

Republic of the Philippine
PROVINCE OF ZAMBOANGA DEL SUR
Municipality of Mahayag



OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF 44TH REGULAR SESSION OF THE
SANGGUNIANG BAYAN OF MAHAYAG, ZAMBOANGA DEL SUR, HELD IN
THE MUNICIPAL SESSION HALL, ON JUNE 24, 2011.

ATTENDANCE

Name	Position	Present	Absent	Remarks
1) Hon. Paulino P. Fanilag	Municipal Vice Mayor/Presiding Officer	(x)		
2) Hon. Kristoffer Dan L. Lambatan	SB Member/Floor Leader		(x)	On Leave
3) Hon. Teotimo N. Ador, Jr	SB Member/Acting Floor Leader	(x)		
4) Hon. Jeffrey G. Artiaga	-do-	(x)		
5) Hon. Rodulfo A. Caylan	-do-	(x)		
6) Hon. Ju Dandre M. Apale	-do-	(x)		
7) Hon. Felipe A. Capadangan	-do-	(x)		
8) Hon. Felipe P. Naval	-do-	(x)		
9) Hon. Raquel V. Frasco	-do-	(x)		
10) Hon. Helen M. Maglasang	SB Member/ABC President	(x)		
11) Hon. Jafaith J. Manapsal	SB Member/SKF President	(x)		

MUNICIPAL ORDINANCE NO. 99-2011

BE IT ENACTED by the Sangguniang Bayan of Mahayag, Zamboanga del Sur, during its session duly assembled, that;

ARTICLE I

Section 1 – Title: This shall be known as “AN ORDINANCE ADOPTING THE ECOLOGICAL SOLID WASTE MANAGEMENT PROGRAM (ESWMP) OF THE MUNICIPALITY OF MAHAYAG, ZAMBOANGA DEL SUR AND PROVIDING FINES AND PENALTIES FOR VIOLATING ANY OF THE PROVISIONS THEREOF WITH THE USE OF THE CITATION TICKETS.”

ARTICLE II

Section 2 – Scope and Coverage: This ordinance shall apply to all households, commercial establishments, such as hotels, resorts, recreational centers, restaurants, cinema houses, public markets, department stores, groceries, sari-sari stores, stalls, shops, vendors, parlors, schools, churches, public and private offices, industrial establishments like slaughterhouses, poultries, piggeries, transportation facilities such as buses, jeepneys, taxis, motorcycles for hire, single motors for hire, pedicabs, haulers, trucks, and all agri-industrial businesses within the territorial jurisdiction of the Municipality of Mahayag, Zamboanga del Sur.

ARTICLE III

Section 3 – Definition of Terms: For the purpose of this Ordinance:

1. "Local Government" shall refer to the Municipal Government of Mahayag, Zamboanga del Sur.
2. "Buy-back Center" shall refer to a recycling center that purchases or otherwise accepts recyclable materials from the public for the purpose of recycling such materials.
3. "Collection" shall refer to the act of removing solid waste from the source or from the communal storage point.
4. "Composting" shall refer to the controlled decomposition of organic matter by micro-organisms, mainly bacteria and fungi into humus-like product.
5. "Controlled dump" shall refer to a disposal site of which solid waste is deposited in accordance with the minimum prescribed standards of site operation.
6. "Disposal" shall refer to the discharge, deposit, dumping, spilling, leaking or placing of any solid waste into or any land.
7. "Disposal site" shall refer to a site where solid waste is finally discharge and deposited.
8. "Ecological Solid Waste Management" shall refer to the systematic administration of activities, which provide for segregation at source, segregated transportation, storage, transfer, processing, treatment and disposal of solid waste and all other waste management activities which do not harm the environment.
9. "Generation" shall refer to the act or process of producing solid waste.
10. "Generator" shall refer to a person, natural or juridical, who last uses a material and makes it available for disposal or recycling.
11. "Hazardous Waste" shall refer to solid waste or combination of solid waste which because of its quantity, concentration, physical, chemical or infectious characteristics may cause, or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or pose a substantial or potential hazard to human health or the environment when not properly treated, stored, transported or disposed of, or otherwise managed.
12. "Material Recovery Facility or MRF" shall include solid waste transfer station or sorting, station, drop-off center, a composting facility and a recycling facility.

13. "Municipal Waste" shall refer to wastes produced from the activities within local government units, which include a combination of domestic, commercial, institutional and industrial waste and street litters.

