



OFFICE OF THE GOVERNOR

EXECUTIVE ORDER NO. 19 Series of 2022

RULES AND REGULATIONS IMPLEMENTING PROVINCIAL ORDINANCE NO. 010-2010, ALSO KNOWN AS "AN ORDINANCE PROHIBITING THE POSTING OF ADVERTISEMENTS AND OTHER FORMS OF INFORMATION MATERIALS OR PARAPHERNALIA ON TREES WITHIN THE PROVINCE OF ORIENTAL MINDORO, IMPOSING PENALTIES FOR VIOLATIONS THEREOF, AND APPROPRIATING FUNDS THEREFOR"

Pursuant to the authority defined under Section 465 (b) (2) (iii) of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, the following Rules and Regulations are hereby promulgated for the guidance and compliance of all concerned.

RULE I GENERAL PROVISIONS

SECTION 1. Title. - These Rules shall be known and cited as the Implementing Rules and Regulations of Provincial Ordinance No. 010-2010 also known as "*Tree Protection Ordinance of Oriental Mindoro.*"

SECTION 2. Purpose. - These Implementing Rules and Regulations are promulgated to prescribe the necessary rules, regulations and guidelines for the protection of all kinds of trees planted within the area of jurisdiction of the Province of Oriental Mindoro; to ensure the normal and healthful existence of all kinds of trees in the province; and to prevent the ill-effects of rampant and irresponsible posting on advertisements and other forms of information materials.

RULE II DECLARATION OF POLICY AND OBJECTIVES

SECTION 3. Declaration of Policy. - The provisions of this IRR are in line with the policy of the State to protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature. This follows the policy of the Provincial Government of Oriental Mindoro to recognize the major and crucial role of trees in the maintenance of the province's ecological stability, and to conserve planted or growing trees, flowering plants, shrubs, plants of ornamental value along public and private grounds, plazas, parks, school premises, or in any other public places.

RULE III DEFINITION OF TERMS

SECTION 4. Definition of Terms. - As used in these Rules, the following terms are defined as follows:

- a) **Advertising and Posting of other Forms of Information Materials or Paraphernalia** - advertising which directs to a business profession, commodity, service, or entertainment conducted; sold or offered at a place other than where the business or profession is located which includes promoting, giving notice or calling the attention of the public whether for commercial, political or educational purposes, through the use of posters, banners, billboards, or any advertising signs such as, but not limited to, fliers, tarpaulins, billboards, brochures or pamphlets, regardless of size and material used.
- b) **Person** - A natural or juridical being recognized by law and vested with rights.

- c) **Prohibited Posting of Advertisements and Other Forms of Information Materials or Paraphernalia on a Tree** - the act of attaching, hanging, fastening, fixing, appending or posting advertisements and other forms of information materials on any part of a tree, with the use of nails, screws, sticks, wires, clips, glues and other similar materials.
- d) **Tree** - All species of perennial woody plant, whether exotic or endemic to the province and regardless of age, height and size. It includes forest, farm, fruit-bearing or ornamental trees and other plant resembling trees such as, but not limited to, fern trees, palm trees and bamboo, except for plants placed inside homes, offices, buildings or laboratories, which are used for aesthetic, ornamental or research purposes, such as, but not limited to, bonsai plants.

RULE IV APPLICATION AND COVERAGE

SECTION 5. Application and Coverage. - This ordinance shall apply to all persons, whether natural or juridical, taken individually or by a group, of whatever nationality, with place of residence anywhere, provided, he/she is found within the jurisdiction of the province.

This ordinance shall cover all kinds of trees planted on public or private lands, including public areas, within the jurisdiction of the Province of Oriental Mindoro.

RULE V PROHIBITED ACTS

SECTION 6. Prohibited Acts. - The following acts/activities are prohibited in the Province of Oriental Mindoro:

- a) Posting of advertisements and other forms of information materials or paraphernalia, display signs, campaign-related materials, billboards, business, electrical, traffic, and ground signs of whatever size and made of any material, on all kinds of trees, planted on parcels of land, inalienable or alienable, owned by private individuals, government entities or those of the public domain.
- b) Directing or instructing an individual or group to post advertisements and all other forms of information and campaign materials on all trees found within the jurisdiction of the province.
- c) Conniving and conspiring with an individual or group that is posting any form of information materials on all trees found in the province.
- d) Hiring the services of an individual or group to post advertisement materials on any tree found in the province.

SECTION 7. Offenders. - The above acts may be committed by a person, whether natural or juridical, or by a group of persons. It may similarly be committed by any officer/official of a company or corporation, any person acting in its behalf, or by any public officer or employee.

SECTION 8. Exception. - The prohibited act of posting of advertisements and other forms of information materials or paraphernalia on all kinds of trees does not apply to trees or plants found inside a house, office, building or laboratory, which are primarily used for aesthetic, ornamental or research purposes, such as but not limited to, bonsai plants.

