



Republic of the Philippines
Province of Bohol
MUNICIPALITY OF LOON

OFFICE OF THE SANGGUNIANG BAYAN

EXCERPTS FROM THE MINUTES OF THE 126th REGULAR SESSION OF THE 9TH SANGGUNIANG BAYAN OF LOON, PROVINCE OF BOHOL HELD ON THE 27th DAY OF NOVEMBER 2006 AT THE SANGGUNIANG BAYAN SESSION HALL-

PRESENT:

Hon. Edwin R. Ladeza,	Vice Mayor, Presiding Officer
Hon. Josephat B. Palma,	SB Member
Hon. Priscila C. Branzuela,	SB Member
Hon. Titus Clark U. Miranda,	SB Member
Hon. Zenon R. Perez,	SB Member
Hon. Timoteo L. Legitimas,	SB Member
Hon. Julius M. Simbajon,	SB Member
Hon. Ignacio M. Castil, Jr.	SB Member, O.B.
Hon. Artemio M. Sangarios,	LnB President, Ex-Officio Member

ABSENT:

Hon. Thomas Raul L. Cartagenas,	SB Member
Hon. Allan Rey M. Palban,	SKMF President, Ex-Officio Member

MUNICIPAL ORDINANCE NO. 06- 005
Series of 2006

**THE ECOLOGICAL SOLID WASTE MANAGEMENT ORDINANCE OF LOON,
BOHOL-**

BE IT ENACTED by the 9th Sangguniang Bayan of Loon, Bohol in session duly assembled that:

ARTICLE I – Declaration of Policy

Section 1. Declared policy – it is the declared policy of this Municipality to adopt a systematic, comprehensive and ecological solid waste management program which shall:

- a) Ensure the protection of public health and its environment;
- b) Utilize environmentally-sound methods that maximize the utilization of valuable resources and encourage resources conservation and recovery;
- c) Set guidelines and targets for solid waste avoidance and volume reduction through source reduction and waste minimizing measure, including composting, recycling, re-use, recovery and other, before collection, treatment and disposal in an appropriate and environmentally-sound solid waste management facilities in accordance with ecologically sustainable development principles;

- d) Ensure the proper segregation, collection, transport, storage, treatment and disposal thru best environmental practices in ecological solid waste management;
- e) Encourage greater private sector participation in solid waste management;
- f) Enforce all related and applicable laws while establishing a cooperative effort among the different agencies and instrumentalities;
- g) Encourage cooperation and self-regulation among waste generators through the application of market-based instruments;
- h) Institutionalize public participation in the development and implementation of the local integrated, comprehensive and ecological waste management programs;
- i) Promote environmental awareness and action among the citizenry;

Section 2. Guiding principles. The Solid Waste Management is governed by the following principles:

- a) Waste is a resource
- b) Waste prevention is better than waste regulation and control.
- c) There is no single management and technological approach to solid waste.
- d) All elements of society are fundamentally responsible for Solid Waste Management (SWM).
- e) Those who generate waste must bear the cost of its management and disposal.
- f) Solid Waste Management (SWM) should be approached within the context of resources, environmental protection, health and sustainable development.
- g) Solid Waste Management (SWM) program should take into consideration the physical and socio-economic conditions of the concerned communities and be designed according to their specific needs.
- h) Recyclable or reusable wastes are founded on the following rationale: It saves natural resources. It saves energy. It creates less pollution. It protects wildlife. It helps our communities.
- i) The Sources of Solid Wastes are: Household waste. Commercial wastes, Industrial waste. Farm and agricultural wastes, Institutional wastes. Mining wastes. Hazardous wastes. Miscellaneous and specialized wastes.

ARTICLE II – Scope and Coverage

Section 1. Scope and Coverage – This Ordinance shall apply to all households, commercial, institutional and industrial establishments, land transportation facilities and watercrafts, agri-industrial businesses, within the territorial jurisdiction of the Municipality of Loon, Bohol.

ARTICLE III – Definition of Terms

Section I. Definition of Terms – For the purpose of this Ordinance:

- a. “*Biodegradable*” shall refer to materials or substances that will decay as a result of bacterial action;
- b. “*Board*” shall refer to the Municipal Ecological Solid Waste Management Board.

