

REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE
FOURTEENTH SANGGUNIANG PANLUNGSOD NG ORMOC HELD
AT THE SANGGUNIANG PANLUNGSOD SESSION HALL,
ORMOC CITY HALL BUILDING
ON JUNE 08, 2017

PRESENT:

Vincent L. Rama,	(OIC-City Vice Mayor & Temporary Presiding Officer),
	SP Member, Asst. Majority Floor Leader
Rolando M. Villasencio,	SP Member, Majority Floor Leader
Mario M. Rodriguez	SP Member, Presiding Officer "Pro-Tempore"
Tomas R. Serafica,	SP Member
Benjamin S. Pongos, Jr.,	SP Member
Gregorio G. Yrastorza III	SP Member
Nolito M. Quilang	SP Member
John Eulalio Nepomuceno O. Aparis II,	SP Member
	Minority Floor Leader
Lea Doris C. Villar	SP Member, Asst. Minority Floor Leader
Mariano Y. Corro,	Ex-Officio SP Member
	Chapter President, Liga ng mga Barangay ng Ormoc

ON OFFICIAL BUSINESS:

Leo Carmelo L. Locsin, Jr.	(OIC - City Mayor),
	Vice Mayor & Presiding Officer

ON LEAVE:

Eusebio Gerardo S. Penserga,	SP Member
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PREFATORY STATEMENT

WHEREAS, Section 16 of the Local Government Code (RA 7160) provides:
"General Welfare. Every local government unit shall exercise the powers 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 jurisdictions, local government units shall ensure and support, among other things . . . promote health and safety, enhance the right of the people to a balanced ecology, maintain peace and order, and preserve the comfort and convenience of their inhabitants";

WHEREAS, Section 2 of Republic Act No. 9003, otherwise known as the Ecological Solid Waste Management Act of 2000, under its Declaration of Policy provides that *"the policy of the state is to adopt a systematic, comprehensive and ecological solid waste management program which shall ensure the proper segregation, collection, transport, storage, treatment and disposal of garbage, and adoption of the best environmental practices in solid waste management";*

WHEREAS, Section 10 of Republic Act No. 9003, under its Solid Waste Management System provides for the role of the Local Government Unit (LGU) in Solid Waste Management, which states that, *"the Local Government Unit (LGU) shall be primarily responsible for the effective implementation and enforcement of the provisions of Republic Act No. 9003 within their respective jurisdictions";*

Ord. No. 036

WHEREAS, the unsystematic waste disposal by households and commercial or industry establishments cause unsightly surroundings and high possibility of spread of communicable diseases;

WHEREAS, the practice of waste segregation to facilitate reuse and recycle does not only reduce the cost of collection and disposal of garbage but conserves the natural resources of materials and avoid wasteful consumption of goods;

WHEREAS, the Sangguniang Panlungsod and Ormoc City as a whole, is committed to the protection, preservation and conservation of the ecosystem, and recognizes the need to have an effective, efficient and systematic Solid Waste Management System;

WHEREAS, Section 4, Rule XIX of the Implementing Rules and Regulations (IRR) of Republic Act No. 9003 provides that local government units shall be required to legislate appropriate ordinances to aid in the implementation of Republic Act No. 9003 and in the enforcement of its provisions; provided, such ordinances shall be formulated pursuant to relevant provisions of R.A. No. 7160.

WHEREFORE, all foregoing premises considered, on motion of Gregorio G. Yrastorza III, Chairman, Committee on Environment & Natural Resources, severally Seconded by SP Members John Eulalio Nepomuceno O. Aparis II, Lea Doris C. Villar and Mariano Y. Corro; be it

RESOLVED, AS IT IS HEREBY RESOLVED, to enact:

ORDINANCE NO. 036

AN ORDINANCE ADOPTING ECOLOGICAL SOLID WASTE MANAGEMENT SYSTEM, CREATING THE NECESSARY INSTITUTIONAL MECHANISMS, APPROPRIATING FUNDS AND REWARDS, DECLARING CERTAIN ACTS PROHIBITED AND PROVIDING PENALTIES THEREOF.

BE IT ORDAINED, by the Fourteenth (14th) Sangguniang Panlungsod ng Ormoc in session duly assembled that:

**ARTICLE I
GENERAL PROVISIONS**

SECTION 1. SHORT TITLE. This Ordinance shall be known as the "Ormoc City Ecological Solid Waste Management Ordinance of 2017".

SECTION 2. SCOPE. This Ordinance shall apply to all residential houses; all commercial establishments, such as, but not limited to restaurants, eateries, department stores, groceries, sari-sari stores, auto-repair shops, or any other type of business establishments; institutions like hospitals, schools, churches, public and private offices; industrial establishments of any kind; and agricultural areas situated within the territorial jurisdiction of Ormoc City, Province of Leyte, Philippines".

SECTION 3. BASIC CONCEPT. Any waste should be the responsibility of all establishments or place of purchase or by the household concerned. All stores, establishments, and households are required to have suitable trash or garbage receptacles to keep one's trash or garbage inside its premises.

SECTION 4. PURPOSE. This Ordinance is enacted for the following purposes:

- 4.1. To guide, control and regulate the generation of solid wastes within the City of Ormoc and promote an orderly and sanitary system for the same;
- 4.2. To enhance the total environment of the locality through the necessary control and mitigation of negative environmental impacts of solid waste;
- 4.3. To promote and protect the health, safety, peace and convenience of the general welfare of the inhabitants in every Barangay of Ormoc City;
- 4.4. To minimize the generation of solid waste and maximize possible resource/recovery/recycling and utilization by:
 - a. Maximizing the use of goods and consumption of foods;
 - b. Encouraging the salvaging of possible "recoverables" from solid wastes for re-use and/or recycling back to production process; and
 - c. Encouraging the recycling and resource recovery of wastes in own backyards through composting.

SECTION 5. DECLARATION OF POLICIES. It is hereby declared the policy of the City of Ormoc to adopt and implement a comprehensive, integrated and ecological solid waste management program which shall:

- 5.1. Ensure the protection of public health and the environment for the safety, convenience and general welfare of inhabitants in the City of Ormoc;
- 5.2. Utilize environmentally-sound methods that maximize the utilization of valuable resources and encourage resources conservation and recovery;
- 5.3. Set guidelines for the generation, segregation, collection, transport and disposal of solid waste in accordance with ecologically sustainable development principles;
- 5.4. Strengthen Solid Waste Management (SWM) organizations/committees at various levels;
- 5.5. Strengthen education and advocacy activities in collaboration with various stakeholders to promote environmental awareness and action among citizenry;
- 5.6. Implement local enforcement plan with barangays and other government units, non-government organizations, and the private sectors; and
- 5.7. Institutionalize greater public participation in solid waste management programs.

SECTION 6. OBJECTIVES. The objectives of this Ordinance are the following:

- 6.1. To ensure round-the-clock cleanliness through the orderly management of waste;
- 6.2. To eradicate unsightly, uncovered and overflowing waste containers in streets, public places and open spaces;
- 6.3. To maximize and optimize sanitary resource recovery for feeds, materials and others; and
- 6.4. To minimize pollution arising from harmful gases, smoke particulates produced by needless burning or dumping, polluted run-offs into water sources or supply, and hazardous substances.

