Republic of the Philippines
Province of Cebu
SANGGUNIANG PANLALAWIGAN
Cebu Capitol, Cebu City

16th SP **81st** **Session**

EXCERPT FROM THE MINUTES OF THE 17th REGULAR SESSION, CY 2024 HELD BY THE SANGGUNIANG PANLALAWIGAN OF CEBU, AT THE SESSION HALL, LEGISLATIVE BUILDING, CAPITOL COMPOUND, CEBU CITY ON MAY 20, 2024.

PRESENT:

Vice-Governor Hilario P. Davide III	Presiding Officer
Hon. Victoria G. Corominas-Toribio	Floor Leader
Hon. Raul D. Bacaltos	Sanggunian Member
Hon. Raymond Joseph D. Calderon	Sanggunian Member
Hon. Stanley S. Caminero	Sanggunian Member
Hon. Minuel Carmela N. Franco	Sanggunian Member
Hon. Kerrie Keane G. Shimura	Sanggunian Member
Hon. Andrei Duterte	Sanggunian Member
Hon. Michael Joseph T. Villamor	Sanggunian Member
Hon. Glenn Anthony O. Soco	Sanggunian Member
Hon. Cesar A. Baricuatro	Sanggunian Member
Hon. Jerome Christian V. Librando	Sanggunian Member
Hon. Ricardo D. Pepito	Sanggunian Member (PCL)

ON OFFICIAL BUSINESS:

Hon. John Ismael B. Borgonia	Sanggunian Member
Hon. Celestino A. Martinez III	Sanggunian Member (LNB)
Hon. Loren S. Singco	Sanggunian Member (PPSK)

ON LEAVE:

Hon. Yolanda L. Daan	Presiding Officer Pro Tempore
Hon. Thadeo Jovito M. Ouano	Assistant Floor Leader

RESOLUTION NO. 1279-2024

AUTHOR: HON. ANDREI DUTERTE

WHEREAS, the State is the trustee of all natural resources which are by nature meant for public use and enjoyment;

WHEREAS, the public at large is the beneficiary of the seashore, running waters and waterfalls, forest, and ecologically fragile lands meant for public use;

WHEREAS, pursuant to the Public Trust Doctrine, certain natural resources belong to all and cannot be privately owned or controlled because of the inherent importance to each individual and society as a whole;

WHEREAS, this doctrine reaffirms the superiority of public rights over private rights for critical resources such as water resources and impresses upon the government the affirmative duty of that of a trustee to manage these natural resources for the benefit of the present and future generations, and embodies key principles of environmental protection of stewardship, communal responsibility, and sustainability;

WHEREAS, one of the tourist attractions in the Province of Cebu, specifically in the Municipalities of Badian, Alegria, Ginatilan, and Malabuyoc, is the canyoneering activity;

WHEREAS, there is a need to strictly supervise and regulate the conduct of canyoneering activities by mandating ecological ethics and observance of the nature's carrying capacity so as to preserve its beauty for the present and future generations to treasure and enjoy wonderment;

WHEREAS, the Office of the Governor issued an Executive Order dated October 26, 2023, that promulgates the general guidelines for all canyoneering activities in the jurisdiction of the Province of Cebu;

WHEREAS, Section 16 of the Local Government Code has granted unto the Province of Cebu express powers and those that are necessarily implied therefrom, as well as powers which are necessary, appropriate, or incidental for its efficient and effective governance, and mandates to ensure and support the enhancement of the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature;

NOW, THEREFORE, on motion of Member/Author, **Hon. ANDREI DUTERTE,** duly seconded by Members, **Hon. MICHAEL JOSEPH T. VILLAMOR** and **Hon. CESAR A. BARICUATRO,** be it

RESOLVED to enact, as it is hereby **ENACTED,** the following:

ORDINANCE NO. 2024-04

AN ORDINANCE PROMULGATING THE GENERAL GUIDELINES FOR ALL CANYONEERING ACTIVITIES IN THE JURISDICTION OF THE PROVINCE OF CEBU.

