



REPUBLIC OF THE PHILIPPINES
PROVINCE OF ORIENTAL MINDORO
MUNICIPALITY OF PINAMALAYAN

OFFICE OF THE SANGGUNIANG BAYAN

Telephone No: (043) 284-4317 Email Address: vicemayorsoffice@pinamalayan.gov.ph
Office of Vice Mayor/Sangguniang Bayan 2nd Floor Municipal Building, Madrid Blvd., Pinamalayan, Oriental Mindoro

MUNICIPAL ORDINANCE NO. 02- 2022

AN ORDINANCE PROVIDING FOR AN ECOLOGICAL SOLID WASTE MANAGEMENT OF PINAMALAYAN ORIENTAL MINDORO AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

WHEREAS, Republic Act No. 9003, otherwise known as the Ecological Solid Waste Management Act of 2000, 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, Republic Act No. 9003 provides for an ecological solid waste management program, creates the necessary institutional mechanisms and incentives, declares certain acts prohibited and provides penalties for violations;

WHEREAS, the Local Government Code of 1991 empowers the local government units to enact/approve ordinances which shall ensure an efficient and effective system of solid waste and garbage collection and disposal, including the prohibition on littering and the placing or throwing garbage, refuse and other filth and waste;

WHEREAS, under section 16 of the General Welfare Clause of the LGC, xxx within their respective territorial jurisdictions, local government units shall ensure and support, among other things, the preservation and enrichment of culture, promote health and safety, enhance the right of the people to a balanced ecology, encourage and support the development of appropriate and self-reliant scientific and technological capabilities xxx maintain peace and order, and preserve the comfort and convenience of their inhabitants;

WHEREAS, the Barangays play a vital and important role in the proper implementation of this Ordinance;

NOW THEREFORE, BE IT ORDAINED BY THE SANGGUNINANG BAYAN OF PINAMALAYAN IN SESSION ASSEMBLED THAT:

ARTICLE I

Title of the Ordinance

Section 1. Title - This ordinance shall be known as "The Ecological Solid Waste Management Ordinance of Pinamalayan, Oriental Mindoro".

ARTICLE II

Scope and Coverage

Section 2. Scope and Coverage - This ordinance shall apply to all residential houses, commercial establishments such as fast food chains (small, medium & large), restaurants, eateries, groceries, sari-sari stores, auto repair shops, boarding houses or apartments, beach resorts, hotels, spas, beauty parlors, barber shops, junkshops; institutions like schools, churches, public and private offices, industrial establishments of any kind, vacant lots/areas and agricultural areas situated within the territorial jurisdiction of Pinamalayan, Oriental Mindoro.

ARTICLE III

Authority and Purpose/Goals

Section 3. Authority - This Ordinance is enacted to implement the provisions of Republic Act No. 9003 which mandates the proper segregation and collection of wastes at source.



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Section 4. Purpose - This Ordinance is enacted for the following purposes:

- To guide, control and regulate the generation of solid waste within the Municipality and promote an orderly and sanitary system for the same;
- To enhance the total environment of the locality through the necessary control and mitigation of negative environmental impacts of solid waste;
- To promote and protect the health, safety, peace and of the general welfare of the inhabitants of the municipality;
- To minimize the generation of solid waste and maximize the possible resource/recovery/recycling and utilization by:
 - Maximizing the use of goods and consumption of foods;
 - Encouraging the salvaging of possible "recoverable" form solid wastes for re-use and/or recycling back to production process; and
 - Encouraging the recycling and resource recovery of wastes on own backyards through composting and compiling.

Section 5. Goals - The primary goal of this Ordinance is to enhance ecological balance of the community through sustainable and integrated waste management.

Section 6. Objectives - The Objectives of this ordinance are the following:

- To ensure round-the-clock cleanliness through the orderly management of waste;
- To eradicate unsightly, unrecovered and overflowing waste containers in streets, public places and open spaces;
- To maximize and optimize sanitary resource recovery for food, materials and others;
- To minimize pollution arising from harmful gases, smoke particulates produced by burning/dumping, polluted runoffs into water sources/supply, and hazardous substances; and
- To prevent improper disposal of mixed wastes on canals, esteros and other natural waterways that may cause pollution to the bodies of water

ARTICLE IV Definition of Terms

Section 7. Technical Terms - The technical terms in this Ordinance shall be defined as follows:

- Biodegradable/Compostable** - any material that can be reduced into finer particles by microbiological organisms or enzymes.
- Biodegradable Waste** - fruits and vegetable peelings, spoiled food and leftovers, vegetable trimmings, fish scales, egg shells, sea food shells, animal entrails and carcasses, corn bobs and sheaths, fruit hulls or rice bran, peanut shells, wet newspapers and cardboards, wet papers and cartons, coconut shells and husks, seeds, garden and grass clippings, pet/poultry/livestock manure, chipped branches of sawdust;
- Compost** - decayed organic material for use as soil conditioner or fertilizer;
- Composting** - biodegradable 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, waste, biological additives/activators (optional) and air;
- 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);



