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Republic of the Philippines
PROVINCE OF LANAO DEL NORTE
MUNICIPALITY OF BACOLOD

OFFICE OF THE SANGGUNIANG BAYAN

REGULAR SESSION HELD ON AUGUST 22, 2018

Present:

Hon. Efimaco V. Duhaylungsod,	Member
Hon. Atty. Alfons Janssen P. Marcera,	Member/Temporary Presiding Officer
Hon. Roy Arvin T. Antonio,	Member
Hon. Quintin A. Clapano, Jr.,	Member/Pro-Tempore
Hon. Sittie Allyn S. Sanguila,	Member
Hon. Eugenio L. Palangan, Jr.,	Member
Hon. Cresenciano T. Acain, Jr.,	Member
Hon. Valeriano S. Clapano,	ABC Representative
Hon. George Aniano T. Lomoljo,	SK Representative

On Official Business:

Hon. Raymund C. Santos,	Vice Mayor
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Absent:

Hon. Joy P. Espinosa,	Member
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**MUNICIPAL ORDINANCE NO. 2018-05**

**"AN ORDINANCE ON ECOLOGICAL SOLID WASTE MANAGEMENT IN THE MUNICIPALITY OF BACOLOD AND PROVIDING PENALTIES FOR VIOLATION THEREOF"**

(Introduced by Hon. Roy Arvin T. Antonio)

**BE IT ENACTED**, as it is hereby ENACTED, by the Sangguniang Bayan of Bacolod, Lanao del Norte, in session assembled that:

**Section 1. Short Title.** – This ordinance shall be known as the "ECOLOGICAL SOLID WASTE MANAGEMENT OF 2018".

**Section 2. Purpose**

- 2.1. To operationalize the powers and responsibilities of the units/offices within the Municipal government in the implementation of Municipal 10-year Solid Waste Management Plan;
- 2.2. To provide guidance to the concerned units/offices in the exercise of their powers and in optimizing the opportunities;
- 2.3. To protect the fragile ecosystems from the adverse impact of the economic activities/development;

- 2.4. To institutionalize community-based mechanisms and public consultation in the implementation of the Municipal Solid Waste Management Strategies;
- 2.5. To establish the necessary mechanism for implementing the provisions of this ordinance.

### **Section 3. Operative Principles**

- 3.1. The use of environment friendly and appropriate technologies is a basic foundation for a healthy and progressive generation.
- 3.2. All development activities shall give importance and respect for the indigenous practices, which are protective of the environment and community.
- 3.3. The sustainable economic development of the Municipality of Bacolod calls for a judicious use of and equitable access to natural resources in accordance with existing laws.
- 3.4. Source reduction, re-use and recycling are the most preferred practices while safety disposal is the least preferred.
- 3.5. Solid wastes management is a co-equal as the business management of an enterprise or livelihood system.
- 3.6. Solid waste is a raw material that can be used for other purposes.
- 3.7. Pollution prevention is preferred to pollution control practices.

### **Section 4. Regulatory Provisions**

- 4.1. Utilize environmentally-sound methods that maximize the utilization of valuable resources and encourage resource conservation and recovery;
- 4.2. Set guidelines and targets for solid waste avoidance and volume reduction through source reduction and waste minimization measures, including composting, recycling, re-use, recovery, green charcoal process, and others, before collection, treatment and disposal in appropriate and environmentally sound solid waste management facilities following the Ecological Solid Waste Management Act of 2000 (RA 9003);
- 4.3. Ensure the proper segregation, collection, transport, storage, treatment and disposal of solid waste through the formulation and adoption of the best environmental practice in ecological waste management;
- 4.4. Ensure that incineration and open burning of solid wastes are openly discouraged;

- 4.5. Encourage greater private sector participation in solid waste management;
- 4.6. Retain primary enforcement and responsibility of solid waste management of the local government units while establishing a cooperative effort with and among the national government, other local government units, non-government organizations, and the private sector;
- 4.7. Encourage cooperation and self- regulation among waste generators through the application of market-based instruments.
- 4.8. Institutionalize public participation in the development and implementation of national and local integrated, comprehensive, and ecological waste management programs; and
- 4.9. 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 cities.