RULE VI PENAL SANCTIONS

SECTION 9. Penalty Clause. –

- a) Any individual or group of individuals caught in the act of posting any form of advertisement materials on covered trees shall be penalized as follows:
 - i. First Offense - a fine of Two Thousand Pesos (P2,000.00) or imprisonment of four (4) days, or both fine and imprisonment upon the discretion of the court;
 - ii. Second Offense - a fine of Three Thousand Five Hundred Pesos (P3,500.00) or imprisonment of ten (10) days or both fine of imprisonment, upon the discretion of the court; and
 - iii. Third and Succeeding Offenses - a fine of Five Thousand Pesos (P5,000.00) or imprisonment of thirty (30) days, or both fine and imprisonment upon the discretion of the court.
- b) If it is found that a company or a business establishment has directed, instructed, hired, or connived with, an individual or group of individuals to post advertisement materials on trees found in the province, its President or General Manager or other person acting in behalf of either the President or General Manager shall be held liable. In case of sole proprietorship, the owner or proprietor or the person acting in its behalf shall be held liable.
- c) Any public officer or employee who violates this ordinance shall be subject to administrative disciplinary action, and if the prohibited act be done within the election period, he/she shall be prosecuted under the Election Laws and Guidelines of the Commission on Elections, with the imposition of the appropriate penalties provided thereof.

RULE VII PAYMENT AND UTILIZATION OF FINES

SECTION 10. Payment and Use of Fines. -

- a) The fine to be imposed for violation of the Ordinance and this IRR shall be paid to the Treasurer of the city/municipalities where the offense took place, who shall thereafter remit the collection to the Provincial Treasurer at the end of every month, subject to the discretion of the Honorable Court.
- b) The revenue collected out of the imposition of fine shall be annually apportioned between the Provincial Government of Oriental Mindoro and the respective barangays for a sharing scheme of twenty percent (20%) and eighty percent (80%), respectively.
- c) The proceeds of the fine shall be placed in a trust fund to serve as the fund source of the *Kalikasan Fund*.
- d) The *Kalikasan Fund* shall be exclusively utilized by the Provincial Government and the Barangays for programs, projects or activities intended for the protection and rehabilitation of the environment such as, but not limited to tree planting, mangrove rehabilitation and production of seedlings (nursery).

RULE VIII ENFORCEMENT AND IMPLEMENTATION

SECTION 11. Enforcement and Implementation. - The Task Force on Anti-Posting on Trees composed of the Provincial Government – Environment and Natural Resources Office (PG-ENRO), Community Environment and Natural Resources Office (CENRO), Municipal Environment and Natural Resources Office (MENRO), all law enforcement agencies, Barangay League President, all Barangay Officials, all Barangay Tanods and those who are deputized by government enforcement agencies are hereby created which shall hold primary responsibility over the enforcement of the laws, rules and regulations governing the Ordinance and its IRR.

It shall be the joint responsibility of the Task Force to coordinate and cooperate with one another to fully enforce the provisions of the Ordinance and this IRR. The Task Force may call upon any other government offices, instrumentalities or agencies to seek assistance in this endeavor.

Pursuant to the designation of the above-mentioned government officials and employees, these agencies shall consult the Provincial Legal Office (PLO) on all related questions, legal or factual, in the enforcement of the Ordinance and this IRR, whenever the necessity arises, before taking any specific action on the matter.

SECTION 12. Disposition of Posted Advertisements and other Forms of Materials. - All posted advertisements or information materials removed from trees shall be destroyed by the Task Force within thirty (30) days from apprehension, without returning the copies to the owner. Except, when the said advertisements, paraphernalia and informative materials are mandated to be presented to the Court as evidence in a judicial proceeding.

SECTION 13. Liability for Damages. - The herein named enforcement and implementing agencies, their officials and employees, cannot be held liable, criminally, civilly or administratively, for the removal of advertisements or other forms of information or paraphernalia posted on trees, and/or for causing minor damage on the affected trees who are acting within their authority and in the actual performance of their duties and responsibilities.

RULE IX FUNCTIONS, COMPOSITION, AND RESPONSIBILITIES OF THE TASK FORCE

SECTION 14. Lead Agency. The PG-ENRO is hereby designated as the Chairman of the Task Force on Anti-Posting on Trees. The Task Force shall be under the supervision and control of the Provincial Governor.

