



Republic of the Philippines
Province of Ifugao
Sangguniang Bayan
MUNICIPALITY OF LAMUT

18th SANGGUNIANG BAYAN
89TH REGULAR SESSION
March 20, 2018

PRESENT: Atty. Adryan B. Chaguile, Municipal Vice Mayor and Presiding Chairman
Everda Desiree D. Dulinayan- Municipal Councilor & Member
Jerry J. Leal, - Municipal Councilor & Member
Napoleon C. Belingon - Municipal Councilor & Member
Pio K. Famorca, Jr., Municipal Councilor & Member
Reneboy D. Millano - Municipal Councilor & Member
Mark Anthony M. Indopia - Municipal Councilor & Member
Dante T. Binwag - LMB President & Member

ABSENT: Joseph G. In-uyay - Municipal Councilor - on Sick Leave
Maria Victoria Grace G. Macadaeg - Municipal Councilor - on Special Leave

MUNICIPAL ORDINANCE NO. 2018-18-007

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PRESCRIBING RULES AND REGULATIONS IN THE OPERATION OF THE HAPID NATIONAL IRRIGATION SYSTEM, LAMUT, IFUGAO AND IMPOSING PENALTIES FOR ANY VIOLATION THEREOF

Explanatory Note

For years, the National Irrigation Administration (NIA) is trying its best to maximize the volume of water and irrigate at least a thousand hectares for dry season and approximately 1,200 for wet season every year as per the average inflow of the volume of water from the Ibulao River. Unfortunately, it is always confronted with its operation and maintenance problems particularly on the utilization of irrigation water by the farmer-beneficiaries resulting to water wastage. Examples are excessive use of irrigation water, illegal diversion of irrigation water, construction of illegal turn outs, throwing of garbage or waste materials in the irrigation canal causing siltation and other malpractices which affects the regular flow of water. Said situation results in the deprivation of irrigation water on other parts of the system especially downstream thereby affecting the livelihood of the farmer-beneficiaries and also limiting the areas to be irrigated.

In order to address such problems, a tripartite agreement was made in order to ask the assistance of the Local Government Unit, thru its police powers allowing and to come up with local ordinances supporting the implementation of all operation and maintenance plans and programs and penalizing violators thereof.

Be it ordained by the Sangguniang Bayan of Lamut, Ifugao assembled on its Regular Session:

Section 1. Title - This Ordinance shall be known as “An Ordinance Prescribing Rules and Regulations in the Operation of the Hapid National Irrigation System, Lamut, Ifugao and Imposing Penalties for Any Violation Thereof.”

Section 2. Scope and Coverage - This ordinance covers all irrigations and all Irrigators Associations (IAs) within the Hapid National Irrigation System, namely:

- a. Hapid Valley IA
- b. Sanafe Rising Sun IA
- c. Sanafe Sunrise and Sunset IA
- d. Nabilaan-Pugol IA
- e. Samahang Magsasaka ng Upper Bulao - Pugol/Sanafe
- f. Pinagtipunan Farmers IA - Pugol
- g. Timpuyug Dagiti Mannalon IA - Pugol
- h. Malling-Salamague IA
- i. Mabatobato Farmers IA
- j. Gunglo ti Mannalon IA - Lawig
- k. Umilag-Pieza-Magulon IA

Section 3. Definition of Terms - As used in this Ordinance, the following shall mean:

