

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE
THIRTEENTH SANGGUNIANG PANLUNGSOD NG ORMOC HELD
AT THE SANGGUNIANG PANLUNGSOD SESSION HALL,
ORMOC CITY HALL BUILDING
ON MARCH 10, 2016

CITY MAYOR'S OFFICE
RECEIVED

DATE: 3/16/2016 Ledelap



Hon. Leo Carmelo L. Locsin, Jr.

Hon. Rolando M. Villasencio,

Hon. Tomas R. Serafica,

Hon. Mario M. Rodriguez

Hon. Ruben R. Capahi,

Hon. Benjamin S. Pongos, Jr.,

Hon. Antonio M. Codilla,

Hon. Vincent L. Rama,

Hon. Pedro Godiardo P. Ebcas,

Hon. Eusebio Gerardo S. Penserga,

Hon. John Eulalio Nepomuceno O. Aparis II,

Hon. Mariano Y. Corro,

Vice Mayor & Presiding Officer

SP Member, Majority Floor Leader

SP Member, Asst. Majority Floor Leader

SP Member, Presiding Officer "Pro-Tempore"

SP Member, Asst. Minority Floor Leader

SP Member

SP Member

SP Member

SP Member

SP Member

SP Member

Ex-Officio SP Member

Chapter President, Liga ng mga Barangay ng Ormoc

PREFATORY STATEMENT

Whereas, Republic Act No. 7160, otherwise known as the Local Government Code of 1991 (LGC), grants every Local Government Unit (LGUs) the autonomous power to formulate necessary measures geared towards the common good of its constituents;

Whereas, in Section 16 of the LGC, which is generally regarded or recognized as the General Welfare Clause of LGUs, there is a clear mandate directed to LGUs, among other things, to promote health and safety within their respective territories and jurisdictions;

Whereas, our country, the Philippines, has been noted to be endemic for the following vector borne diseases, namely - Dengue fever, Filariasis, Malaria and Chikungunya - to the utter detriment of our countrymen;

Whereas, international health authorities have also declared that Dengue is, and will most likely continue to be, the most rapidly spreading mosquito borne disease in the world with an estimated 50-100 million prevalence occurring every year;

Whereas, for the year 2011 alone here in the Philippines, national data showed that 86,662 cases of Dengue fever were recorded in the country, with 476 of these tragically resulting to death;

Whereas, locally, our City of Ormoc has not been spared of the threat and scourge of the deadly vector-borne disease, with recorded local Dengue fever cases reaching an alarming total of 1729 cases with 16 deaths for the five-year period from 2009 to 2013, with a year-to-year high of over 900 cases with 4 deaths suffered by the City in 2014 after Supertyphoon Yolanda's massive destruction left behind an immense amount of debris providing an environment that lead to the wanton and uncontrolled proliferation of the mosquito vector;

Whereas, statistics further showed that despite the employment of an assortment of preventive measures by the City Health Department to address the malady which basically included the conduct of various activities designed to sustain promotion of environmental sanitation, namely, the search and destroy of breeding areas of mosquitoes, the monitoring of larval index, fogging and information dissemination, the cases of Dengue in the City have not declined nor appears to be on the verge of declining, thus necessitating the engagement of a more thorough, sustainable, effective, and adequately-funded solution thru the enactment of an appropriate ordinance by this Sangguniang Panlungsod (SP) institutionalizing the Control of Vector Borne Diseases Program;

Whereas, for the attainment of the ultimate goal of zero Dengue cases, together with the institutionalization of said Program which paves the way for the sustenance of its activities and ensures the cooperation by the community all the way down to the barangay level, this Ordinance shall also appropriate sufficient funds for the Program's success, and as equally important, penalize certain acts or omissions that contribute to the proliferation of the mosquitoes responsible for vector-borne diseases;

Wherefore, on joint motion of the Honorable SP Member Mario M. Rodriguez, Chairman, Committee on Health and Sanitation, and Honorable SP Member Benjamin S. Pongos Jr, Chairman, Committee on Laws and Ordinances, severally seconded by the Honorable SP Members Tomas R. Serafica, Vincent L. Rama, Pedro Godiardo P. Ebcas and Mariano Y. Corro; be it

RESOLVED, AS IT IS HEREBY RESOLVED, to pass and enact:

ORDINANCE NO. 023

AN ORDINANCE ON THE PREVENTION AND CONTROL OF VECTOR-BORNE DISEASES AND PROVIDING FINES AND PENALTIES THERETO.

Be it Ordained by the Thirteenth Sangguniang Panlungsod ng Ormoc, in REGULAR SESSION assembled, that:

SECTION 1. **Short Title.** This Ordinance shall be known as the "Vector Borne Diseases Prevention and Control Ordinance".

