. Service and facilities related to general hygiene and sanitation, beautification, and solid waste collection.
- (2) For a Municipality:
  - i. Extension and on-site research services and facilities related to agriculture and fisheries activities which include ... enforcement of fisheries laws in municipal waters including the conservation of mangroves.
  - ii. Pursuant to the policies and subject to supervision, control and review of the DENR, implementation of community-based forestry projects which include integrated social forestry programs and similar projects; management and control of communal forests with an area not exceeding fifty (50) square

kilometers; establishment of tree parks, greenbelts, and similar forest development projects.

- vi. Solid waste disposal system or environmental management system or services or facilities related to general hygiene and sanitation.

(3) For a Province:

- iii. Pursuant to national policies and subject to supervision, control and review of the DENR, enforcement of forestry laws, limited to community-based forestry projects, pollution control law, small-scale mining law and other laws on the protection of the environment; and mini-hydroelectric projects for local purposes.

(4) For a City:

All services and facilities of the municipality and province.

- (e) National agencies or offices concerned shall devolve to local government units the responsibility for the provision of basic services and facilities enumerated in this Section within six (6) months after the effectivity of this Code.
- (h) Regional offices of national agencies or offices whose functions are devolved to local government units as provided herein shall be phased out within one (1) year from the approval of this Code. Said national agencies and offices may establish such field units as may be necessary for monitoring purposes and providing technical assistance to local government units. The properties, equipment, and other assets of these regional offices shall be distributed to the local government units in the region in accordance with the rules and regulations issued by the oversight committee created under the Code.
- (i) The devolution contemplated in this Code shall include the transfer to local government units of the records, equipment, and other assets and personnel of national agencies and offices corresponding to the devolved powers, functions, and responsibilities.

### **Chapter 3. - Intergovernmental Relations**

#### **Article One. - National Government and Local Government Units**

##### **Section 5. National Supervision over Local Government Units. -**

- (b) National agencies and offices with project implementation functions shall coordinate with one another and with local government units concerned in the discharge of these functions. They shall ensure participation of local government units both in the planning and implementation of said national projects.
- (c) The President may, upon request of the local government unit concerned, direct the appropriate national agency to provide financial, technical, or other forms of assistance to the local government unit. Such assistance shall be extended at no extra cost to the local government unit concerned.
- (d) National agencies and offices including government-owned or controlled corporations with field units or branches in a province, city or municipality shall furnish the local chief executive concerned, for his information and guidance, monthly reports including duly certified budgetary allocations and expenditures.

**Section 26. Duty of National Government Agencies in the Maintenance of Ecological Balance. -** It shall be the duty of every national agency or government-owned or -controlled corporation authorizing or involved in the planning and implementation of any project or program that may cause pollution, climatic change, depletion of non-renewable resources, loss of crop land, rangeland, or forest cover, the extinction of animal and plant species, to consult with the local government units, nongovernmental organization, and other sectors concerned and explain the goals and objectives of the project or program, its impact upon the people and the community in terms of environmental or ecological balance, and the measures that will be undertaken to prevent or minimize the adverse effects thereof.

**Section 27. Prior Consultations Required. -** No project or program shall be implemented by government authorities unless the consultations mentioned in Section 2 (c) and 26 hereof are complied with, and prior approval of the sanggunian concerned is obtained; Provided, that occupants in areas where such projects are to be implemented shall not be evicted unless appropriate relocation sites have been provided, in accordance with the provisions of the Constitution.

**Book II - Local Taxation and Fiscal Matters**

**Title One. - Local Government Taxation**

**Chapter 2 - Specific Provisions on the Taxing and other Revenue-Raising Powers of Local Government Units**

**Article One - Province**

**Section 138. Tax on Sand, Gravel and Other Quarry Resources. -** The province may levy and collect not more than ten percent (10%) of fair market value in the locality per cubic meter of ordinary stones, sand, gravel, earth, and other quarry resources, as defined under the National Internal Revenue Code, as amended, extracted from public lands or from the beds of seas, lakes, rivers, streams, creeks, and other public waters within its territorial jurisdiction.

The permit to extract sand, gravel and other quarry resources shall be issued exclusively by the provincial governor, pursuant to the ordinance of the Sangguniang Panlalawigan.

The proceeds of the tax on sand, gravel and other quarry resources shall be distributed as follows:

- (1) Province - Thirty percent (30%)
- (2) Component City or Municipality where the sand, gravel, and other quarry resources are extracted - Thirty percent (30%); and
- (3) Barangay where the sand, gravel, and other quarry resources are extracted - Forty percent (40%).

