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. 1278-2024

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 their 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, the KAWASAN WATERFALL has been recognized as one of the most beautiful waterfalls in the world, but after its devastation by Super Typhoon Odette (Rai) on December 16, 2021, the waterfall was closed for visits due to hazards from toppled structures laid wastes around the bank of its lake and along the bank of its outflow;

WHEREAS, there is a need to strictly supervise and regulate the conduct of tour activities in the waterfall and within its environs and tributaries by mandating ecological ethics and observance of nature's carrying capacity so as to preserve Kawasan's 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 activities within the Kawasan Waterfall Eco-Tourism Zone in the Municipality of Badian;

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 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 Member, **Hon. RAUL D. BACALTOS,** be it

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

ORDINANCE NO. 2024-03

AN ORDINANCE PROMULGATING THE GENERAL GUIDELINES FOR KAWASAN WATERFALL ECOLOGY TOURISM ZONE ACTIVITIES IN THE MUNICIPALITY OF BADIAN.

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

CHAPTER 1

GENERAL GUIDELINES GOVERNING KAWASAN WATERFALL ECOLOGY TOURISM ZONE AND ECONOMIC-RELATED ACTIVITIES.

SECTION 1. SHORT TITLE. This Ordinance shall be known as the "**KAWASAN WATERFALL ECO-TOURISM ZONE GUIDELINES**".

SECTION 2. PERSONS ALLOWED TO ENGAGE INTO ECO-TOURISM BUSINESS AND OCCUPATION IN THE KAWASAN WATERFALL ECO-TOURISM ZONE. The following persons or entities may engage in eco-tourism business and occupation within the Kawasan Waterfall Eco-Tourism Zone:

a. Tour Guides;
b. Lifeguards; and

c. Other types of businesses or 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.

SECTION 3. CLEARANCE AND ACCREDITATION. No entity or person shall be allowed to conduct business or occupation within the Kawasan Waterfall Eco-Tourism Zone without first securing clearance from the Municipality of Badian 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 QUALIFIED 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 a Community Tax Certificate; and

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

FOR TOUR GUIDES:

a. Certificate of Training 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 and required by the Province of Cebu.

FOR LIFEGUARDS:

a. Certificate of Training Completion from the Philippine Coast Guard or any competent government agency 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 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 and required by the Province of Cebu.

SECTION 5. ESTABLISHMENT OF TOURIST HOLDING CENTER. A Tourist Holding Center shall be established wherein the following shall be observed and followed:

a. Every tourist intending to visit Kawasan Falls 1 for communion with nature and sightseeing, among others, shall register at the Tourist Holding Center;

b. Every tourist shall sign the declaration agreement of Dos and Don'ts;

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

d. Every tourist shall also sign a health declaration form to confirm that he/she is physically fit to do the tourism activities;

e. Every tourist is required to undergo a briefing about the Kawasan Waterfall and its allowed activities; and

f. Thereafter, a special wristband, and gear or equipment, if needed in the activity, shall be given to each tourist and to be worn all the time during the said activities.

SECTION 6. TOUR GUIDES FOR TOURISTS. Every tourist shall be accompanied by an accredited tour guide while inside the Kawasan Waterfall Eco-Tourism Zone. In that regard, one (1) tour guide shall accompany a maximum of eight (8) tourists or less on a single occasion. However, when it is deemed necessary, the Province of Cebu may change the number of tourists that a tour guide can accompany.

SECTION 7. DESIGNATION OF AUTHORIZED PARKING AREAS OR ZONES. There shall be designated and accredited authorized parking zones while inside the Kawasan Waterfall Eco-Tourism Zone: (1) The parking area of the Matutinao Catholic Church and (2) other locations which may be designated later by the Province of Cebu. A pedestrian lane, which shall be manned by a traffic aide, shall be established and engaged by the concerned local government unit to ensure the safety of tourists or any pedestrian.

SECTION 8. NUMBER OF HOURS INSIDE THE KAWASAN WATERFALL ECO-TOURISM ZONE. A tourist shall only be allowed to stay inside the Kawasan Waterfall Eco-Tourism Zone for three (3) hours. However, an extension of one (1) hour is allowed provided, the required approval is first secured and subject to payment of additional tourist fees. Additionally, no tourist shall be accepted and allowed to enter inside the Kawasan Waterfall Eco-Tourism Zone beyond 3:00 o'clock in the afternoon or any time as may be determined by the Province of Cebu to ensure that no more tourists are inside the zone beyond 6:00 P.M.

SECTION 9. GUIDELINES ON THE PROPER CONDUCT AND DEMEANOR OF TOUR GUIDES AND LIFEGUARDS. No tourist guide or lifeguard shall be allowed to report for duty unless:

a. He or she has registered his or her attendance on the official logbook of the Tourist Holding Center and his or her name written or posted on the bulletin board containing the list of official tour guides and lifeguards in 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 Kawasan Waterfall Eco-Tourism Zone 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 10. DESIGNATION OF STRICT PROHIBITION ZONE. No person is allowed to enter, swim, or tarry inside the well-delineated and marked Prohibited Zone. In this regard, the Municipality of Badian shall assign at least two (2) lifeguards or personnel on duty during the eco-tourism operating hours and enforce the said restrictions.