SECTION 2. **Definition of Terms.** For the purpose of this Ordinance, the following definitions shall apply:

- A) **Breeding area** - shall mean any area with conditions providing the necessary environment for the birth or hatching of vectors.
- B) **Collection of water** - shall be held to be those water contained in ditches, pools, ponds, streams, excavations, holes, depressions, fountains, cisterns, tanks, shallow wells, barrels, tin cans, bottle crowns, buckets, roof gutters, tanks of flush closets, used tires, flower vases, receptacles of any kind, or other containers or devices which may hold water.
- C) **Disposal** - shall mean and include the storage, collection, disposal, or handling of refuse.
- D) **Extermination** - shall mean the control and elimination of vectors by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, fogging, larviciding, trapping, or by any other recognized and legal vector control elimination methods.

- E) **Environment** - shall refer to the surroundings, circumstances or conditions in which a person lives or operates; the aggregate of social and cultural conditions that influence the life of an individual or community.
- F) **Harborage** - shall mean any place where vectors can live, nest, or seek shelter.
- G) **Occupant** - shall mean any person of legal age, living, sleeping, cooking, eating, doing business or any activity in or actually having control and possession of a dwelling unit or any building for whatever use or purpose other than as owner; except that in dwelling units a guest will not be considered an occupant.
- H) **Owner** - shall mean any person who, alone or jointly or severally with/ others:
- (1) Shall have legal title and control to any premise or dwelling unit, with or without actual possession thereof, or
 - (2) Shall have charge, care, or control of any premise, dwelling or dwelling unit, as owner or agent of the owner, or an executor, administrator, trustee, or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this ordinance and of the rules and regulations adopted pursuant thereto, to the same extent as if he was the owner.
- (J) **Vector proofing** - shall mean a form of a construction to prevent the ingress or egress of vectors to or from a given space or building or gaining access to food, water, or harborage. This term shall include, but not be limited to rat proofing, fly proofing, mosquito proofing.
- (K) **Vector** - is any organism responsible for the transmission of disease from one person to another by inoculation into the skin or mucous membrane by biting or by deposit of infective materials on the skin or food. Vectors shall include, but not be limited to rats, mosquitoes, cockroaches, flies, ticks, fleas and bedbugs.
- (L) **Solid Waste** - shall refer to all discarded household, commercial waste, ports/harbor and industrial waste, street sweepings, construction debris, agricultural waste and other non- hazardous / non-toxic solid waste. Refers also to garbage, rubbish, refuse.

SECTION 3. **Prohibited Acts.** The following acts are prohibited:

- (A) It shall be unlawful for any person, firm or corporation to deposit any biodegradable waste in or upon any street, avenue, alley, parkway, ditch, gutter, or into any body of water so that same shall or may afford food, harborage, or breeding areas for rats, flies, mosquitos or other vectors, except on instances when the deposit is made temporarily pending the proper collection of said waste by the appropriate government office, with responsibility on the part of said person, firm or corporation to consistently follow up the collecting office.
- (B) It shall be unlawful for any person, firm, or corporation to deposit or permit to accumulate in or upon any premise, improved or vacant, or on any open lot, or alley, non - biodegradable waste of any kind, unless the same may be kept in approved covered receptacles.

(C) It shall be unlawful for junk yard owners to operate any such place for dumping or wrecking or disassembling of automobiles, trucks, tractors, or machinery of any kind or for the storing of dilapidated, wrecked or abandoned automobiles, trucks, tractors, machinery, equipment, or used tires without maintaining a sanitary environment such that these places may not afford harborage or breeding areas for rats or other vectors.

(a) It shall be unlawful to store refuse in containers other than those which shall be made of sealed plastic bags.

(b) It shall be unlawful to construct, maintain, or use a sewage system, urinal, or other receptacle for human excrement where vectors may have access to the excrementitious matter contained therein.

(c) It shall be unlawful to have, keep, or maintain collection of standing or flowing water in which mosquitoes breed or are likely to breed, unless such collection of water is treated or maintained so as to effectively prevent such breeding.

SECTION 4. **Responsibilities of Owner and Occupants.** The following shall be the responsibilities of owners and occupants of dwellings:

(A) Every owner of a dwelling containing two or more dwelling units shall maintain in a clean and sanitary condition the shared / public/ common areas of the dwelling and premises thereof.

(B) Every occupant of a dwelling or dwelling unit shall maintain in a clean and sanitary condition that part or those parts of the dwelling, dwelling unit and premises thereof that he occupies and controls.

(C) Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of insects, and/ or rodents, on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Notwithstanding, the foregoing provisions of this subsection, whenever infestation is caused by failure of the owner to maintain a dwelling rodent proof or reasonable insect proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination shall be the responsibility of the owner.

SECTION 5. **Authority to Abate Vector Problems.** For the efficient and effective enforcement of the full intents of this Ordinance, the following authority are granted to the officers tasked with the enforcement of the same:

(A) The City Health Officer or his/her representative shall have the authority to make inspections of the interior and exterior of all dwellings, buildings, structures, premises, collections of water, or any other places to determine full compliance with this Ordinance, and to determine evidence of vector infestation and the need for vector proofing or additions or repairs to existing vector proofing.