14. "Open Burning" shall refer to the thermal destruction of waste by means of direct exposure to fire. Furthermore, this definition shall apply to traditional small-scale methods of community sanitation "siga".

15. "Open Dump" shall refer to a disposal area wherein the solid waste are indiscriminately thrown or disposed of without due planning and consideration for environmental and health hazards.

16. "Person/s" shall refer to any being, natural or juridical, susceptible of rights and obligations, or of being the subject of legal relations.

17. "Receptacles" shall refer to individual containers used for the source in the separation and collection of recyclable materials.

18. "Recovered Material" shall refer to material and by-products that have been recovered or diverted from solid waste for the purpose of being collected, processed and used as a raw material in the manufacture or a recycled product.

19. "Recyclable material" shall refer to any waste material retrieved from the waste stream and free from contamination that can still be converted into a suitable and beneficial use or for other purposes, including newspapers, ferrous scrap metal, non-ferrous scrap metal, used oil, corrugated cardboard, aluminum, glass, office paper, tin cans, plastics and other materials.

20. "Recycled Material" shall refer to post-consumer material that has been recycled and returned to the economy.

21. "Recycling" shall refer to the treating of used waste materials through a process of making them suitable for the beneficial use and for other purposes, and includes any process by which solid waste materials are transformed into new products in such a manner that the original products may lose their identity and which may be used as raw materials for the production of other goods or services.

22. "Resource Conservation" shall refer to the reduction of the amount of solid waste that are generated or the reduction of overall resource consumption and utilization or recovered resources.

23. "Resource Recovery" shall refer to the collection, extraction or recovery of recyclable materials from the waste stream for the purpose of recycling, generating energy or producing a product suitable for beneficial use.

24. "Re-use" shall refer to the process of recovering materials intended for the same or different purpose without the alteration of the physical and chemical characteristics.

25. "Sanitary Landfill" shall refer to a waste disposal site designed, constructed, operated and maintained in a manner that exerts engineering control over significant potential environmental impacts arising from the development and the operation of the facility.

26. "Segregation" shall refer to sorting and segregation of different materials found in solid waste in order to promote recycling and re-use of resources and to reduce the volume of waste for collection and disposal.

27. "Segregation of source" shall refer to a solid waste management practice of separating at the point of origin different materials found in solid waste on order to promote recycling and re-use of resources and to reduce the volume of waste for collection and disposal.

28. "Solid Waste" shall refer to all discarded household, commercial waste, non-hazardous institutional, ports/harbor and industrial waste, street sweepings, construction debris, agricultural waste, and other non-hazardous/non-toxic solid waste.

29. "Solid Waste Management" shall refer to any resource recovery system or component thereof, any system, program or facility for resource conservation, any facility for the collection, source of separation, storage, transportation, transfer, processing, treatment, or disposal of solid waste.

30. "Source Reduction" shall refer to the reduction of the solid waste before it enters the solid waste stream by methods such as product design, materials substitution, materials reused and packaging restrictions.

31. "Source Separation" shall refer to the sorting of solid waste into some or all of its component parts at the point of generation.

32. "Special wastes" shall refer to the household hazardous waste such as paints, thinners, household batteries, lead-acid batteries, spray canisters and the alike. These include wastes from the residential and commercial sources that comprise of bulky waste consumed.

33. "Electronics and white goods" yard wastes that are collected separately from other residential and commercial waste.

34. "Storage" shall refer to the interim containment of solid waste after generation and prior to collection for ultimate recovery or disposal.

35. "Waste diversion" shall refer to activities which reduce or eliminate the amount of solid wastes from waste disposal facilities.

36. "White goods" shall refer to large worn-out or broken household, commercial and industrial appliances stoves, refrigerators, dishwashers, and clothes washers and dryers collected separately. White goods are usually dismantled for the recovery of specific material (e.g. copper, aluminum, etc).

37. "Yard waste" shall refer to wood, small or chipped branches, leaves, grass clippings, garden debris and vegetable residue that are recognized as part or vegetable and other materials.

38. "Citation Ticket" as constructed in this ordinance is a document printed as tickets in triplicate copies citing the violation committed and the corresponding amount of penalty.

ARTICLE IV

Section 4 – The Municipal Solid Waste Management Board, its composition and responsibilities.