- c. *“Buy-back center”* shall refer to a recycling center that purchases or otherwise accepts recyclable materials from the public for the purpose of recycling such materials.
- d. *“Citation ticket”* shall refer to a printed notice that a violation has been committed stating therein its corresponding penalty;
- e. *“Collection”* shall refer to the act of removing solid waste from the source or from a communal storage point.
- f. *“Commercial”* shall refer to structures used for commercial purposes such as hotels, resorts, recreational centers, restaurants, cinema houses, public markets, department stores, groceries, sari-sari stores, stalls shops, vendors, parlors, disco houses and dancing halls, and other commercial establishments in general;
- g. *“Composting”* shall refer to the controlled decomposition of organic matter by microorganisms, mainly bacteria and fungi, into a human-like product.
- h. *“Controlled dump”* shall refer to a disposal site at which solid waste is deposited in accordance with the minimum prescribed standards of site operation.
- i. *“Disposal”* shall refer to the discharge, deposit, dumping, spilling, leaking or placing of any solid waste into or in any land.
- j. *“Disposal site”* shall refer to a site where solid waste is finally discharged and deposited.
- k. *“Ecological solid waste management”* shall refer to the systematic administration of activities, which provide for segregation at source, segregated transportation, storage, transfer, processing, treatment and disposal of solid waste and all other waste management activities, which do not harm the environment. It is the integrated way of managing our wastes. It refers to all activities pertaining to the control, transfer, transport, processing and disposal of solid wastes in accordance with the best principles of public health, economics, engineering, conversion, aesthetic, and other environmental considerations.
- l. *“Enforcers”* shall refer to persons deputized by competent authorities to implement and carry out the provisions of the municipal Ecological Solid Waste Management Program.
- m. *“Generation”* shall refer to the act or process of producing solid waste.
- n. *“Generator”* shall refer to a person, natural or juridical, who last uses a material and makes it available for disposal or recycling.
- o. *“Hazardous waste”* shall refer to solid waste or combination of solid waste which because of its quantity, concentration, or physical, chemical or infectious characteristics may: cause, or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible, illness; or pose a substantial present or potential hazard to human health or the environment when like hospitals, clinics, funeral parlors, schools, churches, public and private offices, not properly treated, stored, transported, or disposed of, or otherwise managed.
- p. *“Industrial establishment”* refers to structures used in industry or in the manufacture of goods such as slaughterhouses, piggeries, poultries, canneries, and the like;
- q. *“Informer”* shall refer to a person or persons who can notify or give information to an enforcer for any violation of this Ordinance.
- r. *“Institutional establishment”* shall refer to structures used in institution like hospitals, clinics, funeral parlors, schools, churches, public and private offices;

- s. *“Land transportation”* shall refer to wheeled vehicles operating on land such as buses, V-hires, multi-cabs, jeepneys, taxis, tricycles, motorilas, motorcycles, trisikad, haulers, trucks, etc.
- t. *“Materials Recovery Facility” (“MRF”)* shall include solid waste transfer station or sorting station, drop-off center, a composing facility and a recycling facility.
- u. *“Municipality”* shall refer to the Municipal Government of Loon, Bohol.
- v. *“Municipal Wastes”* shall refer to wastes production from activities within local government units, which include a combination of domestic, commercial, institutional and industrial wastes and street litters.
- w. *“Open burning”* shall refer to the thermal destruction of wastes by means of direct exposure to fire. Furthermore, this definition shall apply to traditional small-scale methods of community sanitation “daub”.
- x. *“Open dump”* shall refer to a disposal area wherein the solid wastes are indiscriminately thrown or disposed of without due planning and consideration for environmental and health hazards.
- y. *“Person” (s)* shall refer to any being, natural or juridical, susceptible of rights and obligations, or of being the subject of legal relations.
- z. *“Public places”* shall refer to roads, roadsides, sidewalks, parks, bus terminals, alleys, plazas, basketball and tennis courts, and waterways such as seas, rivers, riverbanks, canals, esteros, shorelines, and public buildings such as markets, halls, kiosks, municipal buildings, and other establishments.
- aa. *“Receptacles”* shall refer to individual containers used for the source separation and the collection of recyclable materials.
- bb. *“Recovered material”* shall refer to material and by products that have been recovered or diverted from solid waste for the purpose of being collected, processed and used as raw material in the manufacture of a recycled product.
- cc. *“Recyclable material”* shall refer to any waste material retrieved from the waste stream and free contamination that can still be converted into suitable beneficial use or for other purposes, including newspaper, ferrous scrap metal, non-ferrous scrap metal, used oil, corrugated cardboard, aluminum, glass, office paper, tin cans, plastics and other materials.
- dd. *“Recycled material”* shall refer to post-consumer material that has been recycled and returned to the economy.
- ee. *“Recycling”* shall refer to the treating of used or waste materials through a process of making them suitable for beneficial use and for other purposes, and includes any process by which solid waste materials are transformed into new products in such a manner that the original products may lose their identity, and which may be used as raw materials for the production of other goods or services.
- ff. *“Resource conservation”* shall refer to the reduction of the amount of solid waste that are generated or the reduction of overall resource consumption, and utilization of recovers resources.
- gg. *“Resource recovery”* shall refer to the collection, extraction or recovery of recyclable materials from the solid waste of recycling, generating energy or producing a product suitable for beneficial use.
- hh. *“Re-use”* shall refer to the process of recovering materials intended for the same or different purpose without the alteration of physical and chemical characteristics.
- ii. *“Sanitary landfill”* shall refer to a waste disposal site designed, constructed, operated and maintained in a manner that exerts