The **Sangguniang Panlalawigan of Cebu,** hereby **ORDAINS,** that:

CHAPTER I

GENERAL GUIDELINES GOVERNING ALL CANYONEERING ACTIVITIES IN THE JURISDICTION OF THE PROVINCE OF CEBU

SECTION 1. SHORT TITLE. This Ordinance shall be known as the **"CANYONEERING GUIDELINES".**

SECTION 2. PERSONS AND ENTITIES ALLOWED TO ENGAGE IN CANYONEERING AND OTHER RELATED BUSINESS AND OCCUPATIONAL ACTIVITIES. The following persons and entities may engage in canyoneering and other related business and occupational activities:

a. Canyoneering Tour Guides;

b. Canyoneering Operators;

c. Other persons engaged in different occupations as may be allowed by the Province of Cebu and subject to clearance and accreditation requirements as likewise determined and required by the latter; and

d. Other types of businesses as may be allowed by the Province of Cebu and subject to clearance and accreditation requirements as likewise determined and required by the latter.

SECTION 3. CLEARANCE AND ACCREDITATION. No entity or person shall be allowed to conduct business or occupation in relation to canyoneering activities without first securing clearance from the concerned municipality and accreditation from the Province of Cebu.

SECTION 4. REQUIREMENTS. Before an accreditation certificate and the corresponding identification card shall be issued by the Province of Cebu, the following requirements must be complied with:

FOR CANYONEERING OPERATORS AND ALLOWED BUSINESS PROVIDERS:

a. Application Form as prescribed;

b. Payment of Accreditation Processing Fee;

c. Proof of Bureau of Internal Revenue (BIR) Registration;

d. Any government-issued Identification Card or Community Tax Certificate; and

e. Other requirements as may be required by the Province of Cebu.

FOR CANYONEERING GUIDES:

a. Certificate of Completion from the Department of Tourism, which shall be renewable after two (2) years and subject to compliance with continuing training and seminar; and

b. Other requirements as may be deemed necessary and required by the Province of Cebu.

FOOD PROVIDERS:

a. Sufficient proof of food handling training, such as certifications, issued by the Department of Tourism Region VII; and

b. Other requirements as may be deemed necessary and required by the Province of Cebu.

SECTION 5. ESTABLISHMENT OF TOURIST HOLDING CENTERS. In every municipality where the canyoneering site is located, a Tourist Holding Center shall be established wherein the following shall be observed and followed:

a. Every canyoneering tourist shall register at the established Canyoneering Tourist Holding Center;

b. Every canyoneering tourist shall sign the Dos and Don'ts Forms;

c. Every canyoneering tourist shall sign a waiver or release of liability wherein he or she agrees not to hold another party, such as the Province of Cebu, the concerned municipality, among others, liable for damage or injury;

d. Every canyoneering tourist shall also sign a health declaration form to confirm that he or she is physically fit to do canyoneering activities; and

e. Thereafter, a special wristband and canyoneering gear or equipment shall be given to each canyoneering tourist, to be worn all the time during the said activities.

SECTION 6. DESIGNATION OF AUTHORIZED PARKING ZONES OR AREAS. In every Local Government Unit where the canyoneering site is located, there shall be designated parking zones or areas for tourists. Pedestrian lanes, walkways, maps, signages, and other infrastructures must be established to ensure the safety and guidance of tourists, drivers, and their respective vehicles.

SECTION 7. GUIDELINES ON THE PROPER CONDUCT AND DEMEANOR OF TOUR GUIDES. No canyoneering tour guide shall be allowed to report for duty unless:

a. He or she has registered his or her attendance in the official logbook of the Tourist Holding Center, and his or her name is written or posted on the bulletin board containing the list of official guides in the consecutive order of their duty;

b. He or she should not be under the influence of alcohol or any illegal drugs, otherwise, he or she will not be allowed to enter the canyoneering site and may be subjected to appropriate sanctions; and

c. He or she is in proper uniform, wearing the accreditation card, and in compliance with other requirements as may be determined by the Province of Cebu.

The aforesaid guidelines shall be observed all the time, otherwise, penalties or sanctions may be imposed by the Province of Cebu.

SECTION 8. DESIGNATION OF STRICT PROHIBIT ZONE. No person is allowed to enter, swim, or tarry inside the well-delineated and marked Prohibit Zone. In this regard, the concerned municipality shall assign an adequate number of personnel on duty to enforce the aforesaid restrictions.

SECTION 9. OPERATING HOURS. The canyoneering activities shall be open daily between the hours of 6:00 A.M. and 6:00 P.M., unless otherwise closed for clean-up or due to safety concerns.

SECTION 10. NO-BUILD AND NO BUSINESS ACTIVITY ZONE. No person shall build a structure, whether makeshift or permanent, nor conduct economic or business occupation within the 20-meter easement zone of the waterfalls and its outflow river where canyoneering activities take place.

SECTION 11. ZERO-GARBAGE POLICY. All waste garbage generated by any person, whether a tourist, local resident, or service personnel, shall not be left at any canyoneering sites.