**Title III - Shares of Local Government Units in the Proceeds of National Taxes**

**Chapter 1 - Share of Local Government Units In The National Wealth**

**Section 289. Share in the Proceeds from the Development and Utilization of the National Wealth. -** Local government units shall have equitable share in the proceeds derived from the utilization and development of the national wealth within their respective areas, including sharing the same with the inhabitants by way of direct benefits.

**Section 290. Amount of Share of Local Government Units.** - Local government units shall, in addition to the internal revenue allotment, have a share of forty percent (40%) of the gross collection derived by the national government from the preceding fiscal year from mining taxes, royalties, forestry and fishery charges, and such other fees, or charges, including related surcharges, interests, or fines, and from its share in any co-production, joint venture or production sharing agreement in the utilization and development of the national wealth within their territorial jurisdiction.

**Section 291. Share of the Local Governments from any Government Agency or-Owned and -Controlled Corporation.** - Local government units shall have a share based on the preceding fiscal year from the proceeds derived by any government agency or government-owned or -controlled corporation engaged in the utilization and development of the national wealth based on the following formula whichever will produce a higher share for the local government unit:

- (a) One percent (1%) of the gross sales or receipts of the preceding calendar year; or
- (b) Forty percent (40%) of the mining taxes, royalties, forestry and fishery charges and such other taxes, fees, or charges, including related surcharges, interests, or fines the government agency or government-owned or -controlled corporation would have paid if it were not otherwise exempt.

**Section 292. Allocation of Shares.** - The share in the preceding Section shall be distributed in the following manner:

- (a) Where natural resources are located in the province:
  - (1) Province - Twenty percent (20%)
  - (2) Component City/Municipality - Forty-five percent (45%); and
  - (3) Barangay - Thirty-five percent (35%)

**Provided, however,** That where the natural resources are located in two (2) or more provinces, or in two (2) or more component cities or municipalities or in two (2) or more barangays, their respective shares shall be computed on the basis of:

- (1) Population - Seventy percent (70%); and
- (2) Land area - Thirty percent (30%);

(b) Where the natural resources are located in highly urbanized or independent component city:

- (1) City - Sixty-five percent (65%); and
- (2) Barangay - Thirty-five percent (35%)

**Provided, however,** That where the natural resources are located in such two (2) or more cities, the allocation of shares shall be based on the formulation population and land area as specified in paragraph (a) of this Section.

**Section 293. Remittance of the Share of Local Government Units.** - The share of local government units from the utilization and development of national wealth shall be remitted in accordance with Section 285 of this Code; **Provided, however,** That in the case of any government agency or government-owned or-controlled corporation engaged in the utilization and development of the national wealth, such share shall be directly remitted to the provincial, city municipal or barangay treasurer concerned within five (5) days after the end of each quarter.

**Section 294. Development and Livelihood Projects.** - The proceeds from the share of local government units pursuant to this chapter shall be appropriated by their respective sanggunian to finance local development and livelihood projects; **Provided, however,** That at least eighty percent (80%) of the proceeds derived from the development and utilization of hydrothermal, geothermal, and other sources of energy shall be applied solely to lower the cost of electricity in the local government unit where such a source of energy is located.

### **Book III - Local Government Units**

#### **Title Two. - The Municipality**

##### **Chapter 3. - Officials and Offices Common to All Municipalities**

###### **Article One. - The Municipal Mayor**

**Section 444. The Chief Executive: Powers, Duties, Functions and Compensation.** - (b) For efficient, effective and economical governance the purpose of which is the general welfare of the municipality and its inhabitants pursuant to Section 16 of this Code, the municipal mayor shall:

- (3) Initiate and maximize the generation of resources and revenues, and apply the same to the implementation of development plans, program objectives and priorities as provided for under Section 18 of this Code, particularly those resources and revenues programmed for agro-industrial development and country-wide growth and progress, relative thereto, shall:
  - (vi) Adopt measures to safeguard and conserve land, mineral, marine, forest and other resources of the municipality.

### **Article Three. - The Sangguniang Bayan**

**Section 447. Powers, Duties, Functions and Compensation.** - (a) The Sangguniang Bayan, as the legislative body of the municipality, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the municipality and its inhabitants pursuant to Section 16 of this Code and in the proper exercise of the corporate powers of the municipality as provided for under Section 22 of this Code, and shall:

- (1) Approve ordinances and pass resolutions necessary for an efficient and effective municipal government, and in this connection shall:
  - (vi) Protect the environment and impose appropriate penalties for acts which endanger the environment, such as dynamite fishing and other forms of destructive fishing, illegal logging and smuggling of logs, smuggling of natural resources products and of endangered species of flora and fauna, slash and burn farming, and such other activities which result in pollution, acceleration of eutrophication of rivers and lakes, or of ecological imbalance;
- (2) Generate and maximize the use of resources and revenues for the development plans, program objectives and priorities of the municipality as provided for under Section 18 of this Code with particular attention to agro-industrial development and countryside growth and progress, and relative thereto shall:
  - (vi) Adopt a comprehensive land use plan for the municipality; **Provided**, That the formulation, adoption, or modification of said plan shall be in coordination with the approved provincial comprehensive land use plan;
- (4) Regulate activities relative to the use of land, buildings and structures within the municipality in order to promote the general welfare and for said purpose shall:

- (iii) Regulate the disposal of clinical and other wastes from hospitals, clinics and other similar establishments;
- (5) Approve ordinances which shall ensure the efficient and effective delivery of the basic services and facilities as provided for under Section 17 of this Code, and in addition to said services and facilities, shall:
- (i) Provide for the establishment, maintenance, protection, and conservation of communal forests and watersheds, tree parks, greenbelts, mangroves, and other similar forest development projects.

### **Title Three. - The City**

#### **Chapter 3. - Officials and Offices Common to all Cities**

#### **Article One. - The City Mayor**

**Section 455. Chief Executive: Powers, Duties and Compensation.** - (b) For efficient, effective and economical governance the purpose of which is the general welfare of the city and its inhabitants pursuant to Section 16 of this Code, the city mayor shall:

- (3) Initiate and maximize the generation of resources and revenues, and apply the same to the implementation of development plans, program objectives and priorities as provided for under Section 18 of this Code, particularly those resources and revenues programmed for agro-industrial development and country-wide growth and progress, relative thereto, shall:
- (vi) Adopt measures to safeguard and conserve land, mineral, marine, forest and other resources of the city.

#### **Article Three. - The Sangguniang Panlungsod**

**Section 447. Powers, Duties, Functions and Compensation.** - (a) The Sangguniang Panlungsod, as the legislative body of the city, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the city and its inhabitants pursuant to Section 16 of this Code and in the proper exercise of the corporate powers of the city as provided for under Section 22 of this Code, and shall:

- (1) Approve ordinances and pass resolutions necessary for an efficient and effective city government, and in this connection shall:



- (vi) Protect the environment and impose appropriate penalties for acts which endanger the environment, such as dynamite fishing and other forms of destructive fishing, illegal logging and smuggling of logs, smuggling of natural resources products and of endangered species of flora and fauna, slash and burn farming, and such other activities which result in pollution, acceleration of eutrophication of rivers and lakes, or of ecological imbalance;
- (2) Generate and maximize the use of resources and revenues for the development plans, program objectives and priorities of the city as provided for under Section 18 of this Code with particular attention to agro-industrial development and city-wide growth and progress, and relative thereto, shall:
  - (vii) Adopt a comprehensive land use plan for the city; **Provided**, That in the case of component cities, the formulation, adoption, or modification of said plan shall be in coordination with the approved provincial comprehensive land use plan.
- (4) Regulate activities relative to the use of land, buildings and structures within the city in order to promote the general welfare and for said purpose shall:
  - (iii) Regulate the disposal of clinical and other wastes from hospitals, clinics and other similar establishments.
- (5) Approve ordinances which shall ensure the efficient and effective delivery of the basic services and facilities as provided for under Section 17 of this Code, and in addition to said services and facilities, shall:
  - (i) Provide for the establishment, maintenance, protection, and conservation of communal forests and watersheds, tree parks, greenbelts, mangroves, and other similar forest development projects.

#### **Title Four. - The Province**

#### **Chapter 3. - Officials and Offices Common to All Provinces**

#### **Article One. - The Provincial Governor**

**Section 465. The Chief Executive: Powers, Duties, Functions, and Compensation.** - (b) For efficient, effective and economical governance the purpose of which is the general welfare of the province and its inhabitants pursuant to Section 16 of this Code, the provincial governor shall:

- (3) Initiate and maximize the generation of resources and revenues, and apply the same to the implementation of development plans, program objectives and priorities as provided for under Section 18 of this Code, particularly those resources and revenues programmed for agro-industrial development and country-wide growth and progress, relative thereto, shall:
  - (vi) Adopt measures to safeguard and conserve land, mineral, marine, forest and other resources of the province, in coordination with the mayors of component cities and municipalities.

### **Article Three. - the Sangguniang Panlalawigan**

**Section 468. Powers, Duties, Functions and Compensation.** - (a) The Sangguniang Panlalawigan, as the legislative body of the of the province, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the province and its inhabitants pursuant to Section 16 of this Code and in the proper exercise of the corporate powers of the province as provided for under Section 22 of this Code, and shall:

- (1) Approve ordinances and pass resolutions necessary for an efficient and effective provincial government, and in this connection, shall:
  - (vi) Protect the environment and impose appropriate penalties for acts which endanger the environment, such as dynamite fishing and other forms of destructive fishing, illegal logging and smuggling of logs, smuggling of natural resources products and of endangered species of flora and fauna, slash and burn farming, and such other activities which result in pollution, acceleration of eutrophication of rivers and lakes, or of ecological imbalance;
- (2) Generate and maximize the use of resources and revenues for the development plans, program objectives and priorities of the province as provided for under Section 18 of this Code with particular attention to agro-industrial development and country-wide growth and progress, and relative thereto, shall:
  - (vi) Review the comprehensive land use plans and zoning ordinances of component cities and municipalities and adopt a comprehensive provincial land use plan, subject to existing laws.

- (4) Approve ordinances which shall ensure the efficient and effective delivery of basic services and facilities as provided for under Section 17 of this Code, and, in addition to said services and facilities, shall:
- (i) Adopt measures and safeguards against pollution and for the preservation of the natural ecosystem in the province, in consonance with approved standards on human settlements and environmental sanitation.

**Title Five - Appointive Local Officials Common to all Municipalities, Cities and Provinces**

**Article Fourteen. - The Environment and Natural Resources Officer**

**Section 484. Qualifications, Powers and Duties. -**

- (a) No person shall be appointed environment and natural resources officer unless he is a citizen of the Philippines, a resident of the local government unit concerned, of good moral character, a holder of a college degree preferably in environment, forestry, agriculture or any related course from a recognized college or university, and a first grade civil service eligible or its equivalent. He must have acquired experience in environmental and natural resources management, conservation, and utilization of at least (5) years in the case of the provincial or city environment and natural resources officer, and three (3) years in the case of the municipal environment and natural resources officer.

The appointment of the environment and natural resources officer is optional for provincial, city, and municipal governments.

- (b) The environment and natural resources management officer shall take charge of the office on environment and natural resources and shall:
- (1) Formulate measures for the consideration of the sanggunian and provide technical assistance and support to the governor or mayor, as the case may be, in carrying out measures to ensure the delivery of basic services and provision of adequate facilities relative to environment and natural resources services as provided for under Section 17 of this Code;
- (2) Develop plans and strategies and upon approval thereof by the governor or mayor, as the case may be, implement the same, particularly those which have to do with environment and natural resources programs and

projects which the governor or mayor is empowered to implement and which the sanggunian is empowered to provide for under this Code;

- (3) In addition to the foregoing duties and functions, the environment and natural resources officer shall:
  - (i) Establish, maintain, protect and preserve communal forests, watersheds, tree parks, mangroves, greenbelts and similar forest projects and commercial forest, like industrial tree farms and agro-forestry projects;
  - (ii) Provide extension services to beneficiaries of forest development projects and technical, financial and infrastructure assistance;
  - (iii) Manage and maintain seed banks and produce seedlings for forests and tree parks;
  - (iv) Provide extension services to beneficiaries of forest development projects and render assistance for natural resources-related conservation and utilization activities consistent with ecological balance;
  - (v) Promote the small-scale mining and utilization and mineral resources, particularly mining of gold;
  - (vi) Coordinate with government agencies and non-governmental organizations in the implementation of measures to prevent and control land, air and water pollution with the assistance of the Department of Environment and Natural Resources;
  
- (4) Be in the frontline of the delivery of services concerning the environment and natural resources, particularly in the renewal and rehabilitation of the environment during and in the aftermath of man-made and natural calamities and disasters;

- (5) Recommend to the sanggunian and advise the governor or mayor, as the case may be, on all matters relative to the protection, conservation maximum utilization, application of appropriate technology and other matters related to the environment and natural resources; and

Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

**Approved,      October 10, 1991**