#### Section 5. Definition of Terms.

- 5.1. **Biodegradable Materials** - a waste that can be changed to a harmless natural state by the action of bacteria, and will therefore not damage the environment. It includes waste from kitchen, papers, tissues, some small types of cartons and other plant or tree parts such as leaves and trunks. Some of these materials may be used for producing fertilizers through composting.
- 5.2. **Segregation**- an act or process of separating one waste from another waste. It involves color coding of waste from green, black, blue and red.
- 5.3. **Single-use Plastics** – these are non-biodegradable disposable plastic used as container or packaging for grocery items and food products such as sando bags and the likes. It also includes plastics used in food business establishments such as plastic spoon and fork and drinking straw.
- 5.4. **Styrofoam** – a kind of expanded polystyrene commonly used as food container.
- 5.5. **Recyclable Materials** – products that are recovered from waste for other useful purposes such as rubber tires, plastic drinking bottles, metals, glass bottles, newspapers, cartons and other recyclable materials that may be sold to junk shops.
- 5.6 **Residual Waste** - is waste material that doesn't decompose or that can't be recycled. A primary example is most plastics although there are some that actually do break down over time. It also includes diapers, some rubber materials, and old clothing.

**5.7. Special or Toxic Waste-** these are waste that are hazardous to health and requires strict government special handling regulation such as batteries, light bulbs, hospital waste, engine oil, paints.

## **Section 6. Municipal Solid Waste Management Board**

Municipal Solid Waste Management Board (MSWMB) herein referred to as the Board that shall prepare, submit and implement a plan for the safe and sanitary management of solid waste. The Board shall be composed of the Municipal Mayor as chairman, with the Municipal Planning and Development Officer as vice chairman and Municipal Environment and Natural Resources Officer as board secretary.

The following are members of the Board:

- a) Municipal Social Welfare and Development Officer
- b) Municipal Health Officer
- c) Municipal Administrative Officer
- d) Municipal Tourism Officer
- e) Municipal Disaster Risk Reduction Management Officer
- f) Municipal Agriculture Officer
- g) Municipal Engineer
- h) Municipal Treasurer
- i) Municipal Budget Officer
- j) Department of Interior and Local Government Officer
- k) Municipal Committee on Environment, Sangguniang Bayan Chairman,
- l) Representative from Chamber of Commerce
- m) Liga ng Barangay
- n) Sangguniang Kabataan Federation Chairman
- o) Representative from NGOs and PO's whose principal purpose is to promote recycling and the protection of air and water quality;
- p) Representative from the market vendors association;
- q) Representative from hospital and other medical clinic;
- r) Representative from private and public schools;

The Board shall likewise design appropriate mechanisms that will ensure optimum representation of the various stakeholders in the Board.

The Board shall have the following duties and responsibilities:

- a) Develops the Municipal Solid Waste Management Plan that shall ensure the long- term management of solid waste, as well as integrate the various solid waste management plans and strategies of the barangays in its area of jurisdiction. In the development of the Solid Waste