Chairman : Municipal Mayor

Members : Municipal Vice Mayor

SB Member, Chairman of the Committee on Environment

SB Member, Chairman of the Committee on Health

SB Member, Chairman of the Committee on Tourism

SB Member, Chairman of the Committee on Education

DepEd Supervisors

President of the Association of Barangay Councils

President of the Municipal Sanguniang Kabataan Federation

President of Federated Purok Association

MLGOO of the DILG

Chief of Police

Municipal Engineer

Three (3) Members of the NGO (Business, Religious, Civic Association)

Municipal Environmental and Natural Resources Officer.

Section 5 – Duties and Responsibilities: The Municipal Solid Waste Management Board shall perform the following duties and responsibilities:

- a. Develop a Municipal Solid Waste Management Plan that shall ensure the integration of various solid waste management plans and strategies for the entire municipality after it shall conduct consultation with the various sectors of the community;
- b. Adopt measures to promote and ensure the viability and effective implementation of solid waste management programs;
- c. Monitor the implementation of the Municipal Solid Waste Management Plan through its various political subdivision and in cooperation with the private sector and NGOs;
- d. Adopt specific revenue-generating measures to promote the viability of Solid Waste Management Plan;
- e. Convene regular meetings for purposes of planning and coordinating the implementation of the Solid Waste Management Plan of the municipality;
- f. Review every two (2) years or as the need arises the Municipal Solid Waste Management Plan for purposes of ensuring sustainability, viability, effectiveness and relevance;
- g. Develop specific mechanics and guidelines for the implementation of the Municipal Solid Waste Management Plan;
- h. Recommend to appropriate Local Government Authorities specific measures or proposal for franchise or build operate-transfer agreements with duly recognized institutions pursuant to RA 6957, to provide either exclusive authority for the collection, transfer, storage, processing, recycling or disposal of municipal waste;
- i. Provide necessary logistical and operational support;
- j. Recommend measures and safeguards against pollution and for the preservation of the natural ecosystem and;
- k. Coordinate all efforts in the implementation of the municipal solid waste management plan.

ARTICLE V

Section 6 – The Ecological Solid Waste Management Office:

Section 6.1 – There shall be a permanent organization structure for Ecological Solid Waste Management (ESWM) through various local offices and line agencies, which will be directly integrated and involved in the implementation of Solid Waste Management Plan;

Section 6.2 – Assign lead agency / office to manage the overall ESWM program implementation through the issuance of an Executive Order by the LCE;

Section 6.3 – Forge Memorandum of Agreement with accredited NGOs and POs within the municipality and other line agencies to establish a coordinated effort for the implementation of ESWM; AND

Section 6.4 – Organize Barangay Solid Waste Management Committee in twenty nine (29) barangays.

ARTICLE VI

Section 7 – Responsibility of the Residents and Households:

Owners and occupants of households, lessors, lessees, operators or administrators of commercial and industrial establishment, government and non-government institutions shall be responsible for the cleanliness of their surrounding approximately from 2-4 meter radius from their owned, occupied properties and idle lot/land.

ARTICLE VII

MANNER OF STORAGE, COLLECTION AND TRANSPORTATION

Section 7 – Segregation at source must be properly observed. Solid waste shall be classified as: compostable materials, recyclable materials, non-recyclable materials and special wastes. Waste containers must be properly labeled. Non-segregated waste shall not be collected and the household owners and entities of the in-segregated wastes shall be subject to penalty as prescribed under penalty provisions of this Ordinance. Only dry and segregated wastes shall be collected and shall be properly disposed of. No scavenging or unauthorized collection in designated segregation containers or areas shall be allowed. Collection or pick up points and transportation schedules shall be decided by the Ecological Solid Waste Management Board and must be widely disseminated.

Section 8.1 – Residential Areas:

- a. Residents must segregate their generated solid waste by providing separate receptacles for every kind of waste, recyclables like plastics; bottles and cans must be clean and dry. Cans should also be clean and bottoms are holed to prevent water accumulation;
- b. Solid waste shall be brought out of the household vicinity only during the scheduled time and day of collection.
- c. Every household, school; day care center and church shall provide a compost pit for the disposal of kitchen wastes, animal wastes and yard wastes. In case where no space is available, the household shall provide a covered container, collection of which will be done a week after paying a garbage collection fee as provided in this ordinance;
- d. Public thoroughfares shall be kept clean and tidy at all times;
- e. The use of non-biodegradable disposal materials (e.g. plastic-based wrappers, styrofoams) must be minimized;