- A. Cropping Calendar - refers to the period given to farmers in performing all farming activities from land preparation until harvesting including cut-off of irrigation water.
- B. Blocking material - any material used to increase water level for diversion purposes such as flashboards, banana stalks and the like.
- C. Wallow - is the act of rolling over or immersing inside irrigation canals.
- D. Illegal diversion of water - is the taking/drawing of water outside the scheduled period.
- E. Vandalism - refers to the willful damage and destruction of irrigation canals, drainage and other appurtenant structures.
- F. Tripartite - refers to the three (3) parties comprising of the Local Government Unit of Lamut, and its Barangays, National Irrigation Administration and the Provincial Federation of Irrigators' Association (WAGUFI)
- G. Water delivery - refers to the allocation and conveyance of irrigation water from the source to the delivery point.
- H. Water delivery schedule - refers to the allocation and conveyance of irrigation water in a specific irrigation area in a given time and date.
- I. Downstream farmers - irrigation water users who are located at the lower/tail-end stream of the irrigation system.
- J. Upper stream farmers - irrigation water users who are located at the upper stream of the irrigation system.
- K. NIA personnel - employee of the NIA Ifugao Satellite Office who are authorized to manipulate/operate facilities for efficient water management.
- L. Illegal check - is an act of illegally diverting or distracting the flow of irrigation water.
- M. Residual - includes syringes, medicine bottles, cans, scraps
- N. SWRFT - Senior Water Resource Facilities Technician
- O. Oversized pipes - pipes with size of more than the required size by the NIA
- P. TSAG - Turnout Service Area Group

Section 4. Administrative Provisions

- A. Cropping Calendar - Shall be based on the approved cropping by and among NIA and the WAGUFI Federation of Irrigators' Association. It is subject to amendment if needed.
- B. Farmers are advised to plant variety appropriate to the cropping calendar. Third cropping is discouraged.
- C. The Senior Water Resources Technician (SWRTs) shall ensure the required volume of water released from the main canal to the lateral canal during the entire duration of the schedule.

- D. Canal clearing of farm ditches is a prerequisite responsibility of the Irrigators' Association provided that the NIA personnel should autograph/inspect the canals before, during and after clearing.
- E. That the tripartite committee shall cause the identification/legalization, closure or removal of turnouts.
- F. NIA shall ensure the rehabilitation of irrigation facilities.
- G. The BLGU, thru its Barangay Captain, shall act on any complaint or violation brought to their attention for proper action.
- H. Fishpond owners are obliged to pay their irrigation service dues
- I. The cut-off of water shall be disseminated to farmers one month before the cut-off date.
- J. The Philippine National Police shall assist in the implementation of this ordinance when the need arises.

Section 5. Prohibited Acts and Penalties

- A. It shall be unlawful to any person to plant trees, bananas and other crops within and along the canal embankments. The NIA, IA concerned and BLGU are empowered to cut or remove.
 - 1. First Offense - Warning and removal of plants
 - 2. Second Offense: Php1,000.00 and removal of plants
 - 3. Third and Succeeding Offenses: Php2,500.00 and imprisonment upon the discretion of the court
- B. It shall be unlawful for any person to throw garbage, residuals and dead animals and to wash sacks, canvass (tolda), feeding and water trough used by poultry farms and spray cans inside/within the irrigation canals.
 - 1. First Offense: Fine of Php500.00
 - 2. Second Offense: Php1, 000.00
 - 3. Third and Succeeding Offenses: Php1,500.00 and imprisonment upon the discretion of the court
- C. The commission of illegal checks along irrigation canals shall be strictly prohibited and be penalized.
 - 1. First Offense - Warning and removal of illegal checks
 - 2. Second Offense: Php1,000.00 and removal of illegal checks
 - 3. Third and Succeeding Offenses: Php1,500.00 and imprisonment upon the discretion of the court
- D. It shall be unlawful for any person to construct shanties/makeshift/pig pens along canals and its embankments. The NIA, IA and BLGU are empowered to remove such illegal structures.
 - 1. First Offense - Removal of shanties/makeshift
 - 2. Second Offense: Php1,500.00 and removal of shanties/makeshift
 - 3. Third and Succeeding Offenses: Php2,500.00, removal of shanties/makeshift and imprisonment upon the discretion of the court
- E. It shall be unlawful for any person to make holes, cutting canal embankments and creating unauthorized diversions without prior permission from NIA. The NIA, IA, and BLGU shall be empowered to close all illegal cuts including the removal of illegally connected pipes
 - 1. First Offense - Php1,000.00
 - 2. Second Offense - Php1,500.00
 - 3. Third and Succeeding Offenses - Php2,500.00 and imprisonment upon the discretion of the court

F. It shall be unlawful for any person to use oversized pipes/hose as per validation and prescribed by the NIA.

1. First Offense - Removal of pipes/hose
2. Second Offense - Php1,000.00 and removal & confiscation of pipes/hose
3. Third and Succeeding Offenses - Php1,500.00 and removal & confiscation of pipes/hose

For fishponds:

- The fishpond owner is required to secure permission from NIA before the construction of any distribution box.