- Management Plan, it shall conduct consultations with the various sectors of the community;
- b) Adopts measures to promote and ensure the viability and effective implementation of solid waste management programs in its component barangays;
  - c) Monitors the implementation of the Municipal Solid Waste Management Plan through its various political subdivisions and in cooperation with the private sector, NGOs and concerned citizens;
  - d) Adopts specific revenue-generating measures to promote the viability of its Solid Waste Management Plan;
  - e) Convenes regular meetings for purposes of planning and coordinating the implementation of the solid waste management plans of the respective component barangays;
  - f) Oversees the implementation of the Municipal Solid Waste Management Plan;
  - g) Reviews every two (2) years or as the need arises the Municipal Solid Waste Management Plan for purposes of ensuring its sustainability, viability, effectiveness and relevance in relation to local and international developments in the field of solid waste management;
  - h) Develops specific mechanics and guidelines for the implementation of the Municipal Solid Waste Management Plan;
  - i) Recommends appropriate local government authorities specific measures or proposals for franchise or build-operate-transfer agreements with duly recognized institutions to provide either exclusive or non-exclusive authority for the collection, transfer, storage, processing, recycling or disposal of municipal solid waste. The proposals shall take into consideration appropriate government rules and regulations on contracts, franchise and build-operate-transfer agreements;
  - j) Recommends measures and safeguards against pollution and for the preservation of the natural ecosystem;
  - k) Coordinates efforts of its component barangays in the implementation of the Municipal Solid Waste Management Plan;
  - l) Provides necessary logistical and operational support to barangays; and
  - m) Calls on any concerned agency or sector, as it may deem necessary for support or other appropriate action.

#### **Section 7. Technical Working Committee**

The Technical Working Committee (TWC) will continue to formulate plans of the programs and activities to carry out the functions of the Board. The committee shall be composed of the Municipal Administrator as chairman, with the MENRO as secretariat.

The following are members of the TWC:

- a) MPDO
- b) MHO
- c) Sanitary Inspector
- d) Municipal Engineer
- e) Municipal Disaster Risk Reduction Management Officer
- f) Eco Police Officer

There shall be a creation of support committees to assist the TWC in the implementation of SWMP and carry out functions relative to the protection and preservation of the environment particularly but not limited to the Cleaning and Greening programs as follows: a) Enforcement Committee; b) Greening and Reforestation Committee; c) Health and Sanitation Committee; d) Monitoring, Evaluation, and Education Committee; e) Special Operation Team and Engineering Committee; and f) Finance Committee.

#### **Section 8. Mandatory Segregation of Solid Wastes.**

Wastes segregation in the Municipal shall be guided by the Implementing Rules and Regulations (IRR) of the Ecological Solid Waste Management Act of 2000 (RA 9003).

All households, business establishments and other institutions shall follow standard waste segregation disposal through waste bins with proper color-coding and labelling. The following shall be the proper disposal of waste, to wit:

- a. **GREEN** - for Biodegradable materials (basura na makomposte para mahimong fertilizer)
- b. **BLACK** – for Residual Waste (Di na mapuslan nga basura)
- c. **BLUE** - for Recyclable materials (Pwede pa magamit o mahalin sa Junkshop)
- d. **RED** - for Toxic and Hazardous waste (Delikado nga basura)

All barangays shall be responsible for collection of segregated waste on every household in their respective area to the Barangay Material Recovery Facility (MRF). The Barangay MRF shall be color-coded and properly labelled and shall be collected by the Municipal Garbage Collector. Unsegregated waste shall not be collected.

#### **Section 9. Segregated Collection Schedule.**

With reference to the preceding section, the following shall be collected through color coding, to wit;

- a. **Black** - Mondays and Fridays
- b. **Green** - Tuesdays and Saturdays
- c. **Blue** - Wednesdays
- d. **Red** - Saturdays

## Section 10. Garbage Collection Fee.

There shall be collected from every owner or operator of a business establishment an annual garbage fee in accordance with the following schedule:

| KINDS OF ESTABLISHMENTS                                                                                                                                                                                                       |                          | Amount of Fee Per Annum |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|-------------------------|
| Manufacturers, Millers, Assemblers, Processors and Similar Business                                                                                                                                                           |                          |                         |
| a.                                                                                                                                                                                                                            | Not more than 100 sq. m. | ₱ 1000.00               |
| b.                                                                                                                                                                                                                            | More than 100 sq. m.     | ₱ 2000.00               |
| Hotels, Apartments, Motels and Lodging Houses                                                                                                                                                                                 |                          |                         |
| a.                                                                                                                                                                                                                            | Not more than 100 sq. m. | ₱ 1000.00               |
| b.                                                                                                                                                                                                                            | More than 100 sq. m.     | ₱ 2000.00               |
| Restaurants, Day and Night Clubs, Cafes, and Eateries                                                                                                                                                                         |                          |                         |
| a.                                                                                                                                                                                                                            | Not more than 50 sq. m.  | ₱ 1000.00               |
| b.                                                                                                                                                                                                                            | More than 50 sq. m.      | ₱ 2000.00               |
| Hospitals, clinics, laboratories and similar business establishments                                                                                                                                                          |                          |                         |
| <b>Note: Joint DENR-DOH Admin. Order No. 02, S. 2005 dated August 24, 2005<br/>(Policies and Guidelines on effective and proper handling, collection, transport, treatment, storage and disposal of health care wasters.)</b> |                          |                         |
| a.                                                                                                                                                                                                                            | Not more than 10 sq. m.  | ₱ 1000.00               |
| b.                                                                                                                                                                                                                            | More than 10 sq. m.      | ₱ 2000.00               |
| Movie houses and Retailers                                                                                                                                                                                                    |                          |                         |

|                                    |                         |           |
|------------------------------------|-------------------------|-----------|
| a.                                 | Not more than 10 sq. m. | ₱ 1000.00 |
| b.                                 | More than 10 sq. m.     | ₱ 2000.00 |
| Other business not mentioned above |                         |           |
| a.                                 | Not more than 10 sq. m. | ₱ 1000.00 |
| b.                                 | More than 10 sq.m.      | ₱ 2000.00 |

**10.1. Time of Payment.** – The fees prescribed in this Article shall be paid to the Municipal Treasurer within the first twenty (20) days of January each year.

**10.2. Administrative Provisions.**

- a. For purposes of the imposition, the area of garbage collection shall only be the business area of the town proper and Public Market.
- b. The owner or operator of the aforementioned business establishments shall provide for his premises the required garbage bins or receptacles, which shall be placed in front of his establishment before the time of garbage collection.
- c. The Municipal Environment and Natural Resources Officer (MENRO) shall conduct regular inspection to monitor strict compliance of this Ordinance.
- d. This section shall not apply to business operators or establishments which provides their own system of garbage disposal.

**Section 11. Municipal Environmental Compliance Certificate.**

A Municipal Environmental Compliance Certificate shall be secured by all business establishments annually, prior to operation of business or during renewal of business permit with corresponding annual fee of Php 100.00 to ensure compliance of this ordinance and in all other environmental laws including the R.A 9003.

**Section 12. Incentive Program.**

The SWMB may adopt an incentive program/s and maybe granted or awarded to individual/s, business establishments, private or government institutions to ensure compliance and wide participation in all environmental programs in this municipality.

**Section 13. Prohibition on the Use of Plastic and Prohibition of Polystyrene Materials for Packaging**

*Planned*

The Municipal hereby adopts the following prohibition on the use of plastic and expanded polystyrene or commonly known as Styrofoam for packaging in all business establishments within the Municipality.

- 13.1. The use of plastic bags as packaging materials for dry goods is prohibited. All private and government institutions, business establishments including but not limited to bakeries, Grocery stores, Sari-Sri Stores, hardware stores, RTW Stores, Pharmacies, Agrivet Supplies, Rice retailers, and other Merchandising Stores shall pack dry good products in biodegradable materials such as carton boxes, sako bags, eco bags or paper bags. Dry goods maybe packed in plastic bags or non-biodegradable packing materials provided that such packing materials were supplied by the costumers.
- 13.2. The use of plastic bags on wet goods (e.g. fresh fish, meat products) is prohibited.
- 13.3. The use of plastic as primary containers for liquid food products shall be allowed such as food condiments, ice candies and the likes.
- 13.4. No business establishment shall offer or sell plastic bags to be used as packaging materials.
- 13.5. The use of Expanded Polystyrene or commonly known as Styrofoam as packaging materials or as containers for food, fruits and vegetables is prohibited.
- 13.6. The use of single-use plastics such as drinking straw, plastic cups, and utensils such as spoon and fork in food business establishments is prohibited.
- 13.7. The use of plastic bottle for water drinks and other soda drinks is highly discouraged.
- 13.8. The MENRO shall monitor the effective implementation of the banning of plastic after two (2) months of massive information campaign and coordination with affected business establishments.

#### **Section 14. Prohibited and Punishable Acts**

- 14.1. All business establishments and/or individuals are prohibited from selling and providing plastic bags or non-biodegradable bags to customers as packaging material on dry and wet goods;
- 14.2. Selling and providing to customers with Polystyrene or Styrofoam as containers;

- 14.3. Providing customers of single-use plastics such as drinking straw, plastic cups, plastic spoon and fork in food business establishments;
- 14.4. Littering, throwing, dumping of waste materials in public places, such as roads, sidewalks, canals, esteros or parks, and other establishments within the municipality;
- 14.5. The burning of solid waste in any open areas within the Municipality;
- 14.6. Improper disposal of biodegradable and non-biodegradable materials;
- 14.7. Improper waste bins or unlabelled waste bins;
- 14.8. Dumping of plastic materials, fishing nets and lines, packing bands, straps, synthetic ropes, plastic bags bottle sheets and other containers and even medical equipment in coastal areas;
- 14.9. Dumping of agricultural waste or animal waste that would cause pollution within the Municipality;
- 14.10. Illegal disposal of domestic waste into vacant residential or commercial lot;
- 14.11. Collection of non-segregated or unsorted wastes for both hospital, commercial, industrial and domestic waste in the Municipality;
- 14.12. Open dumping, burying of biodegradable or non-biodegradable materials in frequently flooded prone areas and public market;
- 14.13. Unauthorized removal of recyclable materials intended for collection by authorized persons;
- 14.14. The mixing of source-separated recyclable material with other solid waste in any vehicle, box, container or receptacle used in solid waste collection or disposal;
- 14.15. Importation of all toxic wastes, with or without the "recyclable" or "with recyclable content";
- 14.16. Transport and dump log in bulk of collected domestic, industrial, commercial, and institutional wastes in areas other than centers or facilities;
- 14.17. Squatting in controlled dump site and decommissioned dump site in Barangay is prohibited;
- 14.18. The construction or operation of landfills or any waste disposal facility in any aquifer, groundwater reservoir or watershed area and/or any portion thereof.

## **Section 15. Fines and Penalties**

Any violation of prohibited and punishable acts under this ordinance shall be penalized as follows:

For Individual violator:

*First offense* : Php 300 fine and re-orientation seminar

*Second offense* : Php 500.00 fine

*Third offense and each succeeding offense* : A fine of Php 1,000.00 fine and Community Service and/or imprisonment of not more than six (6) months upon the discretion of the court.

For Business Establishment:

*First offense* : Php 1,000 fine and re-orientation seminar

*Second offense* : Php 2,000.00 fine

*Third offense and each succeeding offense* : A fine of Php 2,500.00 fine and cancellation of their license to operate and/or closure for a period of one year.

## **Section 16. Persons and Deputies.**

Persons authorize to enforce this ordinance are the PNP, ECO Police, and other persons authorized by the Local Chief Executive.

## **Section 17. Repealing Clause.**

Provisions of any ordinance, order, rules and regulations promulgated by the municipal government, which are directly or indirectly in conflict with or inconsistent with any of the provision of this ordinance are hereby repealed or modified accordingly.

## **Section 18. Separability Clause.**

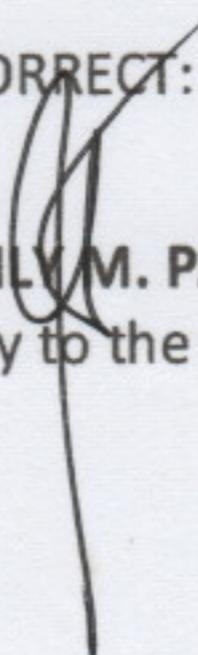
If for any reason or cause, any part or provision of this ordinance shall be held invalid by the proper Court, other parts of provision hereof, which are not affected thereby shall continue to be in full force and effect.

## **Section 19. Effectivity Clause.**

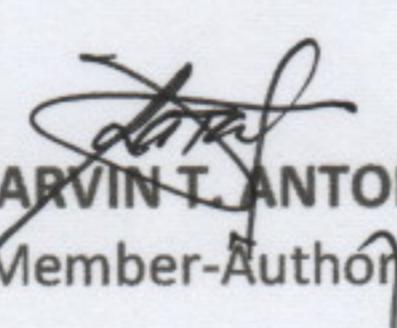
This ordinance will take effect upon publication in a newspaper of local circulation and posting thereof in three conspicuous public places for a period of fifteen (15) days.

APPROVED AND ADOPTED this 22<sup>nd</sup> day of August, 2018.

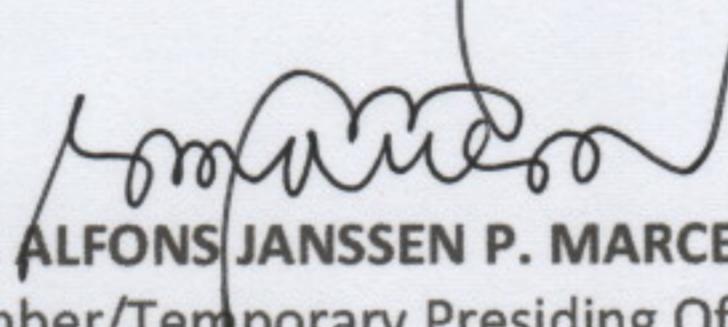
CERTIFIED CORRECT:

  
**STENILY M. PACIENTE**  
Secretary to the Sanggunian

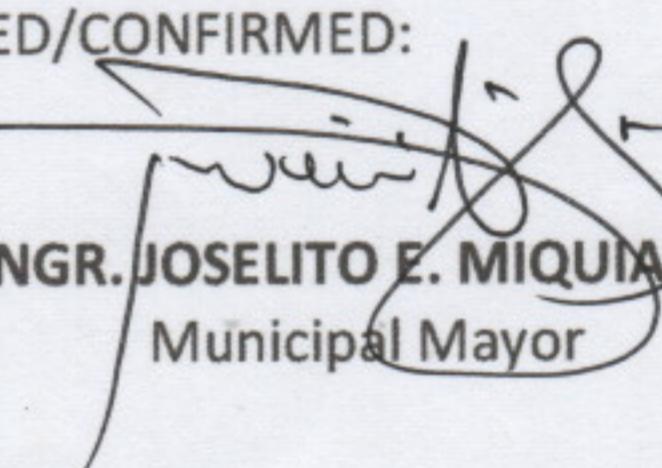
VERIFIED BY:

