



Republic of the Philippines  
Province of Bohol  
**MUNICIPALITY OF LOON**

**OFFICE OF THE SANGGUNIANG BAYAN**

**EXCERPTS FROM THE MINUTES OF THE 65<sup>th</sup> REGULAR SESSION OF THE 10<sup>TH</sup> SANGGUNIANG BAYAN OF LOON, PROVINCE OF BOHOL HELD ON THE 22<sup>nd</sup> DAY OF SEPTEMBER 2008 AT MOTO SUR BARANGAY HALL -**

**PRESENT:**

Hon. Edwin R. Ladeza,	Vice-Mayor, Presiding Officer
Hon. Ricky U. Masamayor,	SB Member
Hon. Manuel R. Veloso,	SB Member
Hon. Damaso C. Pasilbas,	SB Member
Hon. Josephat B. Palma,	SB Member
Hon. Timoteo L. Legitimas,	SB Member
Hon. Ignacio M. Castil, Jr.,	SB Member
Hon. Priscila C. Branzuela,	SB Member
Hon. Narciso B. Neri,	SB Member
Hon. Cesar R. Pedrigal,	LnB President, Ex Officio Member

**ABSENT:**

Hon. Ivaraxel C. Ericson,	SKMF President, Ex Officio Member
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**MUNICIPAL ORDINANCE NO. 08- 010**  
Series of 2008

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

Be it enacted by the 10<sup>th</sup> Sangguniang Bayan of Loon, Bohol in session duly assembled:

**ARTICLE 1**  
**GENERAL PROVISIONS**

**Section 1. Title.** This ordinance shall be known as the “Loon Integrated Solid Waste Management Ordinance of 2008”

**Section 2. Scope of the Ordinance.** This Ordinance shall cover all activities involving generation, segregation, collection, recovery, recycling, disposal and treatment of refuse resources.

This ordinance shall apply to all residential houses, industrial and commercial establishments such as hotel/pension houses, restaurants, cinema houses, resorts, department stores, groceries, institutions like hospitals, schools, churches, cemeteries, private and public offices, agricultural areas, parks, public playgrounds, open spaces wharves, ports, transport facilities and other establishments.

**Section 3. Purpose.** This ordinance is enacted for the following purposes:

- a) To guide, control and regulate the generations, storage, collection, transport and disposal of solid wastes within the municipality and promote an orderly and sanitary condition of surrounding;
- b) To enhance the total improvement and maintenance of the environment of the locality through the necessary control of the negative environment impacts and effects of solid waste;
- c) To promote and protect the health, safety, peace and convenience and general welfare of the people.

**Section 4. Objectives.** This ordinance intends to achieve the general objectives of an enhanced ecological balance and public health through sustainable and integrated solid waste management. Specifically, this ordinance has the following objectives:

- a) To enhance cleanliness and public safety at all times through proper waste management;
- b) To eradicate unsightly, uncovered and overflowing waste containers
- c) To adopt the principle of 3 Rs, that is to Reduce, Re-use & Recycle solid waste of the town.

**Section 5. Declaration of Policies.** It is hereby declared the policy of the Municipality to adopt and implement a comprehensive, integrated and ecological solid waste management program, which shall:

- a) Ensure the protection of the public health and environment;
- b) Utilize environmentally sound methods that maximize the utilization of valuable resources and encourage conservation and recovery;
- c) Ensure proper segregation, collection, transport, storage, treatment and disposal of solid waste;
- d) Retain primary enforcement and responsibility of solid waste management with other local government units;
- e) Institutionalize public participation in the development and implementation of national and local integrated, comprehensive and ecological waste management programs; and
- f) Strengthen the integration of ecological solid waste management and resource conservation and recovery topics into the academic curricula of formal and non-formal education in order to promote environmental awareness and action among the citizenry;