- f. Any toxic and hazardous waste must be stored and sealed in properly marked container/bag before it shall be collected and disposed accordingly.
- g. It shall be the responsibility of the individual household to dispose all recyclables either through the recyclable buyer, or to be voluntarily brought to the Materials Recovery Facility (MRF) for disposal to buyers. Proceeds shall accrue to the Municipal/Barangay/Purok and/or to the operator of the Materials Recovery Facility, shall be used in the operation and maintenance of the MRF and all Solid Waste Management Programs;

Section 7.2 – Commercial Establishments, Sari-sari Stores and Public market

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

Section 7.3 – Institutions/Industrial Establishments:

- a. Individual banana grower, company-operated banana plantation and banana estate, plastic plant, warehouse and establishment with related operation must maintain their respective controlled dump site in conformity with applicable policies of the DENR and provisions of R.A.9003 and shall be responsible in the safe storage, disposal or transportation of wastes resulting from its operation;
- b. No transport companies or individual entrepreneur shall be allowed to transfer or transport toxic waste like plastic materials and chemicals, unless authorized and accredited by the Fertilizers and Pesticide Authority (FPA).
- c. No wastes from the establishment shall be dumped in the controlled dump site maintained by the Municipality of Mahayag or in any area within the jurisdiction of the municipality other than their own respective accredited dumpsite; and
- d. Hospital, pharmaceutical and funeral wastes must be properly handled and sealed before it shall be transported and disposed to its own septic vault. Provided further, that the containment and handling is in accordance with the guidelines set

by the Hospital Waste Management and P.D. 856 otherwise known as the Sanitation Code of the Philippines.

Section 7.4 – Parks, Public Open Spaces, Thoroughfares and Transport Vehicles

Where garbage receptacles are provided, it is the responsibility of the Barangay to collect all segregated solid wastes and transport it to the Materials Recovery Facility (MRF) for the final segregation and disposal.

ARTICLE VIII

DISPOSAL OF GARBAGE AND WASTES

Section 8 – Disposal of garbage and waste shall strictly be done by the bringing the segregated and non-biodegradable wastes at the drop-off and Buyback Center.

Section 8.1 – From the households, business establishment, markets, institutions, industries and stores, all clean and segregated wastes shall be brought to the MRF or Material Recovery Facility.

ARTICLE IX

MATERIALS RECOVERY FACILITY (MRF), COMPOSTING AND CONTROLLED DUMPING

Section 9 – Operations of the Materials Recovery Facility:

Section 9.1 – There shall be a Material Recovery Facility (MRF) in every Purok, barangay, school, hospital and church which shall be designed to receive, sort, process and store compostable and recyclable material efficiently and in an environmentally sound manner. There shall be also ample area for composting of biodegradable wastes;

Section 9.2 – The barangays shall be responsible for the collection, segregation, recycling of biodegradable, recyclable, compostable and reusable wastes. MRFs will be established in every barangay or Purok or by a cluster of households depending on its viability and applicability.

Section 9.3 – The Facility shall be established in a barangay owned, a private and/or any suitable open space to be determined by the barangay through its Sanggunian. For this purpose, the barangay or Purok shall allocate a certain parcel of land for the MRF.

Section 9.4 – The MRF shall receive biodegradable wastes from composting and clean and dry non-biodegradable wastes for final segregation, reuse and recycling.

Section 9.5 – Residual wastes shall be placed in an appropriate container/bag for final disposal to the MRF.

ARTICLE XI

PENAL PROVISIONS

Section 11 – Prohibited Acts. The following are prohibited:

Section 11.1 – Littering, throwing, dumping of wastes matters in public places such as; roads, sidewalks, canals, esteros or parks and establishment or causing or permitting the same;

Section 11.2 – Undertaking activities or operating, collecting or transporting toxic materials in violation of sanitation operation and other requirements or permits set forth in or established pursuant to this Ordinance;

Section 11.3 – The open burning of solid wastes;

Section 11.4 – Causing or permitting the collection of non-segregated or unsorted wastes;

Section 11.5 – Squatting in dumpsite;

Section 11.6 – Open dumping, burying of biodegradable materials in rivers, creeks, lakes and flood prone areas;

Section 11.7 – Unauthorized removal of recyclable material with other solid waste in any vehicle, box, container or receptacle used in solid waste collection or disposal;

Section 11.8 – The mixing of source-separated recyclable material with other solid waste collection or disposal;

Section 11.9 – Non-segregated or unsorted waste at source;