G. It shall be unlawful for any person to wallow animals unattended within the canals.

1. First Offense: Warning
2. Second Offense: Php500.00
3. Third and Succeeding Offenses: Php1, 000.00

H. It shall be unlawful for any person to transport any form of cut logs inside the canal.

1. First Offense: Warning
2. Second Offense: Php500.00
3. Third Offense and Succeeding Offenses: Php1, 000.00 and imprisonment upon the discretion of the court

I. Mandatory participation of farmer/his representative during canal clearing and IA assembly meetings. Non-participation shall be penalized as follows:

1. First Offense: Php300.00
2. Second Offense: Php500.00
3. Third Offense: Php750.00

J. It shall be unlawful for any person to open and close turnout gates. The NIA personnel and Turnout Service Area Group (TSAG) leaders are only authorized.

1. First Offense: Php1, 000.00
2. Second Offense: Php1, 500.00
3. Third Offense: Php2, 000.00 and imprisonment upon the discretion of the court

K. It shall be unlawful for any person to thresh palay or corn and deliberately dump along the irrigation canals.

1. First Offense: Order to remove rice hay on the canal
2. Second Offense: Php500.00
3. Third Offense: Php1, 000.00 and imprisonment upon the discretion of the court

Section 6. Collection of Fines and Penalties and Sharing - The BLGU is authorized to collect fines and penalties. Proceeds from this ordinance shall be allocated as follows:

- 50% - barangay concerned
- 30% - IA
- 20% - WAGUFI Federation of Irrigators' Association

Section 7. Utilization of Fines and Penalties - Implementing guidelines for the utilization of fines and penalties shall be formulated by the recipients.

Section 8. Implementation - There shall be a task force created and deputized in every barangay who shall implement this Ordinance. It shall be composed of the following:

- Barangay Captain - Chairman
- Member of the Brgy. Tanod - Member
- Any IA Representative - Member
- Any Member of TSAG - Member

Section 9. Monitoring and Evaluation Board - There shall be a monitoring and evaluation Board to be created compose of the following:

Municipal Mayor- Chairman
NIA Provincial Officer - Vice-Chairman
Concerned IA President - Member
Municipal Agriculturist - Member
PNP Representative - Member
Barangay Captains - Members
Federation President - Member
SWRFT - Member

Section 10. Repealing Clause - Any other ordinance or parts thereof inconsistent therewith are hereby repealed or modified accordingly.

Section 11. Separability Clause - Any provision of this ordinance that shall contravene any laws, regulations or statutes shall not impair the other provisions thereof which shall be in full force and in effect.

Section 12. Effectivity - This ordinance shall take effect upon approval.

ENACTED AND APPROVED this 20th day of March 2018 by the Sangguniang Bayan, this municipality.

(sgd) **EVERDA DESIREE D. DULINAYAN**
Municipal Councilor

(sgd) **JERRY J. LEAL**
Municipal Councilor

(sgd) **PIO K. FAMORCA, JR.**
Municipal Councilor

(sgd) **NAPOLEON C. BELINGON**
Municipal Councilor

(sgd) **RENEBOY D. MILLANO**
Municipal Councilor

(sgd) **MARK ANTHONY M. INDOPIA**
Municipal Councilor

(sgd) **DANTE T. BINWAG**
LMB President

CERTIFIED CORRECT

ATTESTED:

(sgd) **LOURDES T. MANGACCAT**
Secretary to the Sanggunian

(sgd) **Atty. ADRYAN B. CHAGUILE**
Municipal Vice-Mayor and Presiding Officer

Approved:

(sgd) **Atty. MARIANO B. BUYAGAWAN, JR.**
Municipal Mayor

Certified True Copy of the Original:

(sgd) **JOVIE MAE D. TUMITIT**
Administrative Officer I