SECTION 11. OPERATING HOURS AND DAILY NUMBER OF TOURISTS. The Kawasan Waterfall Eco-Tourism Zone shall be open daily for visit, sight-seeing, swimming, and other activities allowed by the Province of Cebu between the hours of 6:00 o'clock in the morning until 6 P.M. unless otherwise closed for clean-up or due to safety concerns. Additionally, the maximum number of tourists permitted to access and explore the Kawasan Waterfall Eco-Tourism Zone each day may also be determined or set by the Province of Cebu.

SECTION 12. NO-BUILD AND NO-BUSINESS ACTIVITY ZONE. No person shall build a structure, whether makeshift or permanent, nor conduct any economic or business occupation within the 20-meter easement zone of the waterfall and its outflow Matutinao River. However, with respect to economic or business occupation, the same may be allowed provided it is sanctioned by this Ordinance and/or with express approval from the Province of Cebu.

SECTION 13. ZERO-GARBAGE POLICY. All waste garbage generated by any person, whether a tourist, local resident, or service personnel shall be brought out from the zone by the generator himself and nothing shall be left at any of the activity sites.

SECTION 14. NO FOOD AND ALCOHOLIC BEVERAGE. No person shall be allowed to bring inside the Kawasan Waterfall Eco-Tourism Zone food and 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 15. TECHNICAL DESCRIPTIONS BASED ON CADASTRAL DATA. The Technical Descriptions of the river and the 20-meter each side, which starts from the bridge near the Matutinao Church to the second level Kawasan Waterfalls, are hereto attached as Annex "**A**" for reference purposes and to determine the aforementioned zones of this Ordinance.

However, despite the fact that said Technical Descriptions include the second level Kawasan Waterfalls, Kawasan tourists shall not be allowed to enter the second level unless it is allowed by the Province of Cebu. Additionally, other areas in Kawasan not specifically mentioned in this Ordinance shall remain protected in accordance with existing laws, rules and regulations, among others.

SECTION 16. PERSONS UNDER THE INFLUENCE OF ALCOHOL OR ILLEGAL DRUGS. Any person, including tourists, who is under the influence of alcohol or illegal drugs, shall not be allowed to enter or access the Kawasan Waterfall Eco-Tourism Zone.

CHAPTER II

OPERATION AND MANAGEMENT OF THE KAWASAN WATERFALL ECOLOGY TOURISM ZONE ACTIVITIES

SECTION 17. OPERATION AND MANAGEMENT BY THE PROVINCE OF CEBU. The Kawasan Waterfall Ecology Tourism activities as provided under Chapter I shall be operated and managed by the Province of Cebu.

SECTION 18. TOURIST FEE. The Province of Cebu shall collect a Tourist Fee in the amount of Two Hundred Pesos (Php200.00) per 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 aforesaid Two Hundred Pesos (PHP200.00) Tourist Fee is as follows:

- For the Municipality of Badian, Environmental and Users Fee – PHP100.00
- For the Province of Cebu, Administrative Fee – PHP100.00

Moreover, the breakdown of the One Hundred Pesos (PHP100.00) allocation for the Municipality of Badian will be determined through a separate ordinance from the Local Government Unit of Badian.

SECTION 19. COLLECTION OF TOURIST FEES. Tourist Fees for the Kawasan Waterfall Ecology Tourism activities shall only be collected by the Province of Cebu or its duly authorized representatives.

SECTION 20. DISTRIBUTION OF REVENUES. Revenues for the Kawasan Waterfall Ecology Tourism activities shall be distributed to the stakeholders, namely, the Province of Cebu, the Municipality of Badian, Tour Guides/Lifeguards, and other persons or entities who have rightful shares from the revenue collected. The Municipality of Badian and other providers as may be determined by the Province of Cebu shall receive their revenue shares every 15th day and 30th day of the month while Tour Guides/Lifeguards and other persons as may be determined by the Province of Cebu shall receive their shares daily.

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 from the Kawasan Waterfall Ecology Tourism activities and for the distribution of revenues to all concerned stakeholders.

SECTION 22. GEAR OR EQUIPMENT. The Province of Cebu shall provide gear or equipment for tourists, such as specialized life jackets, and helmets, among others, as may be deemed necessary. In that regard, the Province of Cebu may charge a reasonable usage fee to that effect.

CHAPTER III

FINAL PROVISIONS

SECTION 23. 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 24. 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 25. 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 26. PENALTIES OR FINES. Any person who violates any provisions of this Ordinance shall be penalized by imprisonment of not more than one (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 collection of an administrative fine, a Body shall be organized, composed of representatives from the Municipality of Badian and the Province of Cebu. The Body shall ensure a fair implementation of the penalty clause herein.

SECTION 27. IMPLEMENTING RULES AND REGULATIONS. The implementing rules and regulations may be issued by the Province of Cebu to specify and clarify other sections or provisions of this Ordinance.

SECTION 28. 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 29. EFFECTIVITY. This Ordinance shall take effect immediately after fifteen (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:

Governor Gwendolyn F. Garcia

Local Government Unit of Badian, Cebu

Provincial Legal Office (PLO)

Provincial Tourism Office

COPY FURNISHED:

Hon. Andrei Duterte

PMEA/vna/smb