



Republic of the Philippines
Province of Laguna
MUNICIPALITY OF LOS BAÑOS
Special Science and Nature City
OFFICE OF THE SANGGUNIANG BAYAN
Municipal Hall, National Highway, Brgy. Timugan,
Los Baños, Laguna 4030 Philippines
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**EXCERPTS FROM THE MINUTES OF THE SIXTH (6TH) REGULAR SESSION OF THE
SANGGUNIANG BAYAN HELD ON AUGUST 16, 2019, AT THE SANGGUNIANG BAYAN
SESSION HALL, NATIONAL HIGHWAY, BRGY. TIMUGAN, LOS BAÑOS, LAGUNA .**

Present :	Acting Vice Mayor Josephine S. Evangelista, Acting Presiding Officer S.B. Member Miko C. Pelegrina S.B. Member Janos S. Lapiz S.B. Member Geronimo A. Ciceron S.B. Member Marlo PJ A. Alipon S.B. Member Mike Dexter A. Concio S.B. Member Mark Lester B. Dizon S.B. Member Cris Dayril B. Bagnes S.B. Member Arlene P. delos Santos, Liga President S.B. Member Jozlyn N. Manansala, SK Fed. President Secretary Dona T. Alborida Ms. Teresita R. delos Reyes, Comptr. Optr. IV
Absent :	N o n e
Visitor :	Ms. Michelle G. Dawlong, Linggo ng Kabataan GSO Ms. Danessa O. Avio, Linggo ng Kabataan PESO Mr. Juan Christian Acero, Linggo ng Kabataan DSWDO Mr. Dominick A. Villamayor, Linggo ng Kabataan BFP Ms. Paye Ylliza Borgonia, Linggo ng Kabataan MUDHO Ms. Jasmin M. Banasihan, Linggo ng Kabataan GADO Ms. Jaele Bendillo, Linggo ng Kabataan MHO Ms. Jyra Donasco, Linggo ng Kabataan SSB Mr. Vinze Dengel Buquid, Linggo ng Kabataan MOT Mr. Jhum Paul A. Gonzales, Linggo ng Kabataan PNP Mr. Christian Angelo S. Balladares, Linggo ng Kabataan Mun. Accountant Ms. Juliana Jerneth M. Ramos, Linggo ng Kabataan BJMP Jail Warden Ms. Syra Joy L. Binamira, Linggo ng Kabataan Mun. Agriculturist Ms. Dyna Elizath R. Caiga, Linggo ng Kabataan HRMO Ms. Lianne Joy B. Elec, Linggo ng Kabataan PIO Ms. Pyrene H. Salandanan, Linggo ng Kabataan MPDO Ms. Pynnah H. Salandanan, Linggo ng Kabataan MNAO Mr. Arthur D. Delminguez, Linggo ng Kabataan LYDO Ms. Rosemel Faith P. Ordoña, Linggo ng Kabataan DILG-MLGOO Mr. Charles de Vera, Linggo ng Kabataan Municipal Assessor Mr. John Louie G. Valencia, Linggo ng Kabataan MENRO Consultant Ms. Sunshine P. Ison, Linggo ng Kabataan, MDRRMO Ms. Angelica D. Narrido, Linggo ng Kabataan Municipal Budget Officer Mr. Christian R. Gomez, Linggo ng Kabataan Municipal Engineer Ms. Marissjoy Nobleza, Linggo ng Kabataan Little Councilor Mr. Jaybee Pamulaklakin, Linggo ng Kabataan Little Councilor Ms. Kervie Aizea L. Miñgano, Linggo ng Kabataan Little Liga President

Ms. Eva Angelica Panciles, Linggo ng Kabataan Little SK Fed. President
Ms. Samantha B. Posadas, Linggo ng Kabataan Little CCA Officer
Mr. Kyle Mayan B. Dominguez, Linggo ng Kabataan Little Mun. Administrator
Mr. Roi Archie L. Velasco, Linggo ng Kabataan Little Tourism Officer
Ms. Justine Rabulan, Linggo ng Kabataan, Little Councilor
Ms. Anne Kirsten Villanueva Barboa, Linggo ng Kabataan Little Councilor
Mr. Jhed Bautista, Linggo ng Kabataan Little Councilor
Mr. Francis Dominic V. Pura , Linggo ng Kabataan Little Mayor