**ARTICLE II
DEFINITION OF TERMS**

SECTION 7. DEFINITION OF TERMS. For the purpose of this Ordinance the following terms shall apply:

- A. Ambulant or Itinerant Junk Buyers** – refer to mobile junk buyers.
- B. Biodegradable** - Capable of being broken down (decomposed) rapidly by the action of micro-organisms.
- C. Biodegradable Waste** – include, but not limited to: fruit & vegetable peelings, spoiled food & leftovers, vegetable trimmings, fish scales, egg shells, seafood shells, animal entrails & carcasses, corn cobs & sheaths, rice hulls, peanut shells, wet newspapers & cardboards, wet papers & cartons, coconut shells & husks, seeds, garden & grass clippings, pet/poultry/livestock manure, chipped branches and sawdust.
- D. Bulky Waste** - waste that are bulky in size or shape. It includes, but not limited to: used rubber tires; garden debris; destroyed TV sets, radios, stereos, washing machines, dryers, stoves, refrigerators, & dishwashers; broken furniture, filing cabinets, book cases, beds & cushions.
- E. Bureau** - shall refer to the Environmental Management Bureau.
- F. 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.
- G. Collection** - the gathering or collecting of stored waste, setting it out and hauling them to transfer stations or to other facilities.
- H. Collection Equipment** - a vehicle set out for collection or gathering of stored waste.
- I. Collection Schedule** - designated time given for the collection of waste in the route.
- J. Commercial Establishments** - shall include but not limited to those engaged in transportation, communication, storage, commerce, service and the like.
- K. Compost** - decayed organic material for use as soil conditioner or fertilizer.
- L. Composting** - biological degradation under controlled conditions; the process of making biodegradables such as food waste, garden waste, animal waste and human waste into compost by mixing them with soil, water, biological additives/activators (optional) and air.
- M. Controlled Dump Site** - shall refer to a disposal site at which solid waste is deposited in accordance with the minimum prescribed standards of site operation.
- N. Discharge or Set-Out** - putting or setting out of stored waste set out for collection.
- O. Disposal** - shall refer to the discharge, deposit, dumping, spilling, leaking or placing of any solid waste into or in any land.
- P. Disposal Site** - shall refer to the site where solid waste is finally discharged and deposited.
- Q. Domestic Waste** - refuse from households, as distinguished from industrial waste, hospital waste, etc. which may be classified as biodegradable (compostable) or non-biodegradable (non-compostable).
- R. Dumpsite** - a piece of land where waste materials are dumped.

- S. Ecological Solid Waste Management (ESWM)** - 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.
- T. Environment** - refers 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.
- U. Garbage Collector** - any person tasked to pick up stored waste set out for collection.
- V. Generation** - shall refer to the act or process of producing solid waste.
- W. Generator** - shall refer to a person, natural or judicial, who last uses a material and makes it available for disposal or recycling.
- X. Hazardous waste** - shall refer to solid waste or combination of solid waste which because of concentration or physical, chemical or infectious characteristic may (a) cause or significantly contribute to an increase in mortality or (b) increase serious irreversible or incapacitating hazard to human health or the environment and disposed improperly treated stored, transported and disposed of or otherwise managed.
- Y. Immediate Surrounding** - frontage or immediate vicinity of the house or establishment.
- Z. Industrial Waste** - shall refer to liquid, gaseous, or solid matter or other waste substances or combination thereof resulting from any process of industry, manufacturing trade or business or from the development.
- AA. Junk Dealer** - any person engaged in recovering recyclable materials as a trade or business.
- BB. Landfill** - carefully designed structure built into or on top of the ground in which trash is isolated from the surrounding environment (groundwater, air, rain).
- CC. Leachate** - shall refer to the liquid produced when waste undergoes decomposition, and when water percolates through solid waste undergoing decomposition. It is a contaminated liquid that contains dissolved and suspended materials.
- DD. Litter** - any wastes that have been scattered or disposed improperly at an inappropriate location.
- EE. Material Recovery Facility (MRF)** - includes a solid waste transfer station or sorting station, dropped off center, a composting facility and recycling facility.
- EE. Non-Biodegradable Waste** - waste that cannot be decomposed rapidly by the action of microorganisms or cannot be break down into natural components, and will exist in the environment for a long time. It include, but not limited to: cans; metals; plastics; glass bottles; rubber; leather; hard shells; bones; plastic wrappers; diapers; napkins; clothes; rags; styropor; junk food wrappers; candy wrappers; and cigarette butts.
- FF. Open Dump Site** - 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 standards.

- GG. Ormoc City Ecological Solid Waste Management Board** – refers to the planning and monitoring arm of the City with regard to ecological solid waste management.
- HH. Ormoc City Ecological Solid Waste Management Technical Working II. Group** – refers to the implementing arm of the City Ecological Solid Waste Management Board.
- JJ. Person(s)** - shall refer to any being, natural or judicial, susceptible of rights and obligations, or of being the subject of legal relations.
- KK. Push Cart or Pedicab Scavenging** – vehicles used for the collection or recyclable materials in every household and establishments to be sold to junk dealers.
- LL. Receptacle** – container.
- MM. Recyclable or Reusable Waste** – waste that can be used again or can be easily converted into something useful. It include, but not limited to: dry papers & newspapers, dry cardboards & cartons, plastic materials like plastic containers, plastic water bottles, plastic bottle caps, PVC & PE pipes, computer casing, tin cans & covers, aluminum cans, iron steel, copper wires, broken transparent glasses, glass bottles, toner cartridges, computer ink cartridges.
- NN. Recyclable Materials** – shall refer to any waste materials retrieved from the waste stream and free from contamination that can still be converted into suitable beneficial use or for other purposes, including, but not limited to: newspapers, ferrous scrap metal, non-ferous scrap metal, used oil, corrugated cardboard, aluminum, glass, office paper, tin cans, plastic and other like materials.
- OO. Recycling** - shall refer to the treating of used or waste materials through a process of making them suitable for beneficial use and for 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.
- PP. Reduce** - to bring down to a smaller extent, size, amount, number.
- QQ. Residual Waste** - refers to the material that remains after the process of waste treatment has taken place. Such treatment can include agricultural, industrial and mining. It can also be applied in a more domestic sense, referring to the household rubbish not able to be recycled, re-used or composted.
- RR. Reuse** - is the action or practice of using something again, whether for its original purpose (conventional reuse) or to fulfil a different function.
- SS. Sanitary Aides** – shall refer to those Local Government Unit (LGU) personnel authorized or tasked to collect or handle garbage collection and/or disposal;
- TT. 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 operation of the facility.
- UU. Scavenging** – the act of opening stored waste set out for collection and disposal to retrieve recyclable or reusable materials.

VV. Segregation - shall refer to a solid waste management practice of separating different materials found in solid waste in order to promote recycling and re-use of resources and to reduce the volume of waste for collection and disposal.

WW. Solid Waste - a non-liquid waste material from domestic or household. It includes, but not limited to: all discarded household waste, commercial waste, non-hazardous institutional and industrial waste, street sweepings, construction debris, agricultural waste, and other non-hazardous or non-toxic solid waste.

XX. Solid Waste Management - shall refer to the discipline associated with the control of generation, storage, collection, transfer and transport, processing and disposal of solid waste in a manner that is in accord with the best of public health, economics, engineering, conservation, aesthetics, and other environmental considerations, and that also responsive to a public attitudes.

YY. Special Collection - collection outside of the regular garbage collection schedule, in compliance to the request or complaint received.

ZZ. Special Waste - shall refer to household hazardous waste such as paints, thinners, household batteries, lead acid, batteries, spray canisters and the like. These include waste from residential and commercial sources that comprise of bulky waste, consumers electronics, white goods, yard waste that are collected separately, batteries oil and tires. These waste are usually handled separately from other residential and commercial wastes;

AAA. Storage - isolation of waste from the environment to prevent health hazard and to facilitate collection.

BBB. Waste Generators - any individual, establishments, e.g. Households, Schools, Industries / Factories, Offices, Businesses, and other Establishments, Agriculture, Hospitals which generate or produce waste materials.

CCC. Yard Waste - refers to wood, small or chipped branches, leaves, grass clippings, garden debris, vegetable residue and other material accumulated by reason of trimming, pruning, and weeding of plants and trees.

ARTICLE III **ECOLOGICAL SOLID WASTE MANAGEMENT FUNCTIONS**

SECTION 8. CREATION OF ORMOC CITY ECOLOGICAL SOLID WASTE MANAGEMENT BOARD (OCESWMB). There shall be an Ormoc City Solid Waste Management Board which will be created by virtue of an Executive Order to be issued by the City Mayor.

