

REPUBLIKA NG PILIPINAS  
SANGGUNIANG PANLUNGSOD  
LUNGSOD NG ORMOC

08 AUG 2020

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE  
FIFTEENTH SANGGUNIANG PANLUNGSOD NG ORMOC HELD  
AT THE SANGGUNIANG PANLUNGSOD SESSION HALL  
ON AUGUST 04, 2020

PRESENT:

Leo Carmelo L. Locsin, Jr.	City Vice Mayor & Presiding Officer
Benjamin S. Pongos, Jr.,	SP Member, Majority Floor Leader
Roiland H. Villasencio,	SP Member, 1 <sup>st</sup> Asst. Majority Floor Leader
Tomas R. Serafica,	SP Member, Presiding Officer "Pro-Tempore"
Nolito M. Quilang,	2 <sup>nd</sup> Asst. Majority Floor Leader, SP Member
Eusebio Gerardo S. Penserga,	SP Member
Jasper M. Lucero,	SP Member
Peter M. Rodriguez,	SP Member
Vincent L. Rama,	SP Member
Gregorio G. Yrastorza III,	SP Member
Esteban V. Laurente,	Ex-Officio SP Member, Chapter President, Liga ng mga Barangay ng Ormoc
Joan Marbie C. Simbajon,	Ex-Officio SP Member, Chapter President, Panlungsod na Pederasyon ng mga Sangguniang Kabataan ng Ormoc

ON LEAVE:

Lalaine A. Marcos,	SP Member
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**PREFATORY STATEMENT**

WHEREAS, Section 16 of Article II of the 1987 Philippine Constitution provides that the state shall protect and advance the right of the people to a balanced and healthy ecology in accord with the rhythm and harmony of nature;

WHEREAS, Section 3 (1) of RA 7160, otherwise known as the Local Government Code of 1991, provides that Local Government Units shall share with the national government the responsibility in management and maintenance of ecological balance within their territorial jurisdiction;

WHEREAS, in January 25, 2018, the Sangguniang Panlungsod of Ormoc City passed Ordinance No. 059 entitled, "An Ordinance Regulating the Use of Plastic Bags and Other Plastic Materials for Commercial Purposes for Two (2) Days Each Week, Promoting the Use of Eco Bags and Other Environment-Friendly Practices as an Alternative and Providing Penalties Therefor";

WHEREAS, the City of Ormoc has been implementing the same, imposing the penalties on violators as embodied in Ordinance No. 059;

WHEREAS, an unprecedented pandemic has hit the whole world early in 2020 and there is a felt need to ease up some prohibitions in the Ordinance, specifically the ban on the use of plastic utensils and polystyrene food containers even during dine-in as there are some people who shun the use of reusable wares for health purposes;

WHEREAS, the new Covid-19 pandemic and the resulting lockdowns in the country has distorted the supply chain of allowed plastic alternatives, necessitating the need to reconsider some prohibited plastic products for a period of time until the supply chain is restored;

WHEREAS, there is a need to suspend the prohibition of the use of selected plastic items, specifically plastic utensils and polystyrene food containers, as the mobility restrictions are eased to, among others, stimulate the economy;

WHEREAS, the 'polluter pays' principle is the commonly accepted practice that those who produce pollution should bear the costs of managing it to prevent damage to human health or the environment;

FOREGOING PREMISES CONSIDERED, on motion of SP Member Vincent L. Rama, severally seconded by SP Members Tomas R. Serafica, Esteban V. Laurente, Joan Marbie C. Simbajon and Nolito M. Quilang; be it

RESOLVED, to enact:

**ORDINANCE NO. 035  
(Series of 2020)**

**AN ORDINANCE TEMPORARILY SUSPENDING THE IMPLEMENTATION OF SECTION 4 (B), AND PROVIDING FOR CONDITIONS IN THE SUSPENSION OF SECTION 4 (D) ORDINANCE NO. 059, OR THE ORMOC CITY PLASTIC USE REGULATION ORDINANCE OF 2017 ON CERTAIN PLASTIC PRODUCTS, SPECIFICALLY PLASTIC UTENSILS AND POLYSTYRENE FOOD CONTAINERS.**

**SECTION 1.** This measure shall be referred to as Temporary Suspension of Section 4 (b) and (d) of the Plastics Ordinance.