SECTION 12. NO DRINKING OF ALCOHOLIC BEVERAGES. No person shall be allowed to bring inside canyoneering sites any alcoholic beverages except for food and drinks allowed by the Province of Cebu, nor shall anyone be allowed to drink alcohol or alcoholic beverages within the zone.

SECTION 13. TOUR GUIDE IN EVERY CANYONEERING ACTIVITY. To ensure the safety of all canyoneering tourists, no canyoneering tourist shall be allowed to do any canyoneering activity without an accompanying accredited tour guide. In this regard and as a matter of policy, there should be one (1) tour guide for every one (1) canyoneering tourist, unless otherwise provided by the Province of Cebu.

SECTION 14. MAXIMUM NUMBER OF CANYONEERING TOURISTS PER DAY. In every municipality where canyoneering activities are available for tourists, only a maximum of one thousand (1,000) canyoneering tourists shall be accepted and allowed per day for canyoneering activities. However, the Province of Cebu may change the said number when it is deemed necessary.

SECTION 15. PERSONS UNDER THE INFLUENCE OF ALCOHOL OR ILLEGAL DRUGS. Any person, including tourists and canyoneering guides, who is under the influence of alcohol or illegal drugs shall not be allowed to be part of any canyoneering activities.

SECTION 16. ONLINE BOOKING. The Province of Cebu shall adopt an online booking system for canyoneering tourists. As such, operators and other concerned stakeholders shall observe this booking system and other systems for booking purposes as may be required by the Province of Cebu.

CHAPTER II

OPERATION AND MANAGEMENT OF ALL CANYONEERING ACTIVITIES BY THE PROVINCIAL GOVERNMENT OF CEBU

SECTION 17. OPERATION AND MANAGEMENT BY THE PROVINCE OF CEBU. All canyoneering activities in the jurisdiction of the Cebu Province shall be operated and managed by the Provincial Government of Cebu.

SECTION 18. TOURIST FEE. The Province of Cebu shall prescribe or fix a Tourist Fee in the amount of Two Thousand Pesos (PHP2,000.00) per canyoneering tourist. However, when it is deemed necessary, the Province of Cebu may change the said Tourist Fee from time to time. Additionally, the breakdown of the PHP2,000.00 tourist fee is as follows:

i. Tour Guide – PHP500.00;
ii. The concerned municipality – PHP500.00;
iii. Accredited Operator – PHP400.00
iv. Food – PHP150.00;
v. Water and Candy Bar or Energy Pack – PHP100.00;
vi. Rent for canyoneering gear/equipment – PHP150.00;
vii. Administrative/Environment Regulatory Fee – PHP200.00.

For motorcycle rides from LGU-Accredited Motorcycle Drivers that may be availed of by canyoneering tourists, the Province of Cebu hereby fixes the fare in the amount of One Hundred Pesos (PHP100.00), subject to adjustment as may be deemed necessary and allowed by the Province of Cebu.

SECTION 19. COLLECTION OF FEES. Fees paid by tourists for canyoneering activities shall only be collected by the Province of Cebu or its duly authorized representatives.

SECTION 20. DISTRIBUTION OF REVENUES. Revenues from the canyoneering activities shall be distributed to the stakeholders, namely, the Province of Cebu, the concerned municipality where the canyoneering site is located, the operators/businesses, Tour Guides/Lifeguards, food providers, and other persons who have rightful shares from the revenue collected. The concerned municipality and accredited operator shall receive their revenue shares every 15th and 30th day of the month, while daily distribution of shares shall apply to Tour Guides, food providers, and other persons as may be determined by the Province of Cebu.

SECTION 21. MECHANISM FOR THE COLLECTION OF TOURIST FEES AND DISTRIBUTION OF REVENUES. Within a reasonable time, the Province of Cebu shall develop an effective and transparent mechanism for the collection of Tourist Fees for canyoneering activities and the distribution of revenues to all concerned stakeholders.

SECTION 22. CANYONEERING GEAR OR EQUIPMENT. The Province of Cebu shall provide gear or equipment for canyoneering tourists, such as specialized life jackets, helmets, and other gear or equipment as may be deemed necessary.

CHAPTER III

THE POLITICAL BOUNDARY OF THE MUNICIPALITY OF BADIAN AND THE MUNICIPALITY OF ALEGRIA AND THEIR CORRESPONDING CANYONEERING JUMP SITES

SECTION 23. CONCLUSIVE PROOF OF POLITICAL BOUNDARY. The Political Boundary of the Municipality of Badian and the Municipality of Alegria is determined and identified through the Sketch Plan, which is issued by the Department of Environment and Natural Resources-Region VII (DENR-7) and signed by Engineer Adriano P. Odal and Engineer Bradley G. Piencenaves.