SECTION 9. COMPOSITION OF THE ORMOC CITY SOLID WASTE MANAGEMENT BOARD (OCESWMB). The Ormoc City Ecological Solid Waste Management Board (OCESWMB) shall be composed of the following:

- a. The City Mayor as Chairman;
- b. The Chairman of the Committee on Environment and Natural Resources as Vice Chairman;
- c. The Liga ng mga Barangay President as Member;
- d. Representative from the City Youth Development Council as Member;

- e. Representative from an Environmental (Protection of Air and Water) Non-Governmental Organization (NGO) as Member;
- f. Representative from the Clean and Green Committee as Member;
- g. Representative from a Used Material Buyer or Junk Yard Organization or Association as Member;
- h. Representative from the Council of Women as Member.

SECTION 10. FUNCTIONS AND RESPONSIBILITIES OF THE ORMOC CITY ECOLOGICAL SOLID WASTE MANAGEMENT BOARD (OCESWMB). The Ormoc City Ecological Solid Waste Management Board (OCESWMB) shall have the following functions and responsibilities:

- 10.1.** Develop or revise the Ormoc City Ecological Solid Waste Management Plan (OCESWMP) 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 which will be submitted to the Sangguniang Panlungsod (SP) for adoption;
- 10.2.** Adopt measures to promote and ensure the viability and effective implementation of solid waste management programs in its component barangays;
- 10.3.** Monitor and oversee the implementation of the Ormoc City Ecological Solid Waste Management Plan (OCESWMP) through its barangays and in cooperation with the private sectors and the non-governmental organizations (NGOs);
- 10.4.** Develop the specific mechanics and guidelines for the implementation of the Ormoc City Ecological Solid Waste Management Plan (OCESWMP);
- 10.5.** Recommend measures and safeguard against pollution and for preservation of the natural ecosystem;
- 10.6.** Recommend measures to generate resources, funding and implementation of projects and activities as specified in the proposed Ormoc City Ecological Solid Waste Management Plan (OCESWMP);
- 10.7.** Recommend necessary logistical and operational support for an effective implementation of the approved Ormoc City Ecological Solid Waste Management Plan (OCESWMP);
- 10.8.** Develop information campaign plan to promote the program;
- 10.9.** Develop and appropriate incentive scheme as an integral component of the Ormoc City Ecological Solid Waste Management Plan (OCESWMP);
- 10.10.** Recommend specific measures or proposals for franchise or build-operate-transfer agreements with duly recognized institutions, pursuant to R.A.6957 (BOT Law) or to Private-Public Partnership Agreements under the PPP Law, to provide either exclusive or non-exclusive authority for the collection, transfer, storage, processing, recycling or disposal of City Solid Waste. The proposals shall take into consideration appropriate government rules and regulations on contracts, franchise and build-operate-transfer agreements;
- 10.11.** Convene regular meetings of the Ormoc City Ecological Solid Waste Management Board (OCESWMB) at least quarterly for the purposes of planning, integrating, synchronizing, monitoring, coordinating and evaluating the development and implementation of the Ormoc City Ecological Solid Waste Management Plan (OCESWMP) on the respective component barangays;
- 10.12.** Coordinate efforts of the respective Barangays in the implementation of the Ormoc City Ecological Solid Waste Management Plan (OCESWMP);
- 10.13.** Represent the City and component Barangays in coordinating the resource operational requirements with agencies of the provincial and national government;

- 10.14.** Conduct yearly review or as need arises, the Ormoc City Ecological Solid Waste Management Plan (OCESWMP) for the purposes of ensuring its sustainability, viability, effectiveness and relevance in relation to local and international developments in the field of solid waste management;
- 10.15.** Approve clustering of Barangays (for solid waste management purposes) to solve common solid waste management problems; and
- 10.16.** Recommend actions to the Ormoc City Ecological Solid Waste Management Technical Working Group (OCESWM TWG).

SECTION 11. CREATION OF ORMOC CITY ECOLOGICAL SOLID WASTE MANAGEMENT TECHNICAL WORKING GROUP (OCESWM TWG). There shall be an Ormoc City Ecological Solid Waste Management Technical Working Group (OCESWM TWG) which shall be the technical help or support of the Ormoc City Ecological Solid Waste Management Board (OCESWMB).

SECTION 12. COMPOSITION OF THE ORMOC CITY ECOLOGICAL SOLID WASTE MANAGEMENT TECHNICAL WORKING GROUP (OCESWM TWG). The Ormoc City Ecological Solid Waste Management Technical Working Group (OCESWM TWG) shall be composed of the following:

- a.) Representative from the Environment and Natural Resources Department (ENRD) of Ormoc City;
- b.) Representative from the General Services Department (GSD);
- c.) Representative from the Ormoc City Planning and Development Office (OCPD);
- d.) Representative from Ormoc Water and Sewerage Administration (ORWASA);
- e.) Representative from the Ormoc City Health Department (OCHD);
- f.) Representative from the Ormoc City Engineering Office (CEO);
- g.) Representative from the Public Affairs and Information Assistance Division (PAIAD);
- h.) Representative from the City Agriculture Office (CAO);
- i.) Two (2) Representatives from the Civic Society Groups (CSG) or Non-Governmental Organizations (NGO).

SECTION 13. FUNCTIONS AND RESPONSIBILITIES OF THE ORMOC CITY ECOLOGICAL SOLID WASTE MANAGEMENT TECHNICAL WORKING GROUP (OCESWM TWG). The Ormoc City Ecological Solid Waste Management Technical Working Group (OCESWM TWG) shall have the following functions and responsibilities:

- 13.1.** Conduct consultations with the various sectors of the community for the development, or revision of the Ormoc City Ecological Solid Waste Management Plan (OCESWMP);
- 13.2.** Identify measures and safeguards against pollution and preservation of the natural ecosystem recommended by the Board;
- 13.3.** Identify areas within the City which have common solid waste management problems as basis for planning local solid waste management services;
- 13.4.** Formulates the schedule of the key tasks to ascertain on the project of the City;
- 13.5.** Formulates the necessary logistical and operational support for an effective implementation of the approved City Solid Waste Management Plan as recommended by the Board;
- 13.6.** Obtain information on and gain understanding of the promising innovation practices of the other LGUs and organizations;

- 13.7. Review documents, monitor and evaluate the current City and Barangay practices, programs and policies;
- 13.8. Facilitate broad-based consensus on short and long term strategies of the City;
- 13.9. Formulate strategic action program based on multi-sectoral consensus and recommend actions for the establishment / strengthening of permanent City Local Government Unit (CLGU) based office that can manage the program on the term;
- 13.10. Formulate enabling ordinances to implement the program;
- 13.11. Manage the conduct of technical training to enhance the capability of the City TWG on ESWM;
- 13.12. Identify clustering of Barangays to solve common solid waste management problems; and
- 13.13. Call on any concerned agency or sector as it may deem necessary, for support and other appropriate action.
- 13.14. Prepare and implement detailed communication plans to support the implementation of the Ormoc City 10-year Ecological Solid Waste Management Plan (ESWMP);
- 13.15. Develop/produce/reproduce and disseminate Solid Waste Management (SWM) promotional materials;
- 13.16. Conduct information/advocacy campaign to waste generators;
- 13.17. Establish linkage/networking with partners to generate support for Solid Waste Management (SWM) implementation;
- 13.18. Organize and train Barangay Information Education and Communication (IEC) Committees;
- 13.19. Document best Solid Waste Management (SWM) practices/model and facilitate publication/distribution of Solid Waste Management (SWM) success
- 13.20. To enter into partnerships with public or private educational institutions in their Information Education Campaign to generators; and
- 13.21. Perform such other functions as may be required.

SECTION 14. ECOLOGICAL SOLID WASTE MANAGEMENT OFFICER. The head of the ENRD shall be designated as the ex-officio Ecological Solid Waste Management Officer.

ARTICLE IV THE ORMOC CITY ECOLOGICAL SOLID WASTE MANAGEMENT PLAN

SECTION 15. INCORPORATION BY REFERENCE. The Ormoc City Ecological Solid Waste Management Plan (OCESWMP) adopted and approved by the Sangguniang Panlungsod is hereby incorporated by reference.