- (B) Whenever it shall be determined that any dwelling, building, structure, premise, collection of water, or any other place is in violation of this Ordinance, a notice of violation shall be issued by the City Health Officer or his/her representative setting forth the alleged violations, and advising the owner, occupant, operator, or agent that such violations must be corrected. The time period for the correction of said violations shall be stated as well as the necessary methods or manner to be employed in the correction.
- (C) Whenever said violations shall fail to be corrected within the time set forth and an extension of this time is not deemed to be necessary or the corrective methods employed are not in accordance with what is stated in the notice of violation, the City Health Officer or his/her representative may proceed to abate the said violations in the manner provided by the law.

SECTION 6. Penalty. Violators of Sections 3 & 4 of this Ordinance shall be punished in accordance with the following penalties:

- (A) 1st Offense - Fine not exceeding One Thousand Philippine Pesos (PhP1,000.00) and community service of three (3) hours in the area suggested by the City Health Office or imprisonment of two (2) days at the discretion of the court.
- (B) 2nd Offense - Fine not exceeding Three Thousand Philippine Pesos (PhP3,000.00) and community service of three (3) hours in the area suggested by City Health Office or imprisonment of three (3) days at the discretion of the court.
- (C) 3rd Offense - Fine not exceeding Five Thousand Philippine Pesos (PhP5,000.00) or imprisonment of not more than 6 months or both, at the discretion of the court.
- (D) 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 liable for the commission of the offense penalized under this Ordinance.

Where the violator of this Ordinance does not contest his/her apprehension and elect to pay the fine and serve the community service imposed under the preceding paragraph, the City Government employees tasked to enforce this Ordinance shall forthwith issue citation ticket to the person apprehended without resort to the court. The citation ticket shall state or contain the following information: (a) the name, signature, age and address of the person apprehended; (b) the material facts obtaining in the commission or omission of the crime defined and penalized under this Ordinance; (c) the amount of fine which is payable in favor of the City Government, and, (d) notice requiring the person apprehended for extra-judicial settlement of his/her violation by paying the prescribed amount of fine at the Office of the City Treasurer within seventy-two (72) hours from issuance thereof, and serving the prescribed community service upon the

approval of the City Health Officer within one (1) month from said issuance, otherwise, appropriate complaint shall be filed against him/her before the court of law. All fines collected by virtue of this Ordinance shall exclusively accrue to the City Government.

SECTION 7. **Creation of a Task Force on the Control of Vector Borne Diseases.** The control of vector borne diseases requires a concerted effort from the government, private sectors and the community. Therefore there is a need to create a Task Force on the Control of Vector Borne Diseases which should be multi-sectoral in composition which will then be tasked to assist the City Health Officer in designing a Program of Activities for the 'Control of Vector Borne Diseases' and then to monitor and coordinate all activities of the Program and evaluate its efficacy.

The Program will then be replicated at the Barangay Level.

The Task force will be headed by the City Mayor as Chairman, the City Health Officer as Vice Chairman, with the members to be appointed by the City Mayor.

The other members of the Task Force are as follows:

1. SP, Chair of the Committee on Health
2. Supervising Environmental Management Specialist
3. Department Head, General Services Department
4. City Engineer
5. President, LIGA ng Mga Barangay
6. Ormoc Division School Superintendent
7. Ormoc City Police Director
8. Representative of Civic Organizations
9. Representative of an NGO, preferably involved in Environment Advocacy

At the Barangay Level, the task force will be headed by the Kagawad In Charge of Health.

SECTION 8. **Plan of Activities for the Vector Borne Diseases Control Program.** The City Health Officer shall submit a 'Program of Activities' for the Vector Borne Diseases Control with a corresponding budget to the City Mayor to be funded by a supplemental budget for 2016 and thereafter its budget will be included in the Annual Budget.

SECTION 9. **Repealing Clause.** All ordinances, local laws, orders and regulations, or parts thereof, that are contrary or inconsistent with any part of the provisions of this Ordinance are hereby repealed and modified accordingly.

SECTION 10. **Separability Clause.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by a competent court, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.


SECTION 11. **Effectivity.** This Ordinance shall take effect immediately after the compliance of the necessary publication and posting requirements as provided for in the Local Government Code of 1991.

ENACTED, March 10, 2016.

RESOVED, FURTHER, that copies of this ordinance be furnished each to the Honorable City Mayor Edward C. Codilla; the City Administrator; the City Legal Officer; the City Budget Officer; the City Accountant; the City Treasurer; the Supervising Environmental Management Specialist, ENRD; the City General Services Officer; the City Engineer; the President, Liga ng mga Barangay; the Ormoc Division Schools Superintendent; the Ormoc City Police Director; the DILG - City Director, and others concerned;


CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the foregoing ordinance.


JOEL S. DUERO
Secretary to the
Sangguniang Panlungsod

ATTESTED:


LEO CARMELO L. LOCSIN, JR.
Vice Mayor & Presiding Officer


EDWARD C. CODILLA
City Mayor

3/23/2014
(Date)