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- f. **Recyclable Waste** – dry papers and newspapers, dry cardboards and cartons, plastic materials like plastic containers, plastic water bottles, plastic water bottle caps, PVC and PE pipes, computer casing, tin cans and covers, aluminum cans, iron steel, copper wires, broken transparent glass, glass bottles, toners, cartridges, computer ink cartridges, household medicine bottles, colored broken glasses, broken ceramics and other electronic gadgets.
- g. **Special Waste – (Hazardous, Healthcare, Bulky)** shall refer to solid waste which because of its quantity, concentration or physical, chemical or infectious characteristics may:
1. Cause, or significantly contribute to an increase in mortality or an increase serious irreversible or incapacitating reversible, illness; or
 2. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed such as paint and thinner containers, spray canisters, household batteries, pharmaceutical waste, spoiled, spilled, expired cosmetic waste, lead-acid batteries, used oil filters, broken tiles, insecticide/pesticide/molluscicide bottles/containers and the likes.
 3. Consumer electronics and tools, IT equipment/telecommunication gadgets and peripherals;
- h. **Residual Waste** – sando bags, packaging wrappers, styropors/styrofoams, cigarette butts, worn out plastic sacks, dirt from sweepings, worn out rags, sanitary napkins, disposable diapers, plastic straws, parlor and barbershop waste like trimmed hair, tissue paper, used clothes, (excluding the identified as hazardous waste like blade, chemically contained mixtures for hair makeover and the like), coco fiber from cushions, poultry feathers;
- i. **Bulky Waste** – used rubber tires, garden debris, construction and demolition debris, broken furniture, filing cabinets, book cases, beds, cushions and the like.
- j. **Material Recovery Facility (MRF)** – is also known as Material Reclamation Facility or Material Recycling Facility. An MRF is a place where waste collected from the doorstep in a segregated manner is further segregated and various components of recyclable waste recovered from it for recycle or resale.

ARTICLE V Segregation of Waste

Section 8. Mandatory Segregation of Solid Waste - The segregation of wastes shall primarily be conducted at the source, to include household, institutional, industrial, commercial and agricultural sources: Provided that waste shall be segregated into the categories provided in Section 7 of this Article.

Section 9. 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:

- a. There shall be suitable container such as biodegradable plastic bags or the like for the ecological solid waste before these are brought out along the street or being brought out at the assigned dumping areas;
- b. There shall be a separate container for each type of waste from all sources : Provided that in the case of bulky waste, it will suffice that the same be collected and placed in a separate and designated area; and



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c. The solid waste container depending on its use shall be properly marked or identified for on-site collection as follows:

- Biodegradable/Compostables or "Nabubulok"
- Recyclable or "Di Nabubulok na maari pang pakinabangan"; and
- Residual or "Di Nabubulok na hindi na mapapakinabangan"
- Special Waste or "Hazardous, Healthcare and Bulky Wastes"

Section 10. Residential Areas - The segregated waste shall be collected from source by the collectors of barangay level and will be stored on their assigned Temporary Containment Area (TCA) wherein the municipal level will then conduct the garbage collection.

Section 11. Schools, Churches, and Business Establishments - All garbage in those locations shall also be collected in the same manner as in Section 8.

Section 12. Agricultural Areas - Agricultural areas shall convert organic waste into compost in their respective areas.

Section 13. Schedule of Waste Collection - The garbage collection schedule in the municipality shall be prescribed and managed by the Municipal Environment and Natural Resources Management Division (MENRMD).

Section 14. 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 the residents or occupants of such premises of the requirements of segregation. Designated areas must be safe and inaccessible for stray animals and size of segregated containers must be in accordance to the volume of waste that the residential units can generate.

Section 15. Additional Requirements for All Commercial, Institutional and Industrial Establishments. The owners or heads of all commercial, institutional and industrial establishments and the likes shall provide a designated area and containers in which to accumulate source separated recyclable materials for collection. In addition, such owner or head of the institutions shall notify 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.

ARTICLE VI

Establishment of Materials Recovery Facility

Section 16. Municipal MRF - The establishment and operation of the MRF shall be in accordance with the strategy and guidelines prescribed in the Municipal Integrated Solid Waste Management (MISWM) Plan. Likewise, the minimum requirements for establishment and operation prescribed in RA 9003 and its Implementing Rules and Regulations (IRR) shall be complied with.