ORDINANCE NO. 2019-1865

ORDINANCE ON REGULATION OF JUNKSHOP/JUNKYARD OPERATION

Author(s) : Councilor(s) Geronimo A. Ciceron/Marlo P. Alipon,

WHEREAS, Section 16 of Republic Act 7160, otherwise known as the "Local Government Code of 1991", provides –

"Section 16, General Welfare – Every local government unit shall exercise the power expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare. Within their respective territorial jurisdiction, local government units shall ensure and support, among other things, the preservation and enrichment of culture, promote health and safety..."

WHEREAS, Implementing Rules and Regulation of Republic Act no. 9003, otherwise known as the "Ecological Solid Waste Management Act of 2000" does not provide detail environmental management guidelines for junkshop operation;

WHEREAS, Republic Act No. 6969, otherwise known as the "Toxic Substance and Hazardous and Nuclear Wastes Control Act of 1990", also regulates materials with hazardous components, but there is no explicit provision for electronic-waste;

WHEREAS, the Local Government of Los Baños through its different department and officers shall continuously audit the performance of these junkshops;

WHEREAS, there are about 40 junkshops of various scales in Los Baños and most of them do not have business permit for they do not know how to prepare a project description;

WHEREAS, the Local Government of Los Baños shall regulate the operations of junkshops in accordance to existing environmental laws and regulations thru proper accreditation procedures;

WHEREAS, the Los Baños Municipal Environment and Natural Resources Office (MENRO) shall establish a data base on junk shop operation in the municipality as well as their waste diversion thru a uniformed and systematic recording of wastes that go to them;

WHEREAS, the Local Government of Los Baños enjoins all junk shop operation in the municipal solid waste diversion program and legalized their business;

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WHEREAS the Local Government of Los Baños shall promotes junk shop operation to be an environment compliant livelihood system;

NOW THEREFORE, on motion of Councilor Marlo PJ A. Alipon, duly seconded by Councilor Mark Lester B. Dizon and approved by the councilors present;

BE IT ORDAINED BY THE SANGGUNIANG BAYAN OF LOS BAÑOS, LAGUNA, in session assembled, THAT:

SECTION 1. TITLE – The title of the Ordinance shall be “Regulation of Junkshop/Junkyard Operation in the Municipality of Los Baños”.

SECTION 2. DECLARATION OF POLICY – It shall be the policy of the Municipality of Los Baños to regulate the operation and management of junkshops within its territorial jurisdiction.

It shall be the policy of the Municipality of Los Baños to promote legal sources of income, such as junkshop operations and related activities, and regulate their operations in accordance with existing zoning, health, safety and environmental laws and regulations. It is also the policy of the Municipality to guide, control and regulate its physical growth and development and protect the character and stability of residential, commercial, institutional, parks and open spaces within Los Baños to promote the orderly and beneficial development of these areas.

SECTION 3. OPERATION OF JUNKSHOPS – The Municipality of Los Baños hereby authorizes the operation of junkshops and junkyard within the territorial jurisdiction of the municipality subject to strict compliance with the Health and Sanitation Code, National Building Code, Fire Protection Code, RA 9003 (Ecological Solid Waste Management Act of 2000) and all Ordinances of the Municipality related to business operation and cleanliness.

SECTION 4. DEFINITION OF TERMS. As used in this ordinance, the terms below shall be defined as follows:

4.1 JUNKSHOP shall refer to any building, including its premises, in which junk is stored. It deals with all kinds of junk.

4.2 JUNKYARD shall refer to the junk shop premises and includes any land, building or other structure or part thereof.

4.3 PUBLIC UTILITY MATERIALS shall refer to any material made of steel, copper, brass, bronze or aluminum, being used by public utility companies, whether government owned or privately-owned, to provide or deliver telecommunication system, power and water supply.

4.4 TRANSPORTATION MATERIALS shall refer to all materials used in the railway operations by the Philippine National Railways, whether parts of its communication line or parts of railway track (e.g. rail, switch component, spike, angle bar, tie plate or boltry; these also include all other parts of vehicle, of any type, whether public or private).