Section 11.10 – The manufacture, distribution or use of non-environmentally acceptable materials;

Section 11.11 – Transport and dumping of collected domestic, industrial, commercial and institutional wastes in areas other than centers of facilities prescribed under this ordinance;

Section 11.12 – The construction of any establishment within two hundred (200) meters from controlled dump facility;

Section 11.13 – Construction or operation of dumpsite or any waste disposal facility on any aquifer, groundwater reservoir or wasteland area and/or any portion thereof;

Section 12 – Fines and Penalties. The following fines and penalties shall be imposed to any person who violates specific provisions of this Ordinance, in the municipal level, it shall be issued a CITATION TICKET or NOTICE OF VIOLATION which shall be formulated by the Municipal Solid Waste Management Board; in the barangay level, the Barangay Council may adopt a similar ordinance stipulating the schedule of penalties and issue CITATION TICKET or NOTICE OF VIOLATION as council may deem appropriate fifty (50%) percent of the fines shall be declared mandatory incentive to the ESWN enforcer, the remaining fifty (50%) percent shall accrue to the municipal/barangay/purok, whichever is the case, for the operation and maintenance of the solid waste management program.

Section 12.1 – Any person who violates Section 11.1 shall be punished with a fine of not less than Two Hundred (Php 200.00) pesos but not more than Five Hundred (Php 500.00) pesos or render community service for not less than one day or not more than fifteen (15) days or both;

Section 12.2 – Any person who violates Section 11.2 and Section 11.3 shall be punished with a fine of not less than Two Hundred (Php 200.00) pesos but not more than Five Hundred (Php 500.00) pesos or imprisonment of not less than one (1) day to not more than fifteen (15) days or both at the discretion of court;

Section 12.3 – Any person who violates Section 11.4, Section 11.5, Section 11.6 and Section 11.7 shall be punished with a fine of not less than Three Hundred (Php 300.00) pesos but not more than Five Hundred (Php 500.00) pesos;

Section 12.4 – Any person who violates Section 11.8 and Section 11.9 shall be punished with a fine of not less than Three Hundred (Php 300.00) pesos or community service of not less than (5) days or not more than ten (10) days or both at the discretion of court;

Section 12.5 – Any person who violates Section 11.10, Section 11.11, Section 11.12 and Section 11.13 shall be punished with a fine of Twenty Thousand (Php 20,000.00) pesos or imprisonment of not less than one (1) day to not more than six (6) years or both at the discretion of court;

If the offense is committed by a corporation, partnership, or other juridical entity duly organized in accordance with law, the Chief Executive Officer, President, General Manager, Managing Partner or such other Officer-in-charge shall be held liable for the commission of the offense penalized under this ordinance.

Section 13 – Administrative Sanctions. Municipal Officials, Barangay Officials and Officials of Government Agencies concerned who fail to comply with the enforce rules and regulations promulgated relative to this Ordinance shall be charged administratively in accordance with R.A. 7160 and other existing laws, rules and regulations.

ARTICLE XII

MISCELLANEOUS PROVISIONS

Section 14 – Citizen Suits. For purposes of enforcing the provisions of the Ordinance or provisions of R.A. 9003, any citizen may file an appropriate civil, criminal or administrative action in the proper courts/ bodies.

Section 15 – Separability Clause. If any provision of this Ordinance or the application of such provision to any person or circumstances is declared unconstitutional, the remainder of the Ordinance or the application of such provision to other persons or circumstances shall not be affected by such declaration.

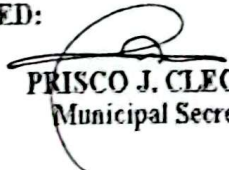
Section 16 – Repealing Clause. All Ordinances or parts thereof inconsistent with the provision of this Ordinance are hereby repealed and modified accordingly.

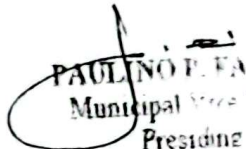
Section 17 – Effectivity. This Ordinance shall take effect upon approval and compliance of law.

ADOPTED this 24th day of June 2011, by acclamation

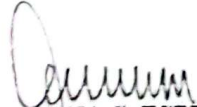
CERTIFIED CORRECT:

ATTESTED:


PRISCO J. CLEOPAS III
Municipal Secretary


PAULINO P. FANIAG
Municipal Vice Mayor
Presiding

APPROVED: JULY 15, 2011


LORNA S. ESPINA
Municipal Mayor