SECTION 16. IMPLEMENTATION. The Ormoc City Ecological Solid Waste Management Plan (OCESWMP) shall be implemented in accordance with the implementation schedule, strategies and guidelines contained in said Plan.

ARTICLE V WASTE GENERATION AND STORAGE

SECTION 17. WASTE CLASSIFICATION. All solid waste generated shall be classified into five (5) Major Groups, as follows:

- a. Biodegradable or Compostable Waste (including yard waste);
- b. Non-Biodegradable Waste;
- c. Reusable or Recyclable Waste;
- d. Hazardous or Special Waste; and
- e. Bulky Waste.

SECTION 18. MANDATORY SEGREGATION OF SOLID WASTE. The segregation of wastes shall be mandatory, and shall be primarily conducted by the generators at the source, to include household, institutional, industrial, commercial and agricultural sources based on the waste classification provided under Section 17 hereof. No Segregation – No Collection Policy.

SECTION 19. HIERARCHY OF SOLID WASTE MANAGEMENT. All generators must observe the following Solid Waste Management Practices (according to its order of priority):

- a) **Source Reduction** - reduce waste by using products with less packaging and with reusable materials;
- b) **Re-Use** - reduce waste by reusing materials like plastic bags, paper, glass, metals, and other reusable waste materials;
- c) **Recycle** - reduce waste by selling or giving away recyclables.
- d) **Composting** - reduce waste by converting food left-overs, kitchen wastes, overripened fruits, dried leaves, vegetables, fruit peelings and the like into compost; and
- e) **Disposal** - must be the last option. Waste that cannot be reused, recycled or composted must be segregated and disposed properly.

SECTION 20. REQUIREMENTS FOR THE SEGREGATION AND STORAGE OF SOLID WASTE PENDING COLLECTION. The following shall be the minimum standards and requirements for segregation and storage of solid waste pending collection:

- 20.1.** There shall be a suitable container such as plastic bags or the like for the ecological solid waste before these are brought out for collection. It must be mouth-tied tightly to prevent scattering, spillage and avoid the entry of insects, pests and vermin, escape of bad odor and spillage of leachate.
- 20.2.** The waste shall be stored only within the premises of the generator or at the assigned areas pending collection;
- 20.3.** There shall be a separate container for each type of waste from all sources: Provided, that in the case of Special and Bulky Waste, it will suffice that the same be collected and placed in a separate and designated area; and
- 20.4.** The solid waste container depending on its use shall be properly marked or identified for on-site collection as follows:
 - a.) Biodegradables or Compostables which is Non-Hazardous or "Malata nga Dili Makada-ot";
 - b.) Recyclables or "Di-Malata nga Magamit Pa"; and
 - c.) Non-Biodegradables or Residuals or "Di-Malata nga Dili na Magamit"; and
 - d.) Special Waste;
 - e.) Hazardous Waste or "Makada-ot".

- 20.5.** The unpacked, improperly packed and spilled garbage shall not be collected. The owner shall be responsible in sweeping, cleaning and repacking of the spilled garbage, and clean the mess caused by it;
- 20.6.** No and/or Improper Segregation – No Collection.

SECTION 21. ADDITIONAL REQUIREMENTS FOR PREMISES CONTAINING SIX (6) or MORE RESIDENTIAL UNITS. The owner or person in charge of premises containing six (6) or more residential units shall provide for the residents a designated area and containers in which to accumulate source separated recyclable materials for collection. In addition, such owner or person in charge shall notify or inform the residents or occupants of such premises of the requirements of segregation.

SECTION 22. ADDITIONAL REQUIREMENTS FOR ALL COMMERCIAL, INSTITUTIONAL AND INDUSTRIAL ESTABLISHMENTS. The owners or heads of all commercial, institutional and industrial establishments shall provide designated areas and containers in which to accumulate source separated recyclable materials for collection. In addition, such owner or head of the institution shall notify or inform all workers, employees, and entities working in the premises of the requirements of segregation. No scavenging or unauthorized collection in designated segregation containers or areas shall be allowed.

SECTION 23. ADDITIONAL REQUIREMENTS IN AGRICULTURAL AREAS. Agricultural waste, such as rice straws, corn cobs, leaves, animal manure, etc., shall be properly stockpiled by the concerned individual for composting. Burning of agricultural waste shall be prohibited.

SECTION 24. REQUIREMENTS FOR PUBLIC CONVEYANCES. Public conveyances (i.e. tricycles, multicabs, buses, boats, vans, jeepneys) are likewise required to have two receptacles for separated residual/non-biodegradable and biodegradable wastes.

ARTICLE VI COLLECTION AND TRANSPORT

SECTION 25. WASTE COLLECTION SYSTEM and DROP-OFF POINTS. All households or generators must have a designated strategic collection or drop-off points to facilitate the hauling of segregated solid waste materials.

- 25.1.** Only segregated wastes and the types of waste that are scheduled for collection on a particular day and time shall be collected. Unsegregated solid wastes shall not be collected.
- 25.2.** All households, commercial establishments and institutions shall set out their segregated waste conspicuously in front of their premises only during the designated collection day or time;
- 25.3.** A Barangay Personnel must be assigned in every Barangay to ensure that all solid waste set out for collection from all generators within the Barangay is properly segregated;
- 25.4.** All Barangays of Ormoc City, except the District Barangays, are mandated to have their respective Material Recovery Facility (MRF), to include Composting Facilities or Areas;
- 25.5.** Agricultural areas shall convert organic waste into compost or must practice the process of composting in their respective areas;

- 25.6.** All industrial factories and plants shall separate their garbage into toxic and non-toxic. It is mandatory that all factories, in coordination with the Ormoc City Ecological Solid Waste Management Board (OCESWMB) and Barangay Council concerned, must create an Industrial Waste Exchange System (IWES) for the exchange of industrial wastes with others who may be able to use them. Existing industrial areas already having their proper way of collection and disposal shall continue practicing the same.
- 25.7.** Only the authorized sanitary aides shall be allowed to handle the waste from the generators;
- 25.8.** Selling, scavenging and sorting by the sanitary aides or other person shall not be allowed at all times;
- 25.9.** All sanitary aides, drivers and those involved in the collection shall be required to wear proper protection gear/s; uniform and identification cards prescribed by the Environment and Natural Resources Department (ENRD) of the Local Government Unit of Ormoc City;
- 25.10.** All authorized sanitary aides must possess an up-to-date health certificate issued by the Ormoc City Health Office;
- 25.11.** The assigned sanitary aides shall empty and return all garbage containers to the designated collection areas with care. Those paper and other temporary garbage containers must be collected;
- 25.12.** All collected waste shall only be transported directly to the prescribed disposal site;
- 25.13.** Junk dealers are not allowed to collect recyclable materials (scrap buying and selling) during the scheduled time of collection.

SECTION 26. GUIDELINES. The collection and transport of solid waste shall be undertaken in accordance with the guidelines and mechanisms prescribed in the Ormoc City Ecological Solid Waste Management Plan (OCESWMP). The minimum requirements prescribed in RA 9003 and its Implementing Rules and Regulations (IRR) shall likewise be complied with. The information on collection of solid waste such as the schedule, types of waste to be collected and other relevant information shall be disseminated by the Environment and Natural Resources Department (ENRD) of the Local Government Unit (LGU) in coordination with the Information Education Communication and Advocacy Team of Ormoc City to the general public.

SECTION 27. STORAGE. All wastes for collection must be stored in properly sealed/tied receptacles and brought outside households, institutions, commercial and industrial establishments and other sources during collection time only. Otherwise, the presence of these wastes outside of the scheduled collection time will be considered as a violation of the Anti-Littering provision of this Ordinance (Article XV, Section 49, Paragraph 49.1).

SECTION 28. TRANSPORT. The collected biodegradable and/or compostable and recyclable waste shall be dropped off at the City or Barangay Material Recovery Facility (MRF). Only the residual and special waste shall be brought to the disposal site or sanitary landfill.

SECTION 29. COLLECTION VEHICLES. Only collection vehicles covered with nets, tarpaulins or other similar material shall be allowed to transport solid waste from the collection area to the disposal facility. To ensure proper maintenance and to avoid unnecessary breakdowns that eventually disrupt the collection system, collection trucks shall undergo regular cleaning and maintenance. For this purpose, the existing City motor pool shall be utilized.