## **ARTICLE 2 DEFINITION OF TERMS**

**Section 1. Definition of Terms.** For purposes of this Ordinance, the following terms shall bear their respective meaning and importance:

- a) Agricultural waste shall refer to waste generated from planting or harvesting of crops, trimming or pruning of plants and wastes or run-off materials from farms or fields;
- b) Biodegradable - all materials that can be reduced into finer composition or refuse resources that are basically decomposable;
- c) Composting - biological degradation under controlled conditions or the process of making biodegradable into compost by mixing them with soil, water, biological additives and air;
- d) Disposal – shall refer to the discharge, deposit, dumping, spilling, leaking or placing of any solid waste into or in a land;

- e) Disposal site – shall refer to a site where solid waste is finally discharged and deposited;
- f) Domestic waste - waste from households which maybe classified as biodegradable or non-biodegradable;
- g) Integrated solid waste management – shall refer to the systematic administration of activities which provide for segregation at source, segregation transportation, storage, transfer, processing, treatment and disposal of solid waste and all other waste management activities which do not harm the environment;
- h) Generation - refers to the act or process of producing solid waste.
- i) Generator - a person, natural or juridical, who last uses a material and makes it available for disposal or recycling;
- j) Institutions- refers to the establishments like hospitals, schools, churches, public and private offices, and other similar structures;
- k) ISWMB – means the Integrated Solid Waste Management Board;
- l) Materials Recovery Facility – includes a solid waste transfer station or sorting station, drop-off center, composting facility, and a recycling facility.
- m) Non-biodegradable – all wastes that are mainly non-biodegradable or do not readily decay;
- n) Receptacles - shall refer to individual containers used for the source separation and the collection of recyclable materials;
- o) Recycled material - post-consumer material that has been recycled and returned to the economy;
- p) Recyclable/reusable – all non-decomposable materials that can still be used or processed such as tin cans, metals, bottles, glasses, plastics, etc.;
- q) Recycling – the re-use, retrieval, re-commission of element matter for any and all productive purposes.
- r) Residuals – wastes that cannot anymore be used or recycled which need to be disposed properly;
- s) Resource conversion - refers to the reduction of overall resource consumption, and utilization of recovered resources;
- t) Segregation - refers to a solid waste management practice of separating 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;
- u) Segregation at source – refers to the 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;
- v) Solid Waste – shall refer to all discarded household, commercial waste, non-hazardous institutional and industrial waste, street sweepings, construction debris, agricultural waste and other non-hazardous/non-toxic solid wastes.
- w) Special wastes – 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, white goods, yard wastes that are collected separately, batteries, oil, and tires. These wastes are usually handled separately from other residential and commercial wastes.
- x) Solid Waste Management – refers to the discipline associated with the control of generation, storage, collection, transfer and transport, processing, and disposal of solid wastes in a manner that is in accord with the best principles of public health, economics, engineering, conservation, aesthetics and other environmental considerations and that is also responsive to public attitudes.

### ARTICLE 3 ORGANIZATIONAL STRUCTURE

**Section 1. ISWMB.** There shall be created an Integrated Solid Wastes Management Board composed of:

- Chairman: Mayor
- Vice-Chairman: SB Chairman on Environment
- a) MENRO Officer
- b) MAO
- c) MPDC
- d) Municipal Engineer
- e) Chief of Police
- f) LnB President
- g) School Supervisors
- h) SKMF President
- i) Market Supervisor
- j) NGO representative

**Section 2. Functions.** The Board shall act as the policy making body in the detailed enforcement and management of the program.

**Section 3. Solid Waste Management Office.** - There shall be created a Municipal Solid Waste Management Office that will serve as the lead office in the implementation of the Municipal Solid Waste Management Plan headed by: Municipal Solid Waste Management Officer.

**Section 4. Qualifications of Solid Waste Management Officer.** – The Municipal Solid Waste Management Officer must have a bachelor's degree preferably on engineering or other related courses and have undergone training on solid waste management and should be one of the employees of the MENRO, MAO, and MPDC.

**Section 5. Powers and Functions of the Municipal Solid Waste Management Office.** – The Municipal Solid Waste Management Office shall serve as the office implementation of the Municipal Solid Waste Management Plan. It shall have the following powers and functions:

- a) Organize waste enforcement team and coordinate with the PNP Environmental Desk Officer (PEDO) for the implementation of all ISWM related ordinances and policies;
- b) Coordinate with the assigned agencies and units including NGO's in the conduct of Information, Education and Communication (IEC) campaign activities;
- c) Monitor and evaluate range of compliances with respect to reduction and segregation at source, to include backyard composting per barangay;
- d) Technical Assistance, logistical and training support to barangay and communities to help them formulate strategies and plans, and implement, monitor and evaluate SWM project;
- e) Formulation, review and refinement of procedures for SWM operations and enforcement, including coordination with groups and sectors providing support to the SWM program;
- f) Formulation, review and refinement of incentives command and control system to reinforce the proper practice of solid waste management;

- g) Periodically prepare reports on the performance status and analysis of implementation and enforcement of solid waste management ordinances;
- h) Undertake efficient collection system;
- i) Manage the central MRF and provide technical assistance to barangay for the establishment and operation for their respective MRF's;
- j) Take the lead in the house feasibility study, planning, establishment and operation of the proposed town sanitary landfill;
- k) Manage the proposed hosting of a cluster Sanitary Landfill;
- l) Manage and monitor the ISWM trust fund;
- m) Prepare annual work and financial / budget plans.

## **ARTICLE 4 SEGREGATION OF SOLID WASTE**

**Section 1. Mandatory Segregation of Solid Waste.** The segregation of waste shall be mandatory. Segregation shall primarily be conducted at the source to include household, institutions, industrial, commercial and agricultural sources.

**Section 2. Categories of Solid Waste.** - Solid Waste shall be segregated into the following categories:

- a) Biodegradable wastes
- b) Recyclable/reusable wastes
- c) Residual wastes
- d) Special wastes

**Section 3. Requirements for Segregation and Storage of Solid Wastes.** – The source of solid waste as listed in Section 10 hereof shall have separate containers for each type of solid waste. The solid waste container, depending on its use, shall be properly marked or color-coded for on-site collection as “biodegradable”, “recyclable/reusable”, “residual”, or “special waste”. The containers shall be properly covered, secured or protected or prevent spillage or scattering of the waste and to ensure its containment. For bulky waste, it will suffice that the same be collected and placed in a separate container and in designated areas.

The stored segregated waste must be staked within the establishment’s premises and will be moved out during the schedule of collection.

The head of any commercial and institutional establishment shall be the one responsible for the proper solid waste management system within the establishment.

The Philippine Port Authority (PPA) and similar agencies shall segregate their generated solid waste and shall be properly segregated in three (3) enclosed containers or trashcans, one for biodegradable, recyclable, and residual/special waste.

**Section 4. Additional Requirement for Premises with Six (6) or more Residential Units.** – The owner or person in charge of premises containing six (6) or more residential units shall provide for the residents a designated area and containers in which to accumulate source separated recyclable materials to be collected by the barangay or private collector. In addition, such owner or person in-charged shall notify the residents or occupants of such premises of the requirement of segregation.

**Section 5. Additional Requirements for all Commercial, Institutional and Industrial Establishments Including Public Utility Vehicles.** – The operators, owners or heads of all public utility vehicle, commercial, institutional, and industrial establishments shall provide a designated area and containers in which to accumulate source separated recyclable materials to be collected by the municipality. In addition, such owner or head

shall notify all passengers, workers, employees, and entities working in the premises of the requirements of segregation. No scavenging or unauthorized collection in designated segregation containers or areas shall be allowed.

## **ARTICLE 5 THE MUNICIPAL SOLID WASTE MANAGEMENT PLAN**

**Section 1. Incorporation by Reference.** – The Municipal Solid Waste Management Plan once approved by the Sangguniang Bayan through Resolution is hereby incorporated by reference and made an integral part of this Ordinance.

**Section 2. Implementation.** – The Municipal Solid Waste management Plan shall be implemented in accordance with the implementation strategy and schedule contained in the said Plan. The implementation of the specific components of the plan is provided in the succeeding articles of this Ordinance.

## **ARTICLE 6 SOURCE REDUCTION**

**Section 1. Receptacles for Solid Wastes.** – Waste generators shall provide their own waste receptacles as prescribed by the ISWM Board and must be properly labeled and secured.

**Section 2. Color-Coding of Receptacles.** – The required color of the receptacles for each kind of waste shall be as follows:

1. Green – for biodegradable wastes
2. Yellow – for residuals
3. Blue – for recyclable / reusable
4. Red – for special wastes

**Section 3. Number of Receptacles.** - For purposes of collection, each waste generator shall provide a receptacle for each type of waste in accordance with the requirements of Section 10 of this Ordinance. In urban areas, however, for medium-scale business establishments outside the public market, two (2) receptacles shall be required for the recyclable and residuals/special wastes only. Biodegradable wastes will not be collected but shall be composted on site. However, for residents with adequate space for composting, they shall be required to provide three (3) containers to include biodegradable waste for collection. All receptacles shall be kept within generators respective areas prior to the scheduled collection.

**Section 4. Public Market Storage.** – In the market area, four (4) distinctively marked containers according to kind of wastes shall be provided to transient and stall operators.

**Section 5. Containers for purchased Goods.** - All consumers and business establishments and sellers are required to use bio-degradable containers on their purchased goods such as native baskets (bayong), paper bags and containers or similar materials as prescribed by ISWM Board and pertinent ordinance. Buyers are also encouraged to bring containers or similar materials to reduce wastes.

**Section 6. Communal Receptacles.-** No communal receptacles shall be provided except those managed by the LGU such as the municipal wharf, plaza, public market and public cemetery. The Philippine Port Authority shall take charge with the provision and management of the four (4) types of receptacles in the wharf area. A memorandum of agreement shall be executed to institutionalize the said arrangement. The LGU deputized enforcers shall be tasked in the aforementioned sites.

**Section 7. Bulk Wastes. –** Households in far-flung barangays where bulk collection is not possible shall be clustered by the ISWM Board and their residual and special wastes shall be collected when the need arises.

## **ARTICLE 7 ESTABLISHMENT OF MATERIAL RECOVERY FACILITY**

**Section 1. Central Material Recovery Facility (CMRF) and Residual Containment Area (RCA).** – A Central material Recovery Facility and Residual Containment Area shall be established in a place determined by the ISWMB. It shall be equipped with facilities for segregation, small-scale processing, and manufacturing of indigenous products. A separate containment area for residual and special wastes shall be established.

**Section 2. Barangay Material Recovery Facility.** – The size of the BMRF shall be at least 1.5 m x 4m or approximately 6 sq. m. Each compartment shall have a dimension of at least 1.5 m x 1m to accommodate plastic, paper, cartons, metals, bottles and other re-usable and recyclable materials.

**Section 3. Responsibility for establishment.** – The Municipal Government and the BSWMC shall be responsible for the establishment, operation and maintenance of the Central Material Recovery Facility and Barangay Material Recovery Facility, respectively, provided, however, that the Municipal Government shall provide the necessary technical assistance to the barangays.

## **ARTICLE 8 RECYCLING AND COMPOSTING**

**Section 1. Small-Scale Processing.** – Small-scale processing of waste involves the cleaning and washing of recyclable materials for further recovery and use. It shall be actively pursued at the Material Recovery Facility. Segregation into saleable and non-saleable items shall be done manually to ensure proper sorting. The recovered saleable materials shall be sold to junk shops or to other interested direct buyers while the non-saleable materials shall be further processed into other products. Otherwise, if this is not feasible, the latter shall be accumulated together with the residuals and placed in a specified area for final disposal. Small-scale processing shall also be supported with research and feasibility studies to improve the quality of existing products or develop new uses for the recovered materials.

**Section 2. Mandatory Composting.-** Composting of biodegradable wastes shall be mandatory in every household and other waste generators except in establishments that have been exempted by the ISWMB, provided that, the barangays may decide to establish a common or a clustered composting facility.

**Section 3. Composting Facility.** – Each household or any other waste generator shall provide its own prescribed composting facility and adopt any suitable composting method.

## **ARTICLE 9 WASTE COLLECTION**

**Section 1. Waste Collection Schedule and Coverage.** - The ISWMB shall enforce a waste collection schedule for the covered barangays in accordance with the approved Solid Waste Management Plan.

**Section 2. Time for the Collection of Solid Waste.** – The residual and special wastes must be ready for collection at pick-up points at least one (1) hour before the arrival of the garbage truck.

**Section 3. Collection of Recyclable Materials.** – Only personnel duly authorized by the Barangay Solid Waste Management Committee (BSWMC), shall collect the recyclable materials. In this regard, the ISWMB shall provide technical assistance to the barangays.

**Section 4. Transfer Station.** – The MLGU garbage collectors shall pick up the residual and special wastes and transfer them to the designated Residual Containment Area.

**Section 5. Collection of Biodegradable Waste.** – The MLGU will not collect the biodegradable wastes from the barangays, except in establishments that have been exempted by the ESWMB . The barangay is responsible for collecting biodegradable wastes from sources where backyard composting is not feasible.

**Section 6. Unsegregated Garbage.** – Unsegregated garbage shall not be collected. Violators shall be penalized subject to the provisions of Section 1, Article 15 (10) of this ordinance and other related laws.

## **ARTICLE 10 DISPOSAL**

**Section 1. Prohibition to Operate Open or Controlled Dumpsite.** –The MLGU shall not allow the operation of open or controlled dumpsites.

**Section 2. Establishment of Sanitary Landfill.** – The operation of a sanitary landfill by the MLGU as final disposal area shall be properly coordinated with the Mines and Geosciences Bureau (MGB) and Environmental Management Bureau (EMB) of the DENR.

**Section 3. Disposal to Cluster SLF.** – The MLGU may join a cluster of SLF in partnership with other municipalities and execute a Memorandum of Agreement with the host municipality.

**Section 4. Tipping Fee.** – Funds will be appropriated in the annual budget of the MLGU for the cost of disposing the garbage to a cluster SLF.

**Section 5. Disposal of Wastes from Remote or Inaccessible Households.**  
– For remote or inaccessible households, residual and special wastes shall be deposited in a pit with the toxic substances wrapped securely to prevent contamination of the soil and underground water.



## **ARTICLE 11 EDUCATION AND PUBLIC INFORMATION**

**Section 1. IEC program for Implementation.**- The ISWM Board and the TWG shall carry out continuing IEC activities to promote waste segregation and reduction as well as orderly collection of wastes and operation of MRFs.

**Section 2. Target Audience and Key Messages.** - The IEC activities shall focus on major waste generators, i.e. households and the entire business community, as well as government employees, barangay officials, barangay health workers, barangay nutrition scholars, Sangguniang Kabataan, religious and education sectors, and other development partners.

The IEC materials shall contain messages on segregation, composting, disposal of hazardous wastes, recycling, waste reduction and establishment of MRFs, as well as fines and penalties for violations and incentives for compliance.

**Section 3. Development and Production of IEC Materials.** – The IEC Committee of the ISWMB shall develop, produce and distribute print materials such as leaflets, brochures, posters and press releases. It shall also install streamers and billboards. Appropriate channels of information shall also be tapped.

## **ARTICLE 12 INCENTIVES AND PROCUREMENT SYSTEMS**

**Section 1. Incentives for Best Practice and Enforcement.** – Individuals, organizations, barangays, business establishments, educational and religious institutions and other sectors shall be recognized or given incentives for their exemplary performance as regards ISWM. The incentive system, the mechanics of which shall be formulated by the ISWMB, shall include among others the following:

- 1) Search for outstanding individuals, organizations, barangays, business establishments, educational and religious institutions and other sectors, in solid waste management.
- 2) Cash incentives for enforcers and informers who attest / witness for the prosecution to any violation, the amount of which shall be taken from the fines collected from violators of this ordinance, as follows;
  - a. LGU-employed enforcer - 20 % of fines per offense
  - b. Informer or voluntary enforcer - 30% of fines per offense
- 3) Discounts in business permit fees

**Section 2. System of procurement.** – The provisions of Republic Act No. 9184, otherwise known as the Government Procurement Act, shall be complied with as regards procurement of services, materials and equipment.

## **ARTICLE 13 THE MUNICIPAL SOLID WASTE MANAGEMENT FUND**

**Section 1. Establishment of Fund.-** There is hereby created a special account or trust fund to be known as the Municipal Solid Waste Management Fund of the Municipality of Loon.

**Section 2. Management of the Fund. -** The Municipal Solid Waste Management Board shall develop pertinent guidelines on the management of the fund: Provided, that these do not contradict to the provisions of Republic Act No. 9184. Provided further, that the ISWM Office as certified by the Municipal Accountant shall prepare periodic financial reports.

**Section 3. Sources of Fund.-** The Municipal Solid Waste Management Fund shall be sourced from the following:

- a) Donations, loans, endowments, grants and contributions from domestic and foreign sources;
- b) The share in the fines collected pursuant to Republic Act No. 9003 and this ordinance
- c) Solid waste management fees generated from households, business establishments and all other institutions.
- d) Proceeds from the sale of recyclable materials and compost.
- e) Allocation from the 20% Municipal Development Fund (IRA)

**Section 4. Use of Fund.-** The Municipal Solid Waste Management Fund shall be used to support the implementation of the Municipal Solid Waste Management Plan, including endeavors that will enhance its implementation, to wit:

- a) Capability-building
- b) Information, education and communication
- c) Research and development including, among others, developing new uses and products from solid waste
- d) Adoption of technologies including processes that enhance proper solid waste management;
- e) Establishment and maintenance of facilities
- f) Personal services and maintenance and other operating expenses
- g) Incentives for best practice and enforcement
- h) Monitoring and evaluation

## **ARTICLE 14 SOLID WASTE MANAGEMENT FEES**

**Section 1. Fees. -** There is hereby imposed a solid waste management fee for services provided by the Municipality in accordance with the schedule provided hereunder:

- a) Households in barangays covered by the garbage collection service shall pay a monthly solid waste management fee of P10.00 per household
- b) Business establishments and private schools categorized as follows:

1. Small	-	1 employee	-	P240.00 per year
2. Medium	-	2-5 employees	-	P360.00 per year
3. Large	-	more than 6 employees	-	P600.00 per year
- c) Religious institutions, and all other similar sources of solid waste shall pay a monthly solid waste management fee of P20.00 a month.

- d) Public schools and related institutions are exempted from payment of fees but are subject to fines and penalties in case of violations. Indigent families are also exempted upon certification of the punong barangay and MSWDO.

**Section 2. Manner of Fees Collection.** – The fees shall be collected as follows:

- a) For those households with water connections – fees shall be billed individually together with the monthly water bill for those who have water connections;
- b) For those without water connections - fees shall be billed by the municipal treasurer
- c) For business establishments - fees shall be integrated into the payment of the business permit;

**Section 3. Penalties.-** The following penalties shall be imposed for non-payment of solid waste management fees:

- a) For those households with and without water connections - delayed payment shall be charged with a monthly surcharge of 10%
- b) For business establishments – delayed payment shall be charged with a monthly surcharge of 10%

## **ARTICLE 15 PENALTIES**

**Section1. Prohibited Acts.-** The following acts are prohibited.

- 1) Littering, throwing of cigarette butts and indiscriminate dumping of waste materials in public places such as roads, sidewalks, canals, parks and establishments and municipal waters or any bodies of water, or causing or permitting the same;
- 2) Intentional breaking of bottles, ceramics and other breakable materials in public places;
- 3) Urinating, defecating and spitting in public places;
- 4) Using unprescribed garbage cans or receptacles;
- 5) Leaving garbage receptacles open or not properly secured;
- 6) Depositing garbage at pick-up points outside of schedule;
- 7) Constructing and maintaining pigpens and toilets within the 20-meter salvage zone of seashore, riverbanks, streams, springs, lakes and other bodies of water without securing sanitary permit or without complying with the prescribed design for a septic tank;
- 8) Dumping and collection of Unsegregated wastes;
- 9) Open burning of solid wastes, except those intended to eradicate mosquitoes or minor “daub” in the backyard or farm;
- 10) Causing or permitting the collection of non-segregated or unsorted wastes;

- 11) Squatting in open dumpsites and landfills;
- 12) Open dumping or burying of waste materials in flood-prone areas;
- 13) The mixing of source-separated recyclable materials with other solid waste in any vehicle, box, container or receptacle used in solid waste collection or disposal;
- 14) Establishment or operation of open dumps as enjoined in RA 9003, or closure of said dumps in violation of Section 37, RA 9003;
- 15) Manufacture, distribution or use of toxic, hazardous and non-environmentally safe packaging materials;
- 16) Importation of consumer products packaged in non-environmentally acceptable packaging materials
- 17) Importation of toxic wastes misinterpreted as “recyclable” or “with recyclable content”;
- 18) Transport and dumping in bulk of collected domestic, industrial, commercial and institutional wastes in areas other than centers of facilities prescribed under RA 9003;
- 19) Site preparation, construction, expansion or operation of waste management facilities without an Environmental Compliance Certificate required pursuant to Presidential Decree No. 1586 and RA 9003 and not conforming to the land use plan of the LGU;
- 20) Construction of any establishment within two hundred (200) meters from open dumps or controlled dumps or sanitary landfills;
- 21) Construction or operation of landfills or any waste disposal facility on any aquifer, groundwater reservoir or watershed area and/or any portions thereof.
- 22) Undertaking activities or operating, collecting or transporting equipments in violation of sanitation operation and other requirements or permits set forth or established pursuant to R.A. 9003;

**Section 2. Fines and penalties.**- The following fines and penalties shall be imposed upon the following:

Any person who violates Section 1 of this Article shall be fined;

- |                                 |   |
|---------------------------------|---|
| 1. First Offense                | - Php 500.00  |
| 2. Second Offense               | - Php 1, 500.00   |
| 3. Third or Succeeding Offenses | - Php 2, 500.00 or imprisonment of 10 days, or both at the discretion of the court. |

- a) Any violation may also be prosecuted and panelized under the provisions of R.A. 9003.

**Section 3. Procedures.**– The following procedure shall be observed for Violations under this Ordinance and RA 9003, viz:

1. Issuance of Citation Tickets/Receipts

Any person caught in *flagrante delicto* committing any of the prohibited acts shall be immediately issued a citation ticket/receipt indicating an amount, which the offender shall pay by way of compromise settlement.

2. Rendering Community Service

Notwithstanding the above provision, the offender may be allowed to render community service the period of which shall correspond to the fine set for the offense, and based on the approved daily wage rate of the LGU, after which he/she shall be deemed to have extinguished his/her liability.

3. Prosecution in Court

a.) Any offender who refuses to pay the fine by way of compromise settlement or fails to render the required community service shall be prosecuted accordingly in the proper court.

b.) It shall be the duty of the Local Peace Officer, the Deputized ISWM Officer or any public officer charged with the enforcement of this ordinance and RA 9003 to prosecute the case. Subject to the basic requirements of due process, the proceedings to be adopted by the court shall be summary in nature in accordance with the Revised Rules in Summary Procedures as promulgated and adopted by the courts.

c.) Before filing any case however, the ISWMO may, at its own discretion, conduct an actual site inspection and verification to determine and confirm the veracity and authenticity of the claims and allegations contained in the complaint and that, probable cause exist and a violation has been committed.

d.) Upon determination of probable cause, the ISWMO shall issue a Notice to Sue to the alleged violator indicating, among others, the type and nature of violation committed and giving the concerned violator thirty (30) days within which to correct, rectify or cease and desist from committing the violation complained of.

**ARTICLE 16**  
**MONITORING, EVALUATION AND ASSESSMENT**

**Section 1. Performance Monitoring and Evaluation.** - There shall be a Monitoring and Evaluation (M & E) System to be established by the ISWMB through the ISWMO for the implementation of the solid waste management program of Loon. The system shall be adopted by every barangay through the BSWMC who will then submit monthly and annual reports of their respective operations to the ISWMB, who shall prepare an integrated report of all barangays. The report shall contain the level of compliance with the mandatory requirements of the law on segregation and waste reduction at source, waste collection efficiency, quantity and types of recycled products generated, recovery efficiency of the Central MRF, quantity of recyclables brought from other sources to the MRF and the effectiveness and consistency of the IEC campaign, among others.

**Section 2. In-house Waste Characterization** – The ISWMO, in accordance with the municipal ISWM Board and its TWG, shall prepare/conduct a periodic in-house waste characterization at the disposal site in order to monitor and determine if there is a significant reduction of waste materials at the end-of-pipe of the waste stream.

**Section 3. Semi-annual Assessment Activity** – The ISWM Office shall facilitate the conduct of a semi-annual assessment activity to assess, among others, the physical condition of tools and equipment by the local government in the enforcement and/or implementation of the ISWM program, the level of effectiveness in the implementation of the different ISWM operations from waste segregation, collection MRF and up to disposal including SLF establishment and management and the validation of date and information contained in the reports submitted to the ISWMB.

**Section 4. Reporting** - The ISWM Officer shall submit a semi-annual report to the ISWMB for review and proper endorsement to the Municipal Development Council and the Sangguniang Bayan.

## **ARTICLE 17 FINAL PROVISIONS**

**Section 1. Appropriation** – To effectively carry out the implementation of this Ordinance, the ISWMB shall prepare an annual budget proposal for the implementation of the Municipal Solid Waste Management Plan. The budget shall be appropriated from the 20% Development Fund and approved by the Municipal Development Council and Sangguniang Bayan.

**Section 2. Separability Clause** – If any provision of this Ordinance or the application of such provision to any person or circumstances is declared unconstitutional or invalid, the remainder of the Ordinance or the application of such provision to other persons or circumstances shall not be affected by such declaration.

**Section 3. Repealing Clause** - All Ordinances, executive orders, rules and regulations or parts thereof, which are inconsistent with this Ordinance, are hereby repealed or modified accordingly.

**Section 4. Effectivity**- This ordinance shall take effect upon its approval.

**APPROVED BY MAJORITY VOTES.**

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

**EDWIN R. LADEZA**  
Vice-Mayor  
(Presiding Officer)

ATTESTED:

**FIDELINO P. CORITICO, LIB**  
Secretary to the Sanggunian

A P P R O V E D:

**LLOYD PETER M. LOPEZ, M.D.**  
Municipal Mayor

Date: \_\_\_\_\_