- engineering control over significant potential environmental impacts arising from the development and operation of the facility.
- jj. *“Segregation”* shall refer to sorting of different materials found in solid waste in order to promote recycling and re-use of resources and to reduce the volume of waste for collection and disposal.
 - kk. *“Segregation at resource”* shall refer to a solid waste management practice of separating, at the point of origin, different materials found in solid waste in order to promote recycling and re-use of resources and to reduce the volume of waste for collection and disposal.
 - ll. *“Solid waste”* shall refer to all discarded household, commercial waste, non-hazardous institutional, ports/harbor and industrial waste, street sweepings, construction debris, agricultural waste, and other non-hazardous/non-toxic solid waste.
 - mm. *“Solid waste management”* shall refer to any resource recovery system or component thereof; any system, program or facility for resource conservation any facility for the collection, source separation, storage, transportation, transfer, processing, treatment, or disposal of solid waste.
 - nn. *“Source reduction”* shall refer to the collection of solid waste before it enters the solid waste stream by methods such as product design, materials substitution, materials re-use and packaging restrictions.
 - oo. *“Source separation”* shall refer to the sorting of solid waste into some or all of its component parts at the point of generation.
 - pp. *“Special waste”* shall refer to household hazardous wastes such as paints, thinners, household batteries, lead-acid batteries, spray canisters and the like. These include wastes from residential and commercial sources that comprise of bulky wastes, consumer electronics, and white goods, yard wastes that are collected separately, batteries, oil and tires. These wastes are usually handled separately from other residential and commercial wastes.
 - qq. *“Storage”* shall refer to the interim containment of solid waste after generation and prior to collection from for ultimate recovery or disposal.
 - rr. *“Waster diversion”* shall refer to activities, which reduce or eliminate the amount of solid wastes from disposal facilities.
 - ss. *“Watercraft”* refers to transportation facilities traveling on water such as boats, ships, ferry boats, pump boats, cargo vessels and the like;
 - tt. *“White goods”* shall refer to large worn-out or broken household, commercial and Industrial appliances such as stoves, refrigerators, dishwashers, and clothes washers and dryers collected separately. White goods are usually dismantled for the recovery of specific material (e.g. copper, aluminum, etc.)
 - uu. *“Yard waste”* shall refer to wood, small or chipped branches, leaves grass clippings, garden debris and vegetable residue that are recognizable as part of a plant or vegetable and other materials.

ARTICLE IV – The Municipal Ecological Solid Waste Management Board

Section 1. Composition – The Municipal Ecological Solid Waste Management Board shall be composed of the following:

- a. Mayor -Chairman
- b. Vice Mayor -Vice Chairman
- c. SB Chairman of the Committee on Environment -Member

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| d. SB Chairman of the Committee on Health | -Member |
| e. SB Chairman of the Committee on Tourism | -Member |
| f. President of the Liga ng mga Barangay | -Member |
| g. President of the Municipal Sangguniang Kabataan Federation | -Member |
| h. Municipal Planning and Development Coordinator | -Member |
| i. Municipal Engineer | -Member |
| j. Municipal Health Officer | -Member |
| k. Municipal Local Government Operations Officer | -Member |
| l. Three (3) representatives of NGOs | -Members |

The appointment of the NGO representatives shall be based on the following criteria:

- a. Integrity
- b. High degree of professionalism; and
- c. Distinguished themselves in the environment and resource management sector.