SECTION 30. TRAINING AND EQUIPMENT. All personnel directly involved with the collection of solid waste shall be provided with the necessary training by the Environment and Natural Resources Department (ENRD) of the Local Government Unit (LGU) of Ormoc City to ensure proper handling and management of waste.

SECTION 31. ADDITIONAL REQUIREMENTS ON HANDLING, STORAGE AND TRANSPORT OF SPECIAL WASTE. Special waste shall be stored safely in good, durable and covered receptacles which shall be located in a secured and/or distant site, prior to final collection, transport and disposal. Special waste (chemical, pathological, biological and radiological) shall be stored, collected and transported and disposed of in accordance with applicable laws, guidelines, rules and regulations of the Environmental Management Bureau (EMB), Department of Environment and Natural Resources (DENR), Department of Health (DOH) and the Department of Science and Technology (DOST).

**ARTICLE VII
WASTE PROCESSING AND RESOURCE RECOVERY**

SECTION 32. ESTABLISHMENT OF CITY MATERIAL RECOVERY FACILITY (CMRF). The City of Ormoc shall maintain and constantly upgrade the City Material Recovery Facility (CMRF) at Barangay Green Valley. The operation of the Material Recovery Facility (MRF) shall be in accordance with the strategy and guidelines prescribed in the Ormoc City Ecological Solid Waste Management Plan (OCESWMP). Likewise, the minimum requirements for establishment and operation prescribed in RA 9003 and its IRR shall be complied with. The income generated from the operation of the City Material Recovery Facility (CMRF) shall accrue to and form part of the City Ecological Solid Waste Management Trust Fund to be used for Solid Waste Management-Related activities only.

SECTION 33. BARANGAY MATERIAL RECOVERY FACILITY (BMRF) – In addition to the City Material Recovery Facility (CMRF), a Material Recovery Facility (MRF) with a minimum size of One Meter by Three Meters (1m x 3m) must be established in every Barangay, except District Barangays, and in the public market of Ormoc City. The Barangay Material Recovery Facility (BMRF) shall be established and operated in accordance with the strategy and guidelines prescribed in the Ormoc City Ecological Solid Waste Management Plan (OCESWMP). The city government will provide technical assistance for the operation of Barangay Material Recovery Facility (BMRF). Likewise, the minimum requirements for establishment and operation prescribed in RA 9003 and its IRR shall also be complied with.

SECTION 34. BACKYARD COMPOSTING. Aside from the Barangay Material Recovery Facility (BMRF), all Barangays, except District Barangays, must encourage every household or cluster of households, institutions and establishments where space is available, to do Backyard Composting by establishing compost pits or heaps or bins.

**ARTICLE VIII
REGULATION OF JUNK SHOPS OPERATIONS**

SECTION 35. All junk shops and ambulant junk buyers operating in the City shall secure the necessary permit/accreditation from the Environment and Natural Resources Department (ENRD) of the Local Government Unit (LGU) of Ormoc City as a condition to the issuance of business permit.

**ARTICLE IX
EDUCATION**

SECTION 36. INFORMATION, EDUCATION AND COMMUNICATION (IEC) PROGRAM. An Information Education and Communication (IEC) Program shall be implemented by the City of Ormoc pursuant to the strategies, mechanisms and guidelines contained in the Ormoc City Ecological Solid Waste Management Plan (OCESWMP). The Sangguniang Panlungsod (SP) shall appropriate the necessary funds to support the implementation of the Information Education and Communication (IEC) Program. The appropriation/s shall be based on the budget to be submitted by the Environment and Natural Resources Department (ENRD) of the Local Government Unit (LGU) of Ormoc City for the purpose.

SECTION 37. INFORMATION EDUCATION AND COMMUNICATION (IEC) MATERIALS. A variety of Information Education and Communication (IEC) Materials shall be developed to support the Solid Waste Management Communications Program (SWMCP). Print materials such as information sheets, posters, flyers, billboards and banners shall be developed, reproduced and distributed to target audiences. Public service announcements (e.g. bandiliyo), radio and Television (TV) plugs/programs shall be developed and aired through the local radio stations and local cable network.

**ARTICLE X
FINANCING OF SOLID WASTE MANAGEMENT PROJECTS**

SECTION 38. FUNDING. The funds for the implementation of the Ormoc City Ecological Solid Waste Management Plan (OCESWMP) shall be sourced from the twenty percent (20%) development fund and other available sources including available funds from funding agencies.

**ARTICLE XI
PROCUREMENT OF SERVICES, MATERIALS AND EQUIPMENT**

SECTION 39. The procurement of services, materials and equipment for Solid Waste Management (SWM) activities as provided in the Ormoc City Ecological Solid Waste Management Plan (OCESWMP) shall follow the procedures set out in the Implementing Rules and Regulations of the Revitalized Procurement Act of 2003 (RA 9183). The City Bids & Awards Committee (CBAC) shall ensure that transparent, competitive and participatory procedures will be followed in the bidding and award of the contracts and that there will be periodic assessment of the performance of the contractors.

**ARTICLE XII
THE ORMOC CITY SOLID WASTE MANAGEMENT FUND**

SECTION 40. ESTABLISHMENT OF THE FUND. There is hereby created, as a special account of the Local Government Unit (LGU) of Ormoc City, a City Solid Waste Management Fund to be administered by the Ormoc City Ecological Solid Waste Management Board (OCESWMB).

SECTION 41. MANAGEMENT OF THE FUND. The Ormoc City Ecological Solid Waste Management Board (OCESWMB) shall develop pertinent guidelines on the management of the Fund. Provided, that reporting on the status of the Fund shall be done in a transparent manner. Provided further, that a report on the Fund shall be submitted annually to the Sangguniang Panlungsod (SP) by the Ormoc City Ecological Solid Waste Management Board (OCESWMB) in collaboration with the Commission on Audit (COA) within four (4) months after the end of each fiscal year.

SECTION 42. SOURCES OF THE FUND. The Ormoc City Solid Waste Management Fund shall be sourced from the following:

- 42.1.** Donations, endowments, grants and contributions from domestic and foreign sources;
- 42.2.** The Ormoc City allocation or share in the fines collected from the implementation of this Ordinance and Republic Act No. 9003 and its Implementing Rules and Regulations;
- 42.3.** The amount allocated for Solid Waste Management (SWM) from the Twenty Percent (20%) City Development Fund, which amount shall be determined based on needs.

SECTION 43. USE OF THE FUND. The Ormoc City Solid Waste Management Fund shall be used to support the implementation of the Ormoc City Ecological Solid Waste Management Plan (OCESWMP), including endeavors that will enhance its implementation. These may include activities/projects on the following:

- 43.1.** Regular operating and maintenance expenses of the Environment and Natural Resources Department (ENRD) of the Local Government Unit (LGU) of Ormoc City including salaries and wages of those involved in solid waste management. However, expenses may include per diems and honoraria in accordance with the regulations of the Commission on Audit (COA) and other existing accounting rules and regulations;
- 43.2.** Products, facilities, technologies and processes to enhance proper solid waste management;
- 43.3.** Research activities;
- 43.4.** Information, education, communication and monitoring activities;
- 43.5.** Capability-building activities.

SECTION 44. CRITERIA FOR ACCESSING THE FUND. The Ormoc City Solid Waste Management Fund may be availed of based on the following criteria:

- 44.1.** The project or activity proposed to be funded shall be based on the Ormoc City Ecological Solid Waste Management Plan (OCESWMP);
- 44.2.** Only one (1) project per proponent shall be eligible for funding support;
- 44.3.** A proponent may avail of the Fund once in every three (3) years but not for the same project or activity.
- 44.4.** Proponents belonging to the private sector and civil society groups shall be accredited by the Ormoc City Ecological Solid Waste Management Board (OCESWMB). The process for accreditation shall be defined by the Board.
- 44.5.** Project/activity types under the following categories may be considered:
 - a.) Solid waste management projects which catalyze investment from the private sector and/or other investors;
 - b.) Innovative solid waste management approaches;
 - c.) Prototyping solid waste management models;
- 44.6.** The process for the availment of funds is completed.

SECTION 45. LEVEL OF FUNDING. The level of funding for projects or activities proposed to be funded under the Ormoc City Solid Waste Management Fund shall be determined and set by the Ormoc City Ecological Solid Waste Management Board (OCESWMB).

SECTION 46. PROCESS FOR AVAILING THE FUND. The Ormoc City Ecological Solid Waste Management Board (OCESWMB) shall promulgate the procedure or guidelines for availing the Ormoc City Solid Waste Management Fund. In the promulgation of such procedures or guidelines, the Board shall consider the general process for availing the local fund described in Appendix C of the Implementing Rules and Regulations of Republic Act No. 9003.

**ARTICLE XIII
SPECIAL PROVISION**

SECTION 47. ISSUANCE OF ECOLOGICAL SOLID WASTE MANAGEMENT CLEARANCE. All commercial, industrial and institutional establishments and agricultural businesses shall secure an Ecological Solid Waste Management Clearance/Certificate which will be issued by the Environment and Natural Resources Department (ENRD) of the Local Government Unit (LGU) of Ormoc City as a pre-requisite for the application of a Mayor's Permit or its renewal. The Ecological Solid Waste Management (ESWM) Clearance/Certificate will serve as a proof that the owner/manager has undergone orientation on Ecological Solid Waste Management (ESWM) conducted by the Environment and Natural Resources Department (ENRD) of the Local Government Unit (LGU) of Ormoc City.

**ARTICLE XIV
BARANGAY SHARE IN ECOLOGICAL SOLID WASTE MANAGEMENT (ESWM) FINES**

SECTION 48. SHARE IN ENVIRONMENTAL FINES. Barangay Local Government Units (LGUs) are likewise entitled to twenty percent (20%) share from the fines collected for violations committed within their territorial jurisdiction.

**ARTICLE XV
PENAL PROVISIONS**

SECTION 49. PROHIBITED ACTS and PENALTIES. The following acts are prohibited under this Ordinance, and shall be penalized as follows:

- 49.1.** *Bringing Out and Dumping of Garbage Outside of Collection Day and Proper Time of Dumping for Collection, Indiscriminately Dumping of Garbage, Littering, Throwing, Dumping of Solid Waste Matters in Public Places, such as Roads, Sidewalks, Canals, Drainage Systems, Curbs and Gutters, Esteros or Parks, Creeks, Rivers, Tributaries, Rivulets and Other Natural Waterways, and Establishment, or Causing or Permitting the same* - Fine of not less than Three Hundred Pesos (PhP300.00), but not more than One Thousand Pesos (PhP1,000.00) and/or Community Service of not more than Fifteen (15) Days, at the discretion of the judicial court.

The violator may opt to pay an Administrative Fine of Two Hundred Pesos (PhP 200.00) at the Treasurer's Office of Ormoc City.

- 49.2.** *Open Burning of Solid Waste Including Tires* - Fine of not less than Three Hundred Pesos (PhP300.00), but not more than One Thousand Pesos (PhP1,000.00) and/or Community Service of not more than Fifteen (15) Days, at the discretion of the judicial court.
The violator may opt to pay an Administrative Fine of Two Hundred Pesos (PhP 200.00) at the Treasurer's Office of Ormoc City.

- 49.3.** Causing or Permitting the Collection of Non-Segregated or Unsorted Waste -Fine of not less than One Thousand Pesos (PhP1,000.00), but not more than Three Thousand Pesos (PhP3,000.00) and/or Imprisonment of not more than Six (6) Months, at the discretion of the judicial court.

The violator may opt to pay an Administrative Fine of Five Hundred Pesos (PhP500.00) at the Treasurer's Office of Ormoc City.

- 49.4.** *Squatting in open dumps and landfills* - Fine of not less than One Thousand Pesos (PhP1,000.00), but not more than Three Thousand Pesos (PhP3,000.00) and/or Imprisonment of not more than Six (6) Months, at the discretion of the judicial court.

The violator may opt to pay an Administrative Fine of Five Hundred Pesos (PhP500.00) at the Treasurer's Office of Ormoc City.

- 49.5.** *Open dumping, burying of biodegradable or non-biodegradable materials in flood-prone areas* - Fine of not less than One Thousand Pesos (PhP1,000.00), but not more than Three Thousand Pesos (PhP3,000.00) and/or Imprisonment of not more than Six (6) Months, at the discretion of the judicial court.

The violator may opt to pay an Administrative Fine of Five Hundred Pesos (PhP500.00) at the Treasurer's Office of Ormoc City.

- 49.6.** Unauthorized removal of recyclable material intended for collection by authorized persons - Fine of not less than One Thousand Pesos (PhP1,000.00), but not more than Three Thousand Pesos (PhP3,000.00) and/or Imprisonment of not more than Six (6) Months, at the discretion of the judicial court.

The violator may opt to pay an Administrative Fine of Five Hundred Pesos (PhP500.00) at the Treasurer's Office of Ormoc City.

- 49.7.** The Mixing of Source-Separated Recyclable Material with other Solid Waste in any Vehicle, Box, Container or Receptacle Used in Solid Waste Collection - Fine of not less than Four Thousand Pesos (PhP4,000.00), but not more than Five Thousand Pesos (PhP5,000.00) and/or Imprisonment of not more than One (1) Year, at the discretion of the judicial court.

The violator may opt to pay an Administrative Fine of Three Thousand Pesos (PhP3,000.00) at the Treasurer's Office of Ormoc City.

- 49.8.** Establishment or Operation of Open Dumps for Solid Waste - Fine of not less than Four Thousand Pesos (PhP4,000.00), but not more than Five Thousand Pesos (PhP5,000.00) and/or Imprisonment of not more than One (1) Year, at the discretion of the judicial court.

The violator may opt to pay an Administrative Fine of Three Thousand Pesos (PhP3,000.00) at the Treasurer's Office of Ormoc City.

- 49.9.** The Manufacture, Distribution or Use of Non-Environmentally Acceptable Packaging Materials

- 49.9A.** All commercial establishments shall use environmentally accepted packaging for their products, such as but not limited to paper bags; reusable bags or baskets. - Fine of not less than Four Thousand Pesos (PhP4,000.00), but not more than Five Thousand Pesos (PhP5,000.00) and/or Imprisonment of not more than One (1) Year, at the discretion of the judicial court.

The violator may opt to pay an Administrative Fine of Three Thousand Pesos (PhP3,000.00) at the Treasurer's Office of Ormoc City.

- 49.10.** Importation or Transporting of Toxic Waste Misrepresented as "Recyclable" or "With Recyclable Content" - Fine of not less than Four Thousand Pesos (PhP4,000.00), but not more than Five Thousand Pesos (PhP5,000.00) and/or Imprisonment of not more than One (1) Year, at the discretion of the judicial court.

The violator may opt to pay an Administrative Fine of Three Thousand Pesos (PhP3,000.00) at the Treasurer's Office of Ormoc City.

- 49.11.** Transport and Dumping in Bulk of Collected Domestic, Industrial, Commercial and Institutional Wastes in Areas Other Than Centers or Facilities as Prescribed under RA 9003 - Fine of not less than Four Thousand Pesos (PhP4,000.00), but not more than Five Thousand Pesos (PhP5,000.00) and/or Imprisonment of not more than One (1) Year, at the discretion of the judicial court.

The violator may opt to pay an Administrative Fine of Three Thousand Pesos (PhP3,000.00) at the Treasurer's Office of Ormoc City.

- 49.12.** Site Preparation, Construction, Expansion or Operation of Waste Management Facilities Without an Environmental Compliance Certificate (ECC) and Not Conforming with the Land Use Plan of the Local Government Unit (LGU) of Ormoc City - Fine of not less than Four Thousand Pesos (PhP4,000.00), but not more than Five Thousand Pesos (PhP5,000.00) and/or Imprisonment of not more than One (1) Year, at the discretion of the judicial court.