- 4.5 PUBLIC SAFETY MATERIALS shall refer to all materials intended or designed to provide safety or directions to people, which include street signage/markers, drainage covers, street lighting materials, and the likes.
- 4.6 OTHER METALLIC MATERIALS shall refer to all other metallic materials originating from history sites, public places and cemeteries, whether public or private, such materials as historical markers, building or plaza markers, tomb or mausoleum signages or markers, fences or railings.
- 4.7 NONE-CONFORMING USE shall refer to an establishment in an area allowed to operate despite the non-conformity to the provisions of the Zoning Ordinance of Los Baños.

SECTION 5. LOCATION – Junkshop operation shall be allowed only in non-residential zones and/or environmentally critical areas.

SECTION 6. JUNKSHOP/JUNKYARD FACILITY.

- 6.1 All junkshops must have an area of at least 30 square meters.
- 6.2 All junkshops shall comply with the Building and Fire Code Blocks. The Firewall must be made of concrete hallow blocks.
- 6.3 Electrical wirings of all junkshops must comply with the machinery situated or operated within the junkyard premises.
- 6.4 All junkshops must have areas for parking of tri-bike, pushcarts, and/or collection equipment for loading and unloading of junk materials, inside their premises and not roadways and sidewalks. The roadways and sidewalks shall not be used for parking or display of saleable, also, for weighing, sorting or stripping junk equipment.
- 6.5 All junkshops must have separate areas for sorting and storage for different recyclables.
- 6.6 Any structure or parts of the structure which is hazardous to public health and safety shall be demolished within such reasonable time as the local guilding office may order after due written notification of the owner or operator.
- 6.7 Machinery, equipment or any structure or material placed unprotected, unguarded, unsanitary and situated or operated in the nearby premises of the junkshops which constitute as nuisance shall be confiscated or abated within thirty (30) days after its assessment by the Municipal Health Office (MHO) and building officials and after the written notification to the owner or operator.

SECTION 7. SECURING MUNICIPAL PERMIT TO OPERATE A JUNKSHOP.

- 7.1 Information for application. The following information has to be submitted to the Municipal Planning and Development Office (MPDO) for application to operate junkshop:

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- a. Application Letter;
- b. Information Sheet:

- 1. Complete name of the applicant;
- 2. Applicant's complete address and contact number;
- 3. Information whether the applicant has been sued and/or convicted a crime of larceny and/or crime involving moral turpitude or any other crimes;
- 4. Information as to ownership of business site; and
- 5. Other necessary information.

7.2 The application letter and information sheet shall be verified by the MDPO:

- k. Photocopy of applicants identification. Voter's ID, Driver's License or other valid ID with recent photo and updated Community Tax Certificate.
- l. Barangay Clearance as to the Junkshop's acceptability where it is or will be located.
- m. Proof of ownership of land and/or building or proof of right to occupy and use of property (e.g. land title, lease contract, usufruct agreement or others)
- n. Realty Tax Clearance from the Municipal Treasury Office (MTO), if properly being used for junkshop operation is owned by the applicant.
- o. Layout Plan of Junkshop and/or Junkyard showing sufficient area for stock filing of junks, office area, and parking area entrance and exit and loading and unloading of junk materials.
- p. Sources of recyclable materials.
- q. Brief description of waste management (e.g. types of waste, number of sacks per week).
- r. List of employees or workers of existing junkshops and/or junkyards duly certified by the owner or operator.
- s. List of roving collectors duly certified by the owner or operator, if any;
- t. List of satellite junkshop/s and their address(es) and contract number/s, if any

SECTION 8. EVALUATION OF THE APPLICATION. The evaluation team composed of representatives from the Municipal Planning and Development Office (MPDO) who will act as the team coordinator, and members from the Municipal Engineering Office (MEO), Bureau of Fire Protection (BFP) Municipal Health Office (MHO) and Municipal Environment and Natural Resources (MENRO) shall evaluate the application documents, inspect the proposed site and premises, and make written report of their findings and recommendations whether to grant the application or not. The site inspection and evaluation shall be finished within a week. If the findings and recommendation is not favorable, the MPDO shall return the application immediately, citing the reasons therefor.