Section 2. Appointment of NGO Representative – Representatives from the NGOs shall be appointed by the Municipal Mayor upon recommendation of the Chairman of the Committee on Environment.

Section 3. Duties and Responsibilities – The board shall perform the following duties and responsibilities.

- a. develop a Municipal Solid Waste Management Plan that shall ensure the integration of various solid waste management plans and strategies for the entire municipality after it shall conduct consultation with the various sectors of the community;
- b. adopt measures to promote and ensure the viability and effective implementation of solid waste management programs;
- c. monitor the implementation of the Municipal Solid Waste Management Plan through its various political subdivisions and in cooperation with the private sector and NGOs;
- d. adopt specific revenue-generating measures to promote the viability of its Solid Waste Management Plan;
- e. convene regular meeting for purposes of planning and coordinating the implementation of the solid waste management plan of the municipality;
- f. review every two (2) years or as the need arises the Municipal Solid Waste Management Plan for purposes of ensuring sustainability, viability, effectiveness and relevance;
- g. develop specific mechanics and guidelines for the implementation of the Municipal Solid Waste Management Plan;
- h. recommend to appropriate local government authorities specific measures or proposal for franchise or build – operate-transfer agreements with duly recognized institutions pursuant to R.A 6957, to provide either exclusive or non-exclusive authority for the collection, transfer, storage, processing, recycling or disposal of municipal solid wastes;
- i. provide necessary logistical and operational support;
- j. recommend measures and safeguards against pollution and for the preservation of the natural ecosystems; and

- k. coordinate all efforts in the implementation of the municipal solid waste management plan.

Section 4. Tenure of Office - The tenure of office of the Representative of the NGO shall be three (3) years. In the event that the NGO representative fails to complete his/her term, the successor shall be appointed by the Municipal Mayor only until the unexpired portion of the term.

ARTICLE V – The Ecological Solid Waste Management Office

Section 1. Organization – There shall be a permanent organizational structure for Ecological Solid Waste Management (ESWM) Office which will be directly involved in the implementation of Solid Waste Management Program. The appointment of personnel to the ESWM Office shall be subject to statutory budgetary requirements and existing civil service laws, rules and regulations.

Section 2. Assignment of lead agency/office – The provisions of the immediately preceding Section 1 notwithstanding, the Municipal Mayor may assign through an executive order personnel from Municipal offices to temporarily manage the ESWM office until such time that the ESWM Office shall be organized.

Section 3. Duties and Responsibilities – The ESWM Office shall take charge in the proper, effective and efficient implementation of the Municipal Ecological Solid Waste Management Plan and shall:

- a. Formulate measures for the consideration of the Sanggunian and provide technical assistance and support to the municipal mayor in carrying out measures to ensure the delivery of basic services and provisions of adequate facilities relative to solid waste management;
- b. Develop plans and strategies and upon approval thereof by the Municipal Mayor, implement the same, particularly those which have to do with solid waste management;
- c. Recommend to the Sanggunian and advise the Municipal Mayor, as the case may be, on all matters relative to proper waste disposal, application of appropriate technology and other matters related to solid waste management.
- d. Recommend for approval the Memorandum of Agreement with accredited NGO's and PO's within the municipality and other line agencies to establish a coordinated effort for the implementation of ESWM program;
- e. Organize Barangay Solid Waste Management Board in 67 barangays
- f. Deploy garbage aides in every barangay;
- g. Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

ARTICLE VI – Responsibilities of Residents and Households

Section 1. Responsibility of the Residents and Households – Owners and occupants of households, lessors, lessees, operators or administrators of commercial and industrial establishments, government and non-government institutions shall be responsible for the cleanliness of their surroundings approximately within 5 meters distance from the periphery of their own or occupied properties.

ARTICLE VII – Manner of Storage, collection and Transportation

Section 1. Segregation at Source – Segregation at source must be properly observed. Solid waste shall be classified as: biodegradable materials, recyclable materials, non-recyclable materials and special wastes.

Section 2. Compost pit – Every household, commercial, institutional, and industrial establishments shall provide a compost pit for disposal of biodegradable wastes. If no space is available, the biodegradable materials shall be brought to the drop-off point at a scheduled time and day after paying the appropriate fee, as provided in the ordinance.

Section 3. Non-segregated waste – Non-segregated waste shall not be collected and the household-owners and entities of the non-segregated wastes shall be subject to penalty as prescribed under the penalty provisions of this ordinance. Only dry and segregated wastes shall be collected/and shall be properly disposed of.

Section 4. Labeling of containers – Waste containers or garbage cans for the different classes of materials must be properly labeled, thus, “biodegradable”, “recyclable”, “non-recyclable” and “special wastes”.

Section 5. Color coding of waste containers-

a) In addition to the provisions of the immediately preceding Section 4 hereof, it shall be mandatory for commercial, institutional and industrial establishment as well as passenger vessels plying the Catagbacan – Argao route, all other vessels/boats to have their waste containers or trash cans color-coded for convenience and easy distinction in the following manner:

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|-------------------------|---|--------|
| a. Biodegradable | - | Green |
| b. Recyclable/ Reusable | - | Blue |
| c. Residual | - | Yellow |
| d. Special waste | - | Red |

b) Passenger buses, jeepneys, multicabs, V-hires, motorelas, tricycles, trisikads are required to keep one garbage container inside the vehicles
c) Color-coding of waste containers in individual households shall be optional.

Section 6. Scavenging – In no case shall scavenging or unauthorized collection in waste containers or in designated segregation or material recovery areas shall be allowed.

Section 7. Collection of garbage from drop-off points – Collection of garbage at drop-off points and collection schedule shall be decided by the Ecological Solid Waste Management Board and must be given its widest dissemination.

Section 8. Residential Areas –

- a. Residents must segregate their generated solid waste by providing separate receptacles for every kind of waste, Can, when used as receptacles, should be clean and bottoms are holed to prevent water accumulation;
- b. Public thoroughfares and grounds in front or in the vicinity of the household shall be kept clean and tidy at all times;

- c. The use of non-biodegradable disposable materials (e.g. plastic-based wrappers, styrofoam) must be minimized;
- d. Any toxic or hazardous wastes must be stored and sealed in properly marked container/bag before it shall be collected and disposed accordingly;
- e. It shall be the responsibility of the individual household to dispose all recyclables either through the recyclable buyer, or to be voluntarily brought to the Materials Recovery Facility (MRF) for the disposal to buyers. Proceeds shall accrue to the Municipal/Barangay/Purok and/or to the operators of the Materials Recovery Facility, as the case maybe. In the case of the Municipality the proceeds shall be used solely in the operation and maintenance of the MRF and all Solid Waste Management Programs.

Section 9. Commercial Establishments-

- a. Owners and/or lessees of all commercial establishments, sari-sari stores and stalls shall provide separate storage receptacles for segregated wastes and shall be kept in the premises of the establishment until the scheduled collection time and day;
- b. The use of biodegradable wrappers of bags (paper based) must be encouraged and maximized;
- c. The lobby and immediate grounds of the establishment must be clean and orderly at all times;
- d. It shall be the responsibility of the owner/occupant to dispose all recyclable either thorough the recyclable buyer, or to be voluntarily brought to the Material Recovery Facility (MRF) for disposal to buyers. Proceeds shall accrue to the Municipality/Barangay/Purok and/or to the operator of the Materials Recovery Facility, as the case maybe, which funds shall be used in the operation and maintenance of the MRF and all Solid Waste Management Programs.

Section 10. Institutions/Industrial Establishments-

- a. Agro-industrial establishments, as well as individuals engaged in agri-business, must maintain their respective controlled dump site in conformity with applicable policies of the DENR and provisions of R.A. 9003 and shall be responsible in the safe storage, disposal or transportation of wastes resulting from its operation;
- b. No transport companies or individual entrepreneur shall be allowed to transfer or transport toxic wastes like plastic materials and chemicals. Unless authorized and accredited by the Fertilizers and Pesticide Authority (FPA), and other agencies tasked for its regulation;
- c. Subject to the approval of the Sangguniang Bayan, no wastes from the establishments shall be dumped in the controlled dump site maintained by the Municipality of Loon or in any area within the jurisdiction of the municipality other than their own respective accredited dumpsite;
- d. Hospital, pharmaceutical and funeral wastes must be properly handled and sealed, before it shall be transported and disposed during the scheduled time and day of collection, provided, further that the commitment and handling is in accordance to the guidelines set by the Hospital Waste Management and P.D. 856 otherwise known as the Sanitation Code of the Philippines.

Section 11 – Parks, Public Open Spaces or Pier - Where garbage receptacles are provided, it is the responsibility of the Barangay to collect all solid wastes and transport it to the Materials Recovery Facility (MRF) for final segregation and disposal.

ARTICLE VIII – Disposal of Garbage and Wastes

Section 1. Disposal of Garbage and Wastes – Disposal of Garbage and Wastes shall strictly be done by bringing the segregated wastes to the drop-off point and/or Buyback Center only during the scheduled time and day of collection.

Section 2. Recyclable materials from households or stores – From the household or store, recyclable materials shall be brought to the Materials Recovery Facility which shall serve as the buyback center.

ARTICLE IX – Material Recovery Facility (MRF)

Section 1. Operations of a Material Recovery Facility – There shall be a Material Recovery Facility in every Barangay/purok, school and church which shall be designed to receive, sort, process and store compostable and recyclable material efficiently and in an environmentally sound manner. There shall also be an ample area for composting of biodegradable wastes;

Section 2. Barangay – The Barangays shall be responsible for the collection, segregation, recycling of biodegradable, recyclable, compostable and reusable wastes.

Section 3. Establishment of Materials Recovery Facility – Subject to the approval of the Board, there will be established in every Barangay/purok or by a cluster of households depending on its viability and applicability a Materials Recovery Facility, provided, that, the Municipality shall establish and maintain a MRF at the Loon Public Market, Catagbacan Public Market and at Nueva Vida dumpsite.

Section 4. Where established – The Nueva Vida recovery facility shall be established in a Barangay-owned land, a private land.

Section 5. Biodegradable waste – Subject to the provisions of Section 2, Article VIII of this Ordinance, the MRF may receive biodegradable wastes for composting, and clean and dry non-biodegradable wastes for final segregation, re-use and recycling;

Section 6. Residual Wastes – Residual wastes shall be provided with appropriate containers/bags for disposal to the controlled dumpsite.

Section 7. Operation of Composting Facility – Composting facilities shall conform to the following setting, design and operating standards and criteria:

- a. The facility shall not be situated in areas prone to frequent flooding, unless engineering controls are provided in the design to prevent inundation of the facility;
- b. Leachate and drainage controls must also be provided
- c. Provision for vector, odor, litter and dust controls shall be included.
- d. Records keeping shall be maintained at all times in accordance with Section 2(b) of Rule XIV of IRR, R.A. 9003;
- e. Residues shall be managed as solid waste and shall be disposed of as such;
- f. Individual household backyard composting shall be exempted from the provision of this Section.

Section 8. The Controlled Dumpsite - There shall be a controlled dumpsite to be operated by the Municipal Government which shall have a:

- a. Fence, a buffer zone, drainage system and a Materials Recovery Facility;
- b. A considerable area for composting of biodegradable wastes
- c. A septic tank shall be constructed within the controlled dumping site to receive special wastes which are classified as hazardous, toxic and infectious.

ARTICLE X – Garbage Collection Fee on Bio-degradable

Section 1. Garbage Collection Fee –

- a. There is hereby imposed and collected a municipal garbage collection fee on residential households, who shall avail of the garbage collection by bringing their biodegradable materials to the drop-off points, in the amount of TEN PESOS (P 10.00) per month.
- b. Commercial, institutional and industrial establishments – The garbage collection fee for commercial, institutional and industrial establishments shall be at the rate of FIFTY PESOS (P 50.00) per month, provided that occupant of market stalls and barangay sari-sari stores shall pay Twenty Pesos (P 20.00) per month as garbage collection fee.

ARTICLE XI – Prohibited Acts

Section 1. Prohibited Acts. The following acts are prohibited:

- a. Littering, throwing, dumping of waste matters in public places and/or causing or permitting the same;
- b. Undertaking activities or operating, collecting or transporting toxic materials in violation of sanitation operation and other requirements or permits set forth in or established pursuant to this ordinance;
- c. Open burning of solid wastes, provided, that small scale "daub" without plastic and rubber materials maybe allowed.
- d. Causing and permitting the collection of non-segregated or unsorted wastes;
- e. Squatting inside the dumpsite area;
- f. Open dumping, burying of biodegradable or non-biodegradable materials in rivers, riverbanks, creeks, shorelines, islands and coastal areas;
- g. Removing without authority of recyclable material with other solid waste in any vehicle, box, container or receptacle used in solid waste collection or disposal;
- h. Mixing of source-separated recyclable material with other solid waste collection or disposal;
- i. Manufacturing, distributing or using non-environmentally acceptable materials;
- j. Transporting and dumping of collected domestic, industrial, commercial and institutional waste in areas other than centers of facilities prescribed under this ordinance;
- k. Constructing commercial and industrial establishment within two hundred (200) meters from controlled dump facility,
- l. Constructing of residential buildings within fifty (50) meters from the controlled dump facility, *provided*, that there shall be constructed and/or established a buffer zone in the area.
- m. Constructing or operating of dumpsite or any waste disposal facility on any aquifer, groundwater reservoir or watershed area and/or any portion thereof.

ARTICLE XII –Penal Provisions

Section.1. Fines and Penalties- The following penalties are hereby imposed against any of the violations:

- a. Any person found guilty of littering, throwing, dumping of waste matters in public places and /or causing or permitting the same shall be penalized as follows 1st offense-warning, 2nd offense – P50.00, 3rd and succeeding offense – P 150.00;
- b. . Any person found guilty of undertaking activities or operating, collecting or transporting toxic material in violation of sanitation operation and other requirements or permits set forth in or established pursuant to this ordinance shall pay a fine of not less than P 700.00 but not more than P2, 500.00 and/or imprisonment of not less than 1 day but not more than 15 days, or both.
- c. Any person found guilty of open burning of solid wastes (except small scale “daub” without plastic and rubber materials) shall be penalized: 1st offense – warning, 2nd offense – P 150.00, 3rd succeeding offenses – P 250.00.
- d. Any person found guilty of causing or permitting the collection of non-segregated or unsorted wastes, squatting inside the dumpsite area shall pay a fine of not less than P 500.00 or imprisonment of not less fifteen (15) days but not more than six (6) months or both;
- e. Any person found guilty of open dumping, burying of biodegradable or non-biodegradable materials in rivers, riverbanks, creeks, shorelines, islands and coastal areas shall pay a fine of not less than P 1,000.00 or imprisonment of not less than fifteen (15) days but not more than six (6) months, or both
- f. Any person found guilty of removing without authority or recyclable material with other solid waste in any vehicle, box, container or receptacle used in solid waste collection or disposal shall pay a fine of not less than P 300.00pesos but not more than P 1,000.00.
- g. Any person found guilty of mixing of source-separated recyclable material with other solid waste collection or disposal shall pay a fine of not less than P 500.00 but not more than P 2,500.00 or imprisonment of not less than One (1) month but not more than six (6) months or both.
- h. Any person found guilty of manufacturing, distributing or using non-environmentally acceptable materials; transporting and dumping of collected domestic, industrial, commercial and institutional waste in areas other than centers of facilities prescribed under this ordinance; constructing commercial and industrial establishment within two hundred (200) meters from controlled dump facility; constructing of residential buildings within fifty (50) meters from controlled dump facility; constructing or operating of dumpsite or any waste disposal facility on any aquifer, groundwater reservoir or watershed area and/or any portion thereof shall pay a fine of not less than P 2,500.00 or imprisonment of not less than 3 months but not more than 6 months, or both.
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Section 2. Violations committed by a corporation and others – If the offense is committed by a corporation, partnership, or other juridical entity duly organized in accordance with the law, the chief executive officer, president, general manager, managing partner or such other officer-in-charge shall be liable for the commission of the offense penalized under this ordinance.

Section 3. Waste disposed by animals on public places – Any person who, at the time the animal disposed of its waste on a public place, is the responsible person for the care of such animal, shall be liable for the offense.

Section 4. Manner of apprehending a violator – Any person who violates a provision of this Ordinance shall be issued a citation ticket by the Board stating therein the violation committed. The Board shall promulgate the rules and regulation for the proper implementation of this provision.

Section 5. Detention – Any person caught committing any of the prohibited acts herein provided in flagrante delicto, shall be detained for a number of hours allowable by law until a fine in the amount not less than Three Hundred Pesos (P300.00) shall have been paid, Provided, that minors 15 years old and below shall not be detained.

Section 6. Minors – If the offender is a minor of 15 years old and below who commits any of the prohibited acts as provided in this Ordinance, the provisions of Republic Act No. 9344 shall apply. Provided, that on the second offense, the offender's parents or guardian are/is presumed to have been unreasonably neglectful of their duties as provided under Article 61 of presidential Decree No. 603. Provided, further, that on the third and subsequent offenses, such act shall be considered as against the offender in considering whether he should be placed under the Diversion System in Republic Act No. 9344, without prejudice to the prosecution of the parents or guardian under Article 59 or Presidential Decree No. 603.

Section 7. Recidivist violator – Any violator who is a grantee or holder of a mayor's permit or a municipal franchise who continues to violate this Ordinance and having been imposed a fine ignores to pay as provided herein for 3 time shall have his permit or franchise cancelled without benefit of a hearing.

Section 8. Penalty for a municipal official/employee – Any government official/employee found guilty of issuing or directly indirectly influencing the issuance of a solid waste compliance certificate shall be penalized with a 15 day suspension without pay.

ARTICLE XIII - Miscellaneous Provisions

Section 1. Citizen Suits – For the purpose of enforcing the provision of this ordinance, or provisions of R.A. 9003, any citizen may file an appropriate civil, criminal or administrative action in the proper courts/bodies.

Section 2. Receptacles for cigarette butts – The Municipality shall provide sufficient number of receptacles for cigarette butts to be placed in designated smoking areas in public places and public buildings. The "smoking areas" shall be designated by the ESWM Office and conspicuously marked as such.

Section 3. Ecological Solid Waste Compliance Certificate – No business permit, Mayor's license, or Municipal franchise shall be issued without a duly approved Ecological Solid Waste Compliance Certificate issued by the Municipal Ecological Solid Waste Management Office.

Section 4. Mandatory lecture – No business/sanitary/building permits shall be issued without the owner/manager undergoing the necessary lecture or briefing on proper solid waste and garbage disposal.

Section 5. Duty and Responsibility of Educational Institutions – It shall be the duty and responsibility of the owner/administrator/principal/head teacher of any educational institution to conduct lectures, hold symposia and educate their students/pupils for the proper implementation of this Ordinance, emphasizing the penal provisions thereof. Subject to existing regulations of the Department of Education, the Commission on Higher Education, and the Department of Social Welfare and Development, as the case may be, schools may impose their own standard of rewards and punishment in connection with this Ordinance.

Section 6. Mandatory Incentive – Fifty percent (50%) of the fines shall be declared mandatory incentive to the ESWM informer, the remaining Fifty percent(50%) shall accrue to the Municipality for the operation and maintenance of the solid waste management program.

Section 7. Appropriation. There shall be appropriated an initial amount of One Hundred Thousand Pesos (P 100,000.00) for the implementation of this ordinance, to be increased for the succeeding years upon recommendation of the Board. Any release of funds for this purpose shall be subject to the concurrence of the Sangguniang Bayan.

Section 8. Separability Clause – If any provisions of this Ordinance or the application of such provision to any person or circumstances is declared unconstitutional, the remainder of the Ordinance or the application of such provision to other persons or circumstances shall not be affected by such declaration.

Section 9. Repealing Clause – All ordinances or parts thereof which are inconsistent with the provisions hereof are hereby considered repealed and/or modified accordingly.

Section 10. Effectivity – This Ordinance shall take effect 15 days after the required publication.

UNANIMOUSLY APPROVED.

I hereby certify to the correctness of the above-quoted resolution.

EDWIN R. LADEZA
Vice - Mayor
Presiding Officer

A T T E S T E D:

FIDELINO P. CORITICO, LIB
Secretary to the Sanggunian

A P P R O V E D:

CESAR TOMAS M. LOPEZ, M.D.
Municipal Mayor
Date: _____