Section 17. Barangay MRFs - In addition to the municipal MRF, Materials Recovery Facilities shall be established in the barangays or clusters of barangays. The barangay MRFs shall be established and operated in accordance with the strategy and guidelines prescribed in the MISWM Plan. Likewise, the minimum requirements for establishment and operation prescribed in RA 9003 and its IRR shall be complied with.

ARTICLE VII

Disposal Facility

Section 18. Sanitary Landfill - A Sanitary Landfill shall be established by the Municipality in accordance with the schedule and guidelines prescribed in the Municipal Integrated Solid Waste



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Management (MISWM) Plan. In the establishment and operations of the sanitary landfill, the requirements and guidelines set out in the IRR of RA 9003 and the MISWM plan shall be complied with.

ARTICLE VIII

Regulation for Junk Shop Operations

Section 19. Junk Shop Owner/Operators - All junk shop owner/operators operating in the municipality shall secure the necessary clearance from the Municipal Environment and Natural Resources Management Division (MENRMD) and necessary permit from the Permits and Licensing Office of this Municipality the prior to operation.

ARTICLE IX

Incentive Programs

Section 20. Search for Best Solid Waste Management (SWM) Implementors - The Municipality shall conduct a municipal-wide annual Search for Best SWM Implementors in schools, barangays, institutions and establishments. The MENRMD, in coordination with the Ecological Solid Waste Management Board (ESWMB) shall prescribe the mechanics for this contest following the mechanics used in the present national search for model barangays implementing ESWM. Barangay LGUs are likewise encouraged to conduct similar contest at the purok level.

Section 21. Redemption Scheme for Recyclables - Barangay LGUs may implement a redemption scheme for recyclables. Redeemable price stubs shall be given for recyclables brought to the barangay MRFs. These price stubs may be redeemed after the recyclables for which they have been issued have been traded or sold. The MENRMD, shall prepare the mechanics for the redemption scheme.

ARTICLE X

Penal Provisions

Section 22. Prohibited Acts and its Fines and Penalties - The following acts are prohibited and its corresponding Fines and Penalties:

1. Bringing out and dumping of garbage outside of collection day and proper time of dumping for collection, indiscriminately dumping 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, and causing or permitting the same;
2. Causing of permitting the collection of non-segregated or unsorted waste/non-segregation of wastes into biodegradable, recyclable, and residual/hazardous; **(NO SEGREGATION, NO COLLECTION)**

For paragraphs (1) and (2)

First Offense	-	Php 300.00 and/or render one (1) day Community Service
Second Offense-	-	Php 500.00 and/or render two (2) days Community Service
Third Offense	-	Php 1,000.00 and/or render six (6) days Community Service
Subsequent	-	Php 2,500.00 and 15 days to not more than six (6) months imprisonment depending upon the decision of the higher court.

3. The open and indiscriminate burning of residual, hazardous, biodegradable and recyclable waste;

First Offense	-	Php 500.00 and/or render Five (5) days of Community Service, or both
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- | | | |
|------------------------|---|---|
| Second Offense- | | Php 1, 500.00 and/or render Ten (10) days of Community Service or both |
| Third Offense | - | Php 2,500.00 and/or render Fifteen (15) days of Community Service or both |
| Subsequent | - | Php 2, 500.00 and 15 days to not more than six (6) months imprisonment depending upon the decision of the higher court. |
4. Removal of recyclable materials from LGU/Barangay MRF shall be prohibited unless collected by authorized group/persons;
 5. Household and establishments that do not provide receptacles/containers for their refuse/solid waste;
 6. Not keeping the surrounding areas and immediate premises clean by establishments, institutions, households and other concerned occupants. Streets from the line of property to the middle of the street and from one property to the other.

For paragraphs (4), (5) and (6)

- | | | |
|------------------------|---|--|
| First Offense | - | Php 500.00 and/or render two (2) days of Community Service or both |
| Second Offense- | | Php 1,000.00 and/or render four (4) days of Community Service or both |
| Third Offense | - | Php 1,500.00 and/or render six (6) days of Community Service or both |
| Subsequent | - | Php 2,500.00 and 15 days to not more than six (6) months imprisonment depending upon the decision of the higher court. |

If the offense is committed by a corporation, partnership, or other juridical entity duly organized in accordance with law, the executive officer, president, general manager, managing partner or such other officer-in-charge shall be liable for the commission on offense penalized under this Ordinance.

Violators shall not be given Barangay Clearance until he/she has paid and/or served his/her fines/penalties.