The violator may opt to pay an Administrative Fine of Three Thousand Pesos (PhP3,000.00) at the Treasurer's Office of Ormoc City.

- 49.13.** Construction of any establishment within two hundred (200) meters from open dumps or controlled dumps or sanitary landfills - Fine of not less than Four Thousand Pesos (PhP4,000.00), but not more than Five Thousand Pesos (PhP5,000.00) and/or Imprisonment of not more than One (1) Year, at the discretion of the judicial court.

The violator may opt to pay an Administrative Fine of Three Thousand Pesos (PhP3,000.00) at the Treasurer's Office of Ormoc City.

- 49.14.** Failure of any Owner or Operator or Driver of Buses, V-Hires, Jeepneys, Taxis, Tricycles for Public Use, and Other Public Utility Vehicles operating within or traversing through the territorial jurisdiction of Ormoc City to provide Trash Receptacles or Bins inside their Vehicles - Fine of not less than Three Hundred Pesos (PhP300.00), but not more than One Thousand Pesos (PhP1,000.00) and/or Community Service of not more than Fifteen (15) Days, at the discretion of the judicial court.

The violator may opt to pay an Administrative Fine of Two Hundred Pesos (PhP 200.00) at the Treasurer's Office of Ormoc City.

- 49.15.** 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.

- 49.16.** Where the violator of this Ordinance does not contest his or her apprehension and elect to pay the Administrative Fine at the Treasurer's Office of Ormoc City, the City Government 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 offense 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 extrajudicial settlement of his or her violation by paying the prescribed amount of Fine at the City Treasurer's Office within seventy-two (72) hours from issuance thereof, otherwise, appropriate complaint shall be filed against him or her before the court of law.

- 49.17.** Violators shall not be given barangay clearances and certifications until he or she has paid and/or served his or her fines and/or penalties. The names of all violators in every Barangay shall also be posted at conspicuous places within the barangay.

- 49.18.** Violations shall be accounted per household and the head of the family shall be responsible in the implementation of this Ordinance in their respective household. In effect, any violation committed by each household shall be carried by all members of said household except for those household helps, transient visitors, and other temporary or visiting individuals.

- 49.19.** As for those commercial and industrial establishment violators, compliance with the provisions of this Ordinance, and payment of the corresponding fines and/or service of imprisonment will be a PRE-REQUISITE for the issuance or renewal of business permit.

SECTION 50. REGISTRATION OF PEDICABS AND PUSH CARTS. All push carts and pedicabs used for scrap or recyclable materials collection operating within the City of Ormoc must be registered with the Solid Waste Management Office of Ormoc City for purposes of monitoring their operations. Failure to register the same will make the owner liable for a Fine of not less than Five Hundred Pesos (PhP500.00), but **not** more than One Thousand Pesos (PhP1,000.00) and/or Imprisonment of not more than Ten (10) Days, at the discretion of the judicial court.

The violator may opt to pay an Administrative Fine of Three Hundred Pesos (PhP 300.00).

**ARTICLE XVI
PROCEDURE**

SECTION 51. VIOLATIONS OF THE ORDINANCE. The following procedure shall be observed in case of violation of this Ordinance:

- 51.1.** Apprehension;
- 51.2.** Issuance of Citation Ticket;
- 51.3.** Payment of fine and/or render community service depending on prescribed penalty;
- 51.4.** Filing of case in court, if necessary.

**ARTICLE XVII
UTILIZATION OF THE COLLECTED FINES**

SECTION 52. UTILIZATION OF COLLECTED FINES. The collected fines shall be divided annually as follows:

- 52.1.** Thirty percent (30%) shall accrue to the Local Government Unit Ormoc City General Fund for appropriations for the next fiscal year;
- 52.2** Twenty percent (20%) will go to the Barangay Local Government Unit (LGU) concerned as its share of the fines collected for offenses committed within its area of jurisdiction; and
- 52.3** The remaining Fifty percent (50%) will be separated, and shall be called as Ormoc City Ecological Solid Waste Management (OCESWM) Fund, which shall be used for the following purposes within the fiscal year of which the fines were collected:
 - a.) Honoraria of the Ormoc City Ecological Solid Waste Management Board, Ecological Solid Waste Management Staff and Personnel of every Barangay, and Sanitary Personnel and/or Aides;
 - b.) Procurement of Materials, Equipment, Protective Gears and other items necessary for the proper implementation of this Ordinance;
 - c.) Information, education, communication and monitoring activities of the Information Education Communication and Advocacy Team;
 - d.) Acquisition of products, facilities, technologies and processes necessary to enhance proper ecological solid waste management;
 - e.) Transportation or Hauling of ecological solid wastes;
 - f.) Awards and incentives;
 - g.) Research programs;
 - h.) Technical assistance;
 - i.) Capability-building activities; and
 - j.) Maintenance and other related activities and programs.
- 52.4.** At every end of the fiscal year, any remaining or unused amount of the Ormoc City Ecological Solid Waste Management (OCESWM) Fund shall be properly recorded, and will accrue or be carried over to the Ormoc City Ecological Solid Waste Management (OCESWM) Fund for the next fiscal year.

**ARTICLE XVIII
ENFORCEMENT MECHANISMS**

SECTION 53. ENFORCEMENT. This Ordinance shall be enforced by the Philippine National Police (PNP) and Deputized Solid Waste Management (SWM) Enforcers. The Deputized Solid Waste Management (SWM) Enforcers shall consist of three groups, namely: a) regular enforcers; b) auxiliary enforcers; and c) volunteer enforcers.

SECTION 54. COMPOSITION AND FUNCTIONS OF REGULAR ENFORCERS. The regular enforcers will consist of the Solid Waste Management (SWM) Enforcement Personnel from the Philippine National Police (PNP); City Health Office (CHO); General Services Department (GSD); City Engineering's Office (CEO); City Administrator's Office (CAO); City Mayor's Office (CMO); and Environment and Natural Resources Department (ENRD). Among the functions to be performed by the regular enforcers are the following:

- 54.1. Coordinate the actions and activities of the auxiliary enforcers and deputized volunteers;
- 54.2. Apprehend violators of this Ordinance and issue citation tickets;
- 54.3. Prepare and submit monthly reports to the Environment and Natural Resources Department (ENRD) of LGU Ormoc City; and
- 54.4. Perform other related functions as may be required.

SECTION 55. COMPOSITION AND FUNCTIONS OF AUXILIARY ENFORCERS. The auxiliary enforcers will consist of Barangay Officials and Barangay Tanods. They will be tasked to enforce specific Solid Waste Management (SWM) regulations in their areas of jurisdiction. The functions to be performed by the auxiliary enforcers are the following:

- 55.1. Apprehend violators of this Ordinance within their areas of jurisdiction and issue citation tickets. The Solid Waste Management (SWM) Officer shall prescribe the specific provision of this Ordinance and/or regulations of the City that may be enforced by the auxiliary enforcers.
- 55.2. Immediately return the copy of issued citation tickets to the barangay captain in case violator opts to render community service and to the barangay treasurer in case violator chooses to pay.
- 55.3. Prepare and submit monthly reports to the Environment and Natural Resources Department (ENRD) of LGU Ormoc City.
- 55.4. Perform other related functions as may be required.

SECTION 56. VOLUNTEER ENFORCERS. To supplement the regular and auxiliary enforcers, a corps of volunteer enforcers will be formed. Volunteers may be members of civil society organizations (Private Organizations (POs), Non-Governmental Organizations (NGOs), youth groups, etc.), purok officials, and other concerned citizens. The Environment and Natural Resources Department (ENRD) of LGU Ormoc City shall prescribe the requirements or qualifications needed for volunteers and the criteria for selection. In determining such requirements or qualifications, the Environment and Natural Resources Department (ENRD) shall take into account, at the very least, the apprehending, recording and reporting responsibilities of deputized volunteers. In addition, it is also important to consider that in order to be effective, those in enforcement must be able to command some respect from other members of the community.