  
**ROY ARVIN T. ANTONIO**  
Member-Author

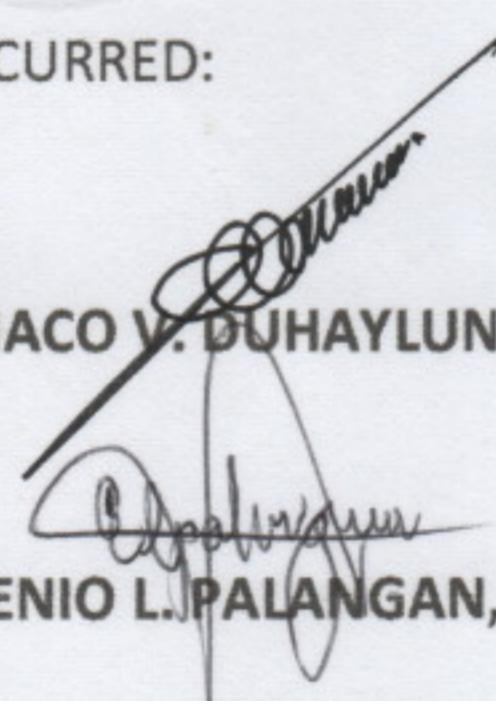
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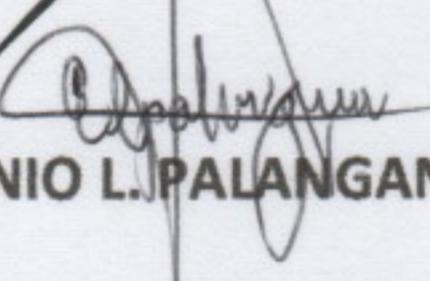
  
**ATTY. ALFONS JANSSEN P. MARCERA**  
SB Member/Temporary Presiding Officer

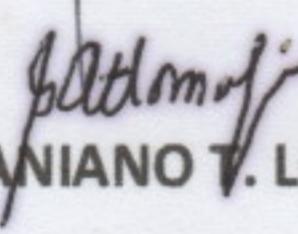
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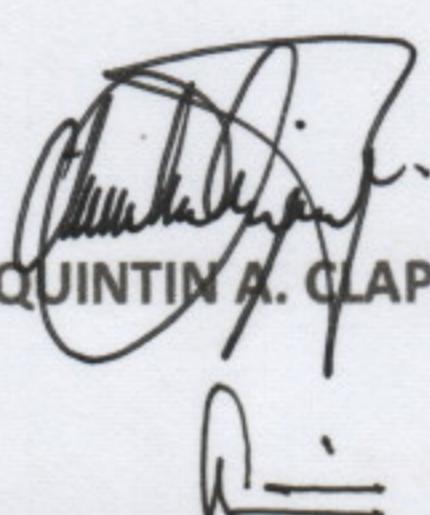
  
**ENGR. JOSELITO E. MIQUIABAS**  
Municipal Mayor

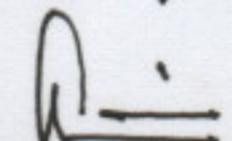
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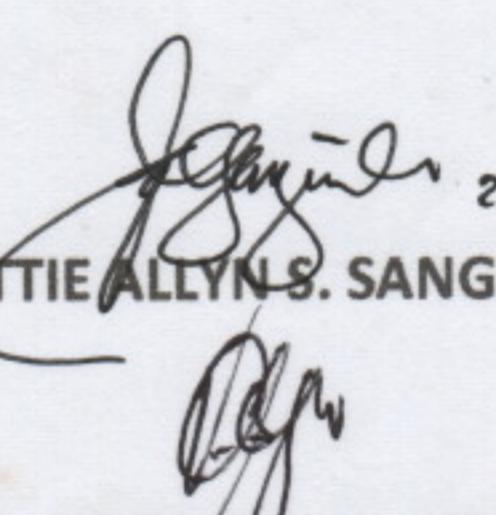
  
**EFIMACO V. DUHAYLUNGSOD**

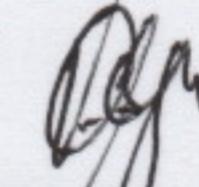
  
**EUGENIO L. PALANGAN, JR.**

  
**GOERGE ANIANO T. LOMOLJO**

  
**QUINTIN A. CLAPANO, JR.**

  
**CRESENCIANO T. ACAIN, JR.**

  
**SITTE ALLYN S. SANGUILA**

  
**VALERIANO S. CLAPANO**