ARTICLE XI

Procedure and Enforcement Mechanisms

Section 23. Violations of the Ordinance - The following procedure shall be observed in case of violation of this Ordinance:

1. The violator/s shall be directly apprehended upon committing of violation by the deputized enforcer/s within the concerned barangay/area.
2. The enforcer as provided in Section 22, will issue citation ticket to violators.
3. Payment of fine will be paid to Municipal Treasury office with corresponding official receipt.
4. Render community service depending on prescribed penalty shall be monitored and supervised MENRMD.
5. Filing of case in court, if necessary, shall be filed by the Local Chief Executive.



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Section 24. Enforcement - This Ordinance shall be enforced by the Municipal Police Station (MPS) and deputized SWM enforcers. The deputized SWM enforcers shall consist of three groups, namely: a) regular enforcers, (b) auxiliary enforcers, and (c) deputized volunteer enforcers.

Section 25. Composition and Functions of Regular Enforcers - The regular enforcers will consist of the SWM enforcement personnel from the MEO, MHO, Mayor's Office, MAO and MENRMD. Among the functions to be performed by the regular enforcers are the following:

1. Coordinate the actions and activities of the auxiliary enforcers and deputized volunteers.
2. Apprehend violators of SWM Ordinances and issue citation tickets.
3. Prepare and submit monthly reports to the MENRMD.
4. Perform other related functions as may be required.

Section 26. Composition and Functions of Auxiliary Enforcers - The auxiliary enforcers will consist of Barangay Officials and Barangay Tanods. They will be tasked to enforce a specific SWM regulations in their areas of jurisdiction. The functions to be performed by the auxiliary enforcers are the following:

1. Apprehend violators of SWM ordinances within their areas of jurisdiction and issue citation tickets. The Head of the SWM Section of the MENRMD shall prescribe the specific SWM Ordinances and/or regulations of the municipality that may be enforced by the auxiliary enforcers.
2. Immediately return the copies of issued citation tickets either to the barangay treasurer or barangay captain depending on the penalty or fine imposed.
3. Prepare and submit monthly reports to the MENRMD.
4. Perform other related functions as may be required.

Section 27. Deputized 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 (POs, NGOs, youth groups, etc.), *purok* officials, and other concerned citizens. The MENRMD shall prescribe the requirements or qualifications needed for volunteers and the criteria for selection. In determining such requirements or qualifications, the MENRMD 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 28. Functions of Deputized Volunteers - The functions of deputized volunteers are as follows:

Apprehend violators of SWM ordinances and issue citation tickets. The Head of the SWM Section shall prescribe the specific SWM Ordinances and/or regulations of the municipality that may be enforced by the deputized volunteers.

1. Immediately return the copies of issued citation tickets to the barangay/municipal treasurer or barangay captain/MENRO depending on the assigned/defined area of jurisdiction and on the penalty/fine imposed.
2. Prepare and submit monthly reports to the MENRO.
3. Perform other related functions as may be required.

Section 29. Recruitment - To initiate the process of recruitment, the MENRMD will hold an LGU-wide information dissemination and orientation regarding the need for volunteers, their roles and responsibilities, and the criteria for selection. The SWM Section will evaluate and screen the applicants. The results of the screening will be published or posted in strategic places.

Section 30. Deputation - The process of deputation will start with the training of regular enforcers, auxiliary enforcers and the selected volunteers. The MENRMD shall organize the training/s to be conducted and may seek the assistance or engage the services of qualified persons or organizations in



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developing the training module/s, training materials and evaluation criteria as well as in conducting the actual training/s and shall at the minimum, cover the following topics:

1. Key Components of the municipal Integrated Solid Waste Management (ISWM) Plan;
2. Solid Waste Management Ordinances of the municipality;
3. Roles and functions of enforcers;
4. Legal Considerations in Making Apprehensions;
5. Procedure of apprehension and issuance of citation tickets;
6. Reporting requirements;
7. Values formation.

Section 31. Evaluation of Volunteers - Volunteers will be evaluated after the training and those who passed 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 passed shall be deputized by the Municipal 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 32. 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 Municipality will also consult with various sectors to get their assessment and to identify with them the areas for improvement.

Section 33. Strategy - Enforcement activities on the first year of implementation of the municipal ISWM plan will be geared towards the inculcation of proper solid waste management. Enforcement activities will also strengthen the Information Education Campaign. Based on the experience gathered on the first year, a detailed enforcement plan for the succeeding years will be prepared by the MENRMD.

Three months after the conduct of IEC, 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.

Section 34. Incentives and/or Rewards for Enforcers - The Municipality shall give incentives and/or rewards to enforcers as follows:

a) Regular, Auxiliary Enforcers and Deputized Volunteers

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

Section 35. Utilization of Collected Fines - Twenty Five percent (25%) of the collected fines shall accrue to the General Fund for appropriations for the next fiscal years and remaining Seventy Five percent (75%), