



## LAGUNA LAKE DEVELOPMENT AUTHORITY

### RESOLUTION NO. 23, SERIES OF 1996

#### **Adoption of the Environmental Users Fee System and Approval of the Work and Financial Plan for its Operationalization in the Laguna De Bay basin**

**WHEREAS**, the lakeshore areas are those areas consisting of the strip of the lake bed along its shores alternately submerged or exposed by the annual rising and lowering of the lake water;

**WHEREAS**, the lakeshore areas, with a total area of approximately 14,000 hectares, have environmental/ecological significance and actual potential economic benefits;

**WHEREAS**, other government agencies and local government units and other private entities have proposed development projects within the lakeshore areas which are at various planning stages;

**WHEREAS**, prior to the enactment of P.D. No. 813 in 1975 amending R.A. No. 4850, 51% of the lakeshore areas were either registered under the Torrens System and/or have claimants/occupants who are at present using these lands mainly for agriculture purposes; and

**WHEREAS**, under R.A. No. 4850 as amended, the LLDA is mandated to protect and conserve the water resources of the Laguna de Bay for its various beneficial uses and these objective may be defeated if part of the lakebed is not properly managed and controlled;

**NOW, THEREFORE**, for and in consideration of above premises, BE ITRESOLVED, as it is hereby RESOLVED, to approve the Rules and Regulations Implementing Section 41 (11) of R.A. No. 4850, as amended, Defining and Regulating the Use/Occupancy of Laguna de Bay Shore land Areas attached as Annex A;

**RESOLVED, FURTHER**, that a Lakeshore Development and Management Plan and its Implementing Rules and Regulations including the legal and administrative systems, as well as the fiscal measures for revenue generation from the temporary beneficial uses be formulated for the purpose of carrying out and effecting this declared policy;

**RESOLVED, FINALLY**, that the approved Rules and Regulations Implementing Section 41 (11) of R.A. No. 4850 as amended shall take effect fifteen (15) days after publication in a newspaper of general circulation.

(Signed)  
**JOSED. LINA JR.**  
Vice-Chairman

(Signed)  
**ISAGANIB. VALDELLON**  
Director

(Signed)  
**VICTOR R. SUMULONG**  
Director

(Signed)  
**BERNARDOSAN JUAN**  
Director

(Signed)  
**RICHARD ALBERT I. OSMOND**  
Director

(Signed)  
**MAXIMINOE. PASAYJR.**  
Director

(Signed)  
**ISIDRO B. GARCIA**  
Director

(Signed)  
**CARLOSC. TOMBOC**  
Director

(Published in the Philippine Daily Inquirer on December 14, 1996)

## **RULES AND REGULATIONS IMPLEMENTING SEC. 41 (11) OF R.A. 4850, AS AMENDED**

**ARTICLE 1. Title.** These Rules shall be known and cited as the Implementing Guidelines of Sec. 41 (11) of R.A. 4850, as amended, Defining and Regulating the Use/Occupancy of the Laguna de Bay Shore land Areas.

**ARTICLE 2. Scope of Application.** These rules shall apply to the following:

- a) Existing titled lands with elevation 12.50 meters and below including those titled under Torrens System prior to the enactment of P.D. No. 813 in 1975.
- b) All other areas below elevation 12.50 meters, as referred to a datum 10.00 meters below mean lower low water (M.L.L.W.).

**ARTICLE 3. Definition of Terms.** As used herein, the following words and phrases shall mean as hereunder indicated respectively opposite each:

a) The Laguna de Bay Shoreland Area also known as the “buffer zone” – is that part of the lake bed along the lakeshore lying at elevation 12.50 meters and below and alternately submerged or exposed by the normal annual rising and lowering of the lake levels. Datum elevation is a point 10.00 meters below Mean Lower Low Water (M.L.L.W.). This is a linear strip of open space designed to separate incompatible elements or uses, or to control pollution/nuisance and for identifying and defining development areas or zones.

b) Backyard scale – refers to poultry stock with a population of less than 501 birds.

**ARTICLE 4. Purpose.** These Rules are promulgated to prescribe the guidelines and procedures for the implementation of Sec. 41 (11) of R.A. 4850 as amended, defining and regulating the use/occupancy of Laguna de Bay Shoreland Areas in order to facilitate compliance thereto and achieve the rationale and objective thereof.

**ARTICLE 5. Declaration of Policy.** It is hereby declared the policy of the Authority pursuant to the provision of Republic Act No. 4850 as amended to:

- a) Properly managed and control the use and/or occupancy of the shoreland areas of Laguna de Bay, within the context of national socio-economic development plans and policies and environmental concerns;
- b) Maintain all shoreland areas lying below elevation 12.50 meters as buffer zones in consonance with the Authority's policies, plans and programs for the management of the water quality and protection and conservation of the water resources of the Laguna de Bay;
- c) Exercise administrative and regulatory control on the land use and/or occupancy of the shoreland areas within the context of the plans and programs of the Authority, and to manage such uses and occupancy along desirable environmental considerations;
- d) Provide an administrative system whereby the rights of legitimate title-holders shall be respected.

**ARTICLE 6. Uses of Laguna de Bay Shoreland Areas.** The use of the Laguna de Bay Shoreland Areas shall be strictly regulated as follows:

**Section 1. Allowable Uses.** The following uses/activities may be allowed in all lands located at and below elevation 12.50 meters, subject to the conditions set therefore:

- a) Tree farming/planting
- b) Recreational use provided that no permanent structures shall be constructed.
- c) Agricultural use provided that:
  - c.1 the use of fertilizers shall be regulated based on DA/FPA standards.
  - c.2 use of less persistent pesticides shall be required (Cat. IV of FPA Standards).
  - c.3 Integrated Pest Management is practiced
  - c.4 such use does not result in land reclamation
- d) Fishponds provided that exotic species shall not be allowed.
- e) Poultry provided that only backyard scale shall be allowed
- f) Support facilities such as
  - f.1 dockyard/boat shed
  - f.2 research facilities
  - f.3 fishport
- g) Other uses that will not pose pollution or cause disturbances to the ecological balance of the lake subject to evaluation and approval of the LLDA.

**Section 2. Prohibited Uses.** The following uses/activities are strictly prohibited in all titled and untitled lands below elevation 12.50 meters:

- a) Piggery farms regardless of number of heads
- b) Dumpsites
- c) Housing projects and subdivisions
- d) Factories and other manufacturing and commercial establishments
- e) Quarrying
- f) All other activities that will pose pollution and cause ecological disturbance to the lake.

**ARTICLE 7. Rules and Regulations Governing Existing Titled Lands Below Elevation 12.50 Meters.** In dealing with titled lands located at and below elevation 12.50 meters, the following rules shall apply to wit:

- a) All lands located at and below elevation 12.50 meters with existing titles acquired prior to the approval of Pres. Decree No. 813 of 1975 shall be respected. However, the utilization of these lands for whatever purpose shall be subject to the issuance of a Clearance by the Authority.
- b) No existing titled lands located at and below elevation 12.50 meters shall be allowed to proceed with any development/activity, which will pose problems on lake pollution, water quality management and environmental control of the Laguna de Bay in accordance with the conditions and guidelines set under article 8 of these Rules.

**ARTICLE 8. Rules and Regulations Governing the Untitled Lands Below Elevation 12.50 Meters.**

- a) All applications for registration of lands along the shores of Laguna de Bay, which are situated at and below the reglamentary elevation of 12.50 meters, as referred to a datum 10.00 meters below Mean Lower Low Water (M.L.L.W.), shall be opposed in the DENR-Bureau of Lands and/or in court, as the case may be.
- b) Shoreland areas not otherwise covered by any government development plans, programs or projects may be leased to bonafide residents or duly organized people's organizations, associations or cooperatives in accordance with the terms and conditions and subject to the approval of the Authority;

**ARTICLE 9. Responsibility for Enforcement Monitoring.** The enforcement of these Implementing Rules and Regulations shall be monitored by the Laguna Lake Development Authority in coordination with the Local Government units concerned.

- a) Monitor on-going/existing projects in the leased areas and issue notices of violation and orders to occupants who are violating these rules and refer subsequent actions thereon to the General manager;
- b) Conduct the necessary technical/field verifications and appropriate spot-checking of the proponent's activities;
- c) Call upon and coordinate with the Legal division for enforcement of all orders or processes pursuant to these Rules;
- d) Coordinate with the Legal division for other legal actions/remedies relative to the foregoing;
- e) Act on all complaints regarding violation of these Rules including opposition to applications for lease and permits and refer said complaints to Legal Division for appropriate sanctions consistent with existing laws and rules;

f) Forward to the General Manager appeals/decisions including records of such appealed cases;  
and

g) Perform such functions implied from inherent in or incidental to the foregoing.

**ARTICLE 10. Quarterly Reports.** Reports of accomplishments/activities together with the duplicate copies of clearances, permits, orders or decisions issued or exceptions allowed or actions taken shall be prepared quarterly and submitted to the Board of Directors through the Chairman and the General Manager.

**ARTICLE 11. Effective Clause.** These Rules and Regulations shall take effect fifteen (15) days after publication in a newspaper of general circulation.