For purposes of conducting objective evaluation, the team shall only refer to their respective office mandates and other national policies and municipal ordinances. Application containing false information found by the evaluation team shall be denied issuance of permit.

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Only when the findings and recommendation is favorable, the MPDO shall endorse the application to the Business Licensing Division of the Municipal Treasury's Office (MTO), for assessment purposes and collection of license fees, prior to preparation and issuance of Business Permit.

- SECTION 9. APPEAL FOR RETURNED APPLICATION. Appeal to the Municipal Mayor may be made by the applicant only when all the major concerns/problems pointed by the Evaluation Team have been positively addressed. The applicant's appeal shall initially pass through the Municipal Planning and Development Office (MPDO) for re-evaluation, and when warranted, the same is endorsed to the Municipal Mayor for consideration and subsequent issuance of Business Permit. All appeals, however, shall be made by the applicant within fifteen (15) calendar days after his or her receipt of denial. Any act to circumvent this provision such as changing of shop owner's name or business name is enough ground to warrant automatic denial of application for Business Permit.
- SECTION 10. PROHIBITED WASTE. The following wastes shall not be handled by all junkshops. Stripped part of or entire TV and computer processing units, monitor, vehicle batteries, and stripped cover of refrigerator. Non-valuable waste resulting from sorting of waste materials will not be collected by the Municipal or Barangay garbage truck. The operator should hire authorized hauler of garbage for their waste management. Collecting, sorting and processing of garbage outside Los Baños is strictly prohibited.
- SECTION 11. ENTRANCES, EXITS, FENCES, AND ORDERLINESS OF JUNKYARDS. Any premises, piece or parcel of land licensed and used as a junkshop whether existing or created hereinafter shall have gated entrances and exits and shall be properly and neatly enclosed or separated from adjoining lots by walls or fences not less than 2.4 meters in height such that all junk materials shall be stocked inside the junkshop premises and not be visible to the public. Orderliness and sanitation within the premises shall always be maintained by the owner or operator. Failure to observe this provision will be a cause for revocation or denial of Business Permit.
- SECTION 12. SORTING AND STOCKING OF RECYCLABLES. All junk materials must be properly stored and filed inside an enclosed paved area and must be at least six (6) inches off ground arranged in palettes and/or racks. The storing and filing of junks shall not exceed the firewall built by the operator. Junkshop roof should not be used as storage. Proper keeping of all records should be done by the owner or operator in compliance with MENRO, Department of Environment and Natural Resources (DENR) requirements and the Local and National Government Agencies' requirements.
- SECTION 13. HEALTH CERTIFICATE REQUIREMENTS.
- 13.1. The operator and employees of the establishment shall be required to secure a health certificate issued by the Municipal Health Officer (MHO). The health certificate shall be issued only after the required physical and medical examination and immunization.



- 13.2. The health certificate shall be renewed at least once a year.
- 13.3. The health certificate shall be clipped visibly in the upper left front portion of the uniform of the employees while working. When such condition is not practical due to the nature of work in the establishment, the health certificate shall be made available upon inspection.

SECTION 14. PERSONAL HEALTH AND HYGIENE PRACTICES.

- 14.1. Employees of the establishment shall observe good personal hygiene at all times.
- 14.2. Employees of the establishment shall observe personal health and safety practices at all times while working:
 - j. No smoking of tobacco;
 - ii. No drinking of alcoholic beverages;
 - iii. No eating of any kind of food;
 - iv. No spitting or blowing of nose;
 - v. No littering;
 - vi. Other personal health and safety practices called for the the nature of work in the establishment.
- 14.3. Employees suspected to be suffering from a contagious or communicable disease should be immediately referred for treatment by the operator.
- 14.4. The operator shall provide a separate dining mess area for their employees.

SECTION 15. PERSONAL PROTECTIVE EQUIPMENT. Every employee of the junkshop is required to wear a personal protective equipment provided by the owner or operator of the junkshop safety shoes, gloves, dust masks, and shirts with sleeves.

SECTION 16. TOILET AND HANDWASHING FACILITIES. The junkshop operators shall provide a separate Toilet and Hand washing Facilities for their employees.

- 16.1. The toilet and hand washing facilities shall comply with the minimum requirement set forth by the Sanitation Office of the Municipal Health Office (MHO).
- 16.2. Toilets and washing facilities shall be properly located, lighted, and ventilated.
- 16.3. Proper maintenance of toilets and hand washing facilities shall be done regularly.

- SECTION 17. NUISANCE AND PROPER DISPOSAL OF WASTE WATER. The junkshop operation shall comply with the provision for specific types of nuisances, observe the proper disposal of wastewater and other noxious matters.
- 17.1 There shall be no structure, material, equipment, machinery or vehicles abutting unto public street or sidewalk that affects and obstructs the convenient passage of traffic and passersby.
- 17.2 Noxious or any harmful substance that shall not be disposed of unto streets, roads, alleys, bodies of water or in any pathways or placed without the approval of the local health officer or other concerned regulatory agencies, as disposal site for such. The sanitary requirements for its disposal shall be in pursuant to Chapter XVII of the Code on Sanitation of the Philippines (PD 856) and its implementing rules and regulations and all other pertinent laws, rules and regulations, and local ordinances.
- 17.3 Sewage or any wastewater that are discharged unto streets, roads, alleys, bodies of water or in any pathways, or is used to water street plants, that is likely to affect health, cause pollution or contamination of wells, springs, or any source of water, shall be declared as nuisance and shall be acted upon, corrected or removed by the owner or operator of the establishment within twenty-four (24) hours.
- SECTION 18. EXISTING NON-CONFORMING USES. The lawful use of junkshop/junkyard at the time of adoption or amendment of this Ordinance may be continued although such use does not conform to the existing zoning ordinance provided that:
- 18.1 Only those who have valid Business Permit and License to operate may apply as Existing Non-Conforming Users.
- 18.2 No junkshop shall be enlarged or extended to occupy a greater area of land that is already occupied at the time of adoption of this ordinance or moved in whole or in part to any other portion of the lot or parcel of land at the time of adoption of this Ordinance.
- 18.3 No junkshop which has ceased operation for more than one (1) year shall be revived as a non-conforming use. The one year period shall commence to run from the actual closure or cessation of business operation of junkshop.
- 18.4 An idle or vacant structure may not be used as junkshops in a non-conforming use.
- 18.5 A junkshop or junkyard that has been damaged may be reconstructed and used as before, provided that such reconstruction is not more than twenty percent (20%) of the replacement cost. Should this structure be destroyed by any means, to an extent of more than twenty percent (20%) of its replacement cost and time of destruction, it shall not be reconstructed except in conformity will the provision of this ordinance.

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18.6. Junkyard located on environmentally critical areas from the effective of this ordinance shall be given six (6 months) to be demolished and cease operation.

18.7. Should such junkshop operation be moved for any reason, it shall thereafter conform to the regulation of the zone in which it is moved or relocated.

18.8. The owner of the junkshop shall program the phase-out and relocation of its operation within two (2) years from the effectiveness of this ordinance.

SECTION 19. CERTIFICATE OF NON-CONFORMITY. A Certificate of Non-Conformity shall be issued to the owner or operator of the junkshop or junkyard within sixty (60) days from the ratification of this ordinance by the Sangguniang bayan for the purpose of allowing such use to continue during the two (2) years period.

Failure on the part of the operator to register or to apply for a Certificate of Non-Conformance from the Municipal Engineering Office (MEO) shall be considered as a violation of this ordinance and shall be subject to penalties. The Business Permit and License to Operate of the said junkshop shall be revoked and its premises shall be padlocked.

SECTION 20. DUTIES OF THE MENRO. It shall be the duty of MENRO to keep the report or information supplied by the junkshop owner or operator in a computer data base maintained in their office as a public record available for verification by any person during office hours. It is also their duty to conduct orderly, unannounced but coordinated inspection of the junkshop premises by the team and verification of stocked junks and records during business hours.