**SECTION 2.** Section 4 (b) of Ordinance no. 059, otherwise known as the Ormoc City Plastic Use Regulation Ordinance of 2017, is hereby suspended, provided that:

- a. Only restaurants and other businesses engaged in food service may avail of suspension allowed herein;
- b. Plastic products temporarily allowed are limited to plastic spoons, forks, knives and plastics cups ONLY;
- c. Plastic utensils, limited to spoons, forks, knives and plastics cups only, shall be solicited by the customer, otherwise said utensils shall not be distributed;
- d. Used plastic utensils shall be treated as infectious waste. Establishments availing of this suspension shall be liable for the waste generated, to the end that the disposal of plastic utensils and packaging shall be undertaken by said establishment, and excluded from the residual waste put-out for collection by the City. However, they may include them with the residual waste for collection by the City, provided that said utensils and packaging be properly segregated, sealed in a separate yellow garbage bags, tagged, and the bag disinfected, prior to disposal in waste bins for collection. In the absence of yellow garbage bags, a bag of any color may be used, provided that the same be tied with a yellow ribbon;

- e. Establishments must comply with the ORMOC CITY SOLID WASTE MANAGEMENT PLAN in accordance with the Solid Waste Management Ordinance and applicable issuances.

**SECTION 3.** The use of polystyrene, commonly Styrofoam, shall be allowed for primary food packaging when it is established and verified, by the Business Permits Licensing Office and the Environment and Natural Resources Office, that there is an insufficient supply in and/or to the locality of reusable alternatives to primary food packaging plastics. The City Mayor shall, through an Executive Order, order the suspension of citation for violations of paragraph (d) of Section 4 of Ordinance No. 059 only when the use of such plastics are limited to primary food packaging, which Order shall automatically be lifted when it is shown by the same Offices that supply of alternatives are available, whether by importation or local production. Primary food container shall be that container which comes in direct contact with the food packaged.

**SECTION 4. PENALTIES.** Managers and/or owners of establishments found in violation of Sections 2 and 3 shall be liable for the payment of administrative fine and/or penalties, and for such purpose, Section 9 of Ordinance No. 059 is hereby adopted and incorporated herein.

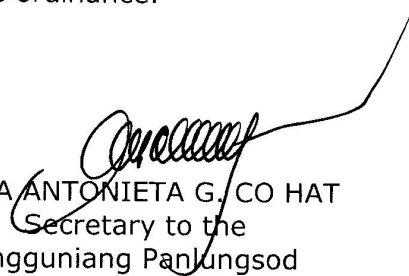
**SECTION 5. EFFECTIVITY.** This Ordinance takes effect Fifteen (15) days from date of publication in a newspaper of local circulation and after posting the same in conspicuous places in the City of Ormoc as required under the Local Government Code, and shall be in full force for three months therefrom, unless extended by the Sangguniang Panlungsod, provided, that the suspension may be withdrawn sooner by resolution of the Sangguniang Panlungsod or ended by the Local Chief Executive's order.

ENACTED, August 04, 2020.

RESOLVED, FURTHER, to furnish copies of this Ordinance once each to the City Mayor Richard I. Gomez; the City Administrator; the City Legal Officer; the City Treasurer; the City Director, Ormoc City Police Office; the Public Market Office; the ENRO; the City Prosecutor's Office; the Public Attorney's Office; the Municipal Trial Court in Cities; the Ormoc Chamber of Commerce; the Rotary Club of Ormoc Bay; Ms. Amparo R. Tan, President, Ormoc Hotel & Restaurant Association, Inc.; the Liga ng mga Barangay of Ormoc; the City Local Government Operations Officer-DILG; and other offices concerned;

CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the above ordinance.

  
MARIA ANTONIETA G. CO HAT  
Secretary to the  
Sangguniang Panlungsod

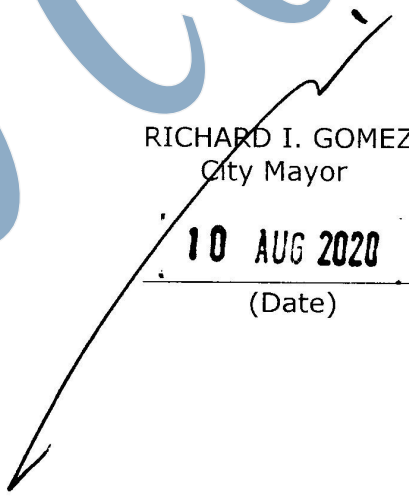
Ord. No. 035, S. 2020

ATTESTED:



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

APPROVED:



RICHARD I. GOMEZ  
City Mayor

**10 AUG 2020**

(Date)

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