SECTION 24. EXACT LOCATIONS OF ALEGRIA JUMPS AND BADIAN JUMPS. It is hereby determined and identified, through the Memorandum dated July 19, 2023 of DENR-7, which was signed by Archie N. Abendan, Khevin B. Bernaldo, Nilo P. Bayron, Adriano P. Odal, Bradley G. Piencenaves, and the Chief of Surveys and Mapping Division, Leonisita A. Semblante, that:

- Alegria jump 1, Alegria jump 2, Alegria jump 3, Alegria jump 4 (same location as Badian jump 1), and Alegria jump 5 (same location as Badian jump 2) are inside the Municipality of Alegria; and

- Badian jump 3 (same location as Alegria jump 6), Badian jump 4 (same location as Alegria jump 7), Badian jump 5, Badian jump 6 (3rd level waterfalls), Badian jump 7 (2nd level waterfalls), and Kawasan waterfalls (1st level waterfalls) are inside the Municipality of Badian.

SECTION 25. CANYONEERING ACTIVITY IN BOTH MUNICIPALITIES. Canyoneering tourists of the Municipality of Badian who will start canyoneering activity at Alegria Jumps 1, 2, or 3 shall be required to pay an additional One Thousand Pesos (PHP1,000.00) tourist fee. On the other hand, canyoneering tourists of the Municipality of Alegria who will reach and avail of the Badian Jumps 5, 6, and 7 to exit Kawasan Falls shall be required to pay an additional One Thousand Pesos (PHP1,000.00) tourist fee.

CHAPTER IV

FINAL PROVISIONS

SECTION 26. SEPARABILITY CLAUSE. If, for any reason, any provision, section, or part of this Ordinance is declared not valid by a Court of competent jurisdiction, such judgment shall not affect or impair the remaining provisions, sections, or parts, which shall continue to be in force and effect.

SECTION 27. APPLICABILITY CLAUSE. All other matters relating to the impositions in this Ordinance shall be governed by pertinent provisions of existing laws and other ordinances.

SECTION 28. REPEALING CLAUSE. All ordinances, rules and regulations or part thereof, in conflict with, or inconsistent with any provisions of this Ordinance are hereby repealed or modified accordingly.

SECTION 29. PENALTIES OR FINES. Any person who violates any provisions of this Ordinance shall be penalized by imprisonment of not more than 1 year or shall be fined in the amount not exceeding Five Thousand Pesos only (PHP5,000.00) or both, in the discretion of the competent court. Additionally, tour guides, lifeguards, and other covered persons may be stripped of their accreditation should they be found to violate any provisions of this Ordinance and/or its subsequent issuance in relation thereto. An administrative fine shall also be charged against violators. The amount and collection thereof shall be the subject of an ordinance, which shall be enacted by the concerned Local Government Unit.

For the purpose of verifying allegations of violations as stated herein and the collection of administrative fine, a body shall be organized composed of representatives from the concerned Municipalities and the Province of Cebu. The body shall ensure a fair implementation of the penalty clause herein.

SECTION 30. IMPLEMENTING RULES AND REGULATIONS. An Implementing Rules and Regulations may be issued by the Province of Cebu to specify and clarify other sections or provisions of this Ordinance.

SECTION 31. ADOPTION OF THE EXECUTIVE ORDER DATED OCTOBER 26, 2023. All consistent provisions in the aforesaid Executive Order dated October 26, 2023, which already took effect on October 26, 2023, are hereby recognized and adopted by this Ordinance.

SECTION 32. EFFECTIVITY. This Ordinance shall take effect immediately after 15 days after publication in a newspaper of general circulation.

ENACTED AND CARRIED UNANIMOUSLY.

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Certified true and correct:

PULCHRA MARIE E. ACEVEDO
Secretary to the Sangguniang Panlalawigan

ATTESTED:

HILARIO P. DAVIDE III
Vice-Governor/Presiding Officer

GWENDOLYN F. GARCIA
Provincial Governor

APPROVED: JUN 18 2024

COPY FOR:

All LGUs in the Province of Cebu

Governor Gwendolyn F. Garcia

Provincial Legal Office

Provincial Tourism Office

COPY FURNISHED:

Hon. Andrei Duterte

PMEA/vna/nmo