SECTION 57. FUNCTIONS OF DEPUTIZED VOLUNTEERS. – The functions of deputized volunteers are as follows:

- 57.1.** Apprehend violators of this Ordinance and issue citation tickets. The Head of the Solid Waste Management (SWM) Section shall prescribe the specific provision/s of this Ordinances and/or regulations of the City that may be enforced by the deputized volunteers.
- 57.2.** Immediately return the copies of issued citation tickets to the barangay captain / Environment and Natural Resources Department (ENRD) of LGU Ormoc City in case violator opts to render community service and to the barangay/city treasurer in case violator chooses to pay.
- 57.3.** Prepare and submit monthly reports to the Environment and Natural Resources Department (ENRD) of LGU Ormoc City.
- 57.4.** Perform other related functions as may be required.

SECTION 58. RECRUITMENT. To initiate the process of recruitment, the Environment and Natural Resources Department (ENRD) of LGU Ormoc City will hold an LGU-wide information dissemination and orientation regarding the need for volunteers, their roles and responsibilities, and the criteria for selection. The Environment and Natural Resources Department (ENRD) of LGU Ormoc City will then evaluate and screen the applicants. The results of the screening will be published or posted in strategic places. The criteria for the selection are as follows:

- 58.1.** A member of a civil society, private, non-governmental or youth organization, and duly recommended by the same.
- 58.2.** Meets all the qualification which will be set by the Ormoc City Ecological Solid Waste Management Board (OCESWMB).
- 58.3.** The committee on enforcement will conduct an interview of recommendees to assess their willingness and commitment to participate in the program.
- 58.4.** Physical and mental fitness as determined by a government physician.

SECTION 59. DEPUTATION. The process of deputation will start with the training of regular enforcers, auxiliary enforcers and the selected volunteers.

The Environment and Natural Resources Department (ENRD) of LGU Ormoc City in cooperation with the Information Education Communication (IEC) and Advocacy Team shall organize the training/s to be conducted and may seek the assistance or engage the services of qualified persons or organizations in developing the training module/s, training materials and evaluation criteria as well as in conducting the actual training/s. The training/s shall, at the minimum, cover the following topics:

- 59.1.** Key Components of the Ormoc City ESWM Plan;
- 59.2.** ESWM Ordinances of Ormoc City;
- 59.3.** Roles and functions of enforcers;
- 59.4.** Legal Considerations in Making Apprehensions;
- 59.5.** Procedure for apprehension and issuance of citation tickets;
- 59.6.** Reporting requirements;
- 59.7.** Values formation.

SECTION 60. EVALUATION OF VOLUNTEERS. Volunteers will be evaluated after the training and those who pass shall go through a probationary period of one (1) month as temporary enforcers. After the probationary period, they shall again be evaluated and those who pass shall be deputized by the City Mayor. The deputation shall be effective for a period of one (1) year, after which, the deputized volunteers shall again be evaluated to determine their fitness to serve as such.

SECTION 61. MONITORING AND EVALUATION. Enforcement activities will undergo periodic monitoring and evaluation. Enforcers are expected to regularly report on their performance using pre-agreed performance indicators. The extent of compliance with ordinances and regulations will then be determined from such reports and from regular "feedbacking" sessions among enforcers. The City will also consult with various sectors to get their assessment and to identify with them areas for improvement.

SECTION 62. STRATEGY. Enforcement activities on the first year of implementation of the Ormoc City Ecological Solid Waste Management Plan (OCESWMP) will be geared towards the inculcation of proper solid waste management. Enforcement activities will also strengthen the Information Education Communication (IEC) campaign. Based on the experience gathered on the first year, a detailed enforcement plan for the succeeding years will be prepared by the Environment and Natural Resources Department (ENRD) of the Local Government Unit (LGU) Ormoc City.

After three months of intensive Information Education and Communication Campaign (IEC), Solid Waste Management (SWM) regulations will be strictly implemented and fines and penalties will be fully imposed on violators. There will be regular inspection of establishments to make sure that solid wastes are properly segregated and stored, and that collection rules are followed. There will be random checking of vehicles to see if waste receptacles are provided. No business permit will be issued or renewed until establishment owners or their duly authorized representatives attend the required annual Solid Waste Management (SWM) seminar.

SECTION 63. INCENTIVES AND/OR REWARDS FOR ENFORCERS. The City shall give incentives and/or rewards to enforcers as follows:

A.) Regular and Auxiliary Enforcers:

1. For every apprehension, a cash award of twenty five percent (25%) of the penalty actually paid shall be given to the Regular or Auxiliary enforcer.
2. For every 25 apprehensions, a Certificate of Recognition will be awarded by the City Mayor to the Regular or Auxiliary Enforcer concerned.

B) Deputized Volunteers:

1. For every apprehension, a cash award of twenty five percent (25%) of the penalty actually paid shall be given to the deputized volunteer.
2. For every 25 apprehensions, a Certificate of Recognition will be awarded to the deputized volunteer by the City Mayor.
3. The top 10 deputized volunteers based on the number of apprehensions per annum will be given a Plaque of Commendation by the City Mayor

ARTICLE XIX COMMUNITY INVOLVEMENT

SECTION 64. PUBLIC NOTIFICATION. The Constituents of Ormoc City shall be regularly informed of acts performed and activities undertaken in connection with the implementation of the ESWM Plan of Ormoc City. For this purpose, notices of such acts and activities shall be posted regularly in a bulletin board at the entrance of the City Hall, at the Office of ENRD, CPDC, CEO, in all barangay halls, at the public market and other public places. The ENRD, CPDO, CEO and Mayors Office supported by the City IEC and Advocacy Team shall be responsible for the posting of the above information.

SECTION 65. PUBLIC PARTICIPATION. – The ENRD shall ensure that public participation is maximized in the implementation of the ESWM Plan of Ormoc City. For this purpose, the ENRD or the Ecological Solid Waste Management Board, as the case may be, shall conduct public consultations with concerned stakeholders on matters that would affect the latter in connection with the implementation of specific components of the City ESWM Plan. The results of such public consultations shall be taken into consideration prior to the actual implementation of the particular component of the City ESWM Plan.

**ARTICLE XX
APPROPRIATION**

SECTION 66. APPROPRIATION. To effectively carry out the implementation of the City ESWM Plan and the implementation and enforcement of this Ordinance, the sum of not less than Five Million Pesos (PhP 5, 000,000.00) is hereby appropriated from the 20% Development Fund for the first year of its implementation. The budget for the subsequent years of implementation, which shall be based on the City ESWM Plan, shall be submitted by the ENRD and shall be included in the Annual City Budget Ordinance.

SECTION 67. SEPARABILITY CLAUSE. If for any reason, any provision, portion or part of this ordinance is found to be inconsistent with any law, other provisions or part or parts thereof not so affected shall remain in full force and effect.

SECTION 68. REPEALING OR AMENDATORY CLAUSE. All ordinances rules and regulations or part or parts thereof, which are inconsistent or in conflict with the provisions of this ordinance are hereby repealed, amended and or modified accordingly.

SECTION 69. EFFECTIVITY. This Ordinance shall take effect upon its approval and publication in the local newspaper of general circulation, and posting in conspicuous places in the City of Ormoc as required under the Local Government Code.

ENACTED, June 08, 2017.


RESOLVED, FURTHER, to furnish copies of this ordinance one each to the City Mayor Richard I. Gomez; the City Administrator; the City Legal Office; the City Budget Office; the City Accounting Office; the City Auditor; the Environment & Natural Resources Department; the City Planning & Development Office; the City General Services Office; the City Engineer's Office; the OIC-City Director, DILG; and other offices concerned;

CARRIED UNANIMOUSLY.



Ord. No. 36


I HEREBY CERTIFY to the correctness of the above ordinance.


MARIA ANTONIETA G. CO HAT
(OIC – SP Secretary)
Supervising Administrative Officer

ATTESTED:


VINCENT L. RAMA
(OIC-City Vice Mayor & Temporary Presiding Officer)
SP Member
Asst. Majority Floor Leader

APPROVED:


RICHARD I. GOMEZ
City Mayor
13 JUN 2017
(Date)