SECTION 21. PROTECTION OF JUNKSHOP OWNERS' OR OPERATORS' RIGHTS. Junkshop owners or operators with duly issued Business Permit in the Municipality of Los Banos shall be encouraged to organize among themselves, or if organization is already existing, to become members of said organization. They shall be protected from any form of abuse that could be committed by law enforcers. In this connection, law enforcers shall not require anything from the junkshop owner or operator other than what are expressly required under this ordinance. Conduct of inspections and verifications by law enforcers, as a general rule, shall be done only during business hours, however, if conducted beyond hours, the law enforcers must present an Order issued by the Mayor in addition, no seizure or confiscation of junks shall be done by law enforcers. However, this shall not prejudice the filing of the necessary charges in court for violation of this ordinance.

SECTION 22. TRANSITORY PROVISION. Those with Business Permit at the start of the effectiveness of this ordinance shall comply with mandatory Transaction Books or Registers. Proper stock piling of junks shall be done within one (1) month in preparation for the audit by the evaluation team.



All other junkshops, regardless of size, capitalization or location, operating without Business Permit shall secure Business Permit within ten (10) days after the publication of this Ordinance, otherwise, they shall be summarily closed. These junkshops that were able to secure Business Permit shall comply with the provision of this ordinance.

Junkshops summarily closed by the Municipal Government shall not remove or deface any of the signage, placards/postings barriers or any other devise used to signify to the public the message that the establishment is closed. Any removal or defacement of these public information device, whether partially or wholly, shall be strictly prohibited and will be presumed to have been committed by the junkshop owner or operator concerned or his/her agents/representative.

SECTION 23. PROHIBITED ACTS.

- 23.1. No new junkshop, when this ordinance takes effect, shall be allowed to open in the prohibited or regulated areas. Existing junkshops with business permit shall not be allowed to expand or put up satellite shops within said area.
- 23.2. Existing junkshops that fail to secure Business Permit within ten (10) days after the publication of this Ordinance shall no longer be provided with permit unless he/she transfers to a new location not herein prohibited.

SECTION 23. VIOLATION AND PENALTY. Any person who fail to comply any provisions of this ordinance shall incur the following fines and penalties for every violation:

FIRST OFFENSE -	Fine of P1,000.00
SECOND OFFENSE -	Fine of P2,500.00
THIRD OFFENSE -	Revocation of Business Permit and License to Operate

In case of violation by a corporation, partnership, or association, the penalty shall be imposed upon the erring officer thereof.

Upon the discovery of any violation after the expiration of the period provided in this ordinance, the Municipal Engineering Office (MEO), the Municipal Health office (MHO) and/or the Business Permit and Licensing Office shall issue a notice of violation requiring the Junk Yard/Junk Shop owner or operator to comply with the notice or undertake corrective measures within seven (7) days from receiving the receipt thereof. His failure to do so shall cause the closure of the business, revocation of its permit to operate and/or demolish the illegal structure with cost against him and without a need for any court order. Such demolition, however, shall not prejudice the filling of the necessary charges in court for violation of this ordinance.

SECTION 25. SEPARABILITY CLAUSE. If, for any reason or reasons any provision of this Ordinance shall be held to be unconstitutional or invalid, other parts or provisions hereof which are not affected shall continue to be in full force and effect.



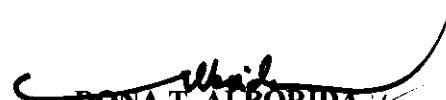
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SECTION 26. REPEALING CLAUSE. All ordinances, resolutions, and executive issuances inconsistent with any provision of this Ordinance are hereby repealed, modified and amended accordingly.

SECTION 27. EFFECTIVITY. This Ordinance shall take effect ten (10) days after its publication in at least one newspaper of local circulation.

ENACTED : AUGUST 16, 2019.

I HEREBY CERTIFY to the correctness of the above-quoted Ordinance.


DONA T. ALBORIDA
Secretary to the Sangguniang Bayan

CERTIFIED ENACTED:


HON. JOSEPHINE S. EVANGELISTA
Acting Vice Mayor/Acting Presiding Officer

APPROVED:


HON. ANTONIO L. KALAW
Acting Municipal Mayor