SECTION 15. Creation of the Task Force on Anti-Posting of Trees. The Task Force on Anti-Posting of Trees is hereby established which shall be composed of the following:

Chairpersons : **CHAIRPERSON – SANGGUNIANG PANLALAWIGAN COMMITTEE ON ENVIRONMENT, NATURAL RESOURCES, CLIMATE CHANGE, AND DISASTER MANAGEMENT**

PROVINCIAL GOVERNMENT – ENVIRONMENT AND NATURAL RESOURCES OFFICER

Members : **CHAIRPERSON – SANGGUNIANG PANLALAWIGAN COMMITTEE ON LAWS, ORDINANCES, AND LEGAL MATTERS**

CHAIRPERSON – SANGGUNIANG PANLALAWIGAN COMMITTEE ON LOWER LGUs (City, Municipal and Barangay) Affairs

PROVINCIAL LEGAL OFFICER

CHIEF OF OFFICE, DENR PENRO ORIENTAL MINDORO

**PROVINCIAL DIRECTOR, ORIENTAL MINDORO POLICE
PROVINCIAL OFFICE**

**CHIEF OF OFFICE, COMMUNITY ENVIRONMENT AND NATURAL
RESOURCES OFFICE (CENRO), ROXAS, ORIENTAL MINDORO**

CHIEF OF OFFICE, CENRO, SOCORRO, ORIENTAL MINDORO

SECTION 16. Functions and Responsibilities of the Task Force. The Task Force shall perform the following duties and functions:

- a. Conduct meetings and seminars for the widest dissemination of the Ordinance and this IRR.
- b. Propose amendments to Provincial Ordinance No. 010-2010, and its IRR as the circumstances so warrant.
- c. Ensure that no advertisements or information materials are posted on all kinds of trees covered by the Ordinance and this IRR.
- d. Remove all information paraphernalia found violative of the Ordinance and this IRR.
- e. Coordinate with other government agencies, local government units, and organization for material and relevant information relating to the violation of the Ordinance or its IRR.
- f. Refer the case, as may be deemed proper and necessary, to the Provincial Legal Office (PLO) for appropriate legal action, as the case may be.
- g. Perform such other tasks as may be necessary and incidental to carry out the provisions of this IRR.

**RULE X
DUTIES OF THE PUBLIC**

SECTION 17. Duties of the Public. - To ensure the protection of trees and similar plants planted on highways, public places, and private properties, all individual or the public in general are enjoined to report any violation of the Ordinance or its IRR to the barangay officials, the Philippine National Police (PNP), CENRO, MENRO, PG-ENRO or the PENRO, whichever office is nearest him/her.

**RULE XI
INFORMATION DISSEMINATION**

SECTION 18. Information Dissemination. - The municipalities and barangays, through the elected government officials, shall work hand in hand with the PG-ENRO and DENR, in causing the widest dissemination of the Ordinance and its IRR through whatever manner of communication.

**RULE XII
LEGAL ASSISTANCE**

SECTION 19. Appropriation of Fund for Legal Service Assistance. –

- a) A Legal Assistance Fund shall be instituted by the Provincial Government to support the Task Force in the implementation of the Ordinance and this IRR.

Rules and Regulations Implementing Provincial Ordinance No. 010-2010, also known as "An Ordinance Prohibiting the Posting of Advertisements and other Forms of Information Materials or Paraphernalia on Trees Within the Province of Oriental Mindoro, Imposing Penalties for Violations Thereof, and Appropriating Funds Therefor

- b) The amount of One Hundred Thousand Pesos (P100,000.00) shall be appropriated under the General Fund Annual Budget of the Provincial Government beginning FY 2010 and every year thereafter. Such amount shall be utilized solely as contingent fund for legal assistance in the event that the Barangay Officials, Barangay Tanods, and other government enforcers undergo court proceedings arising from the implementation of this Ordinance and its IRR.
- c) The amount shall be administered by the Provincial Legal Office (PLO), which in the same manner, shall provide legal services to the Barangay Officials, Barangay Tanods and other government enforcers that have been confronted with a legal case/judicial action arising from the implementation of this Ordinance and the IRR.

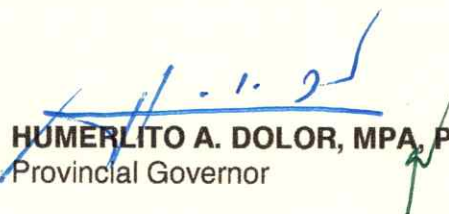
**RULE XII
FINAL PROVISIONS**

SECTION 20. Repealing Clause. Any executive orders and rules and regulations issued by the province, or parts thereof, inconsistent with the Ordinance and these Rules are hereby repealed or modified accordingly.

SECTION 21. Separability Clause. If any provision in this IRR or the application of such provision to any circumstance, is declared invalid or unconstitutional, the other provisions not affected thereby shall remain valid and existing.

SECTION 22. Effectivity. This Rules and Regulations shall take effect within fifteen (15) days after publication in a newspaper of general circulation in the province.

DONE in the City of Calapan, Province of Oriental Mindoro, this 7th day of June, 2022.


HUMERLITO A. DOLOR, MPA, Ph.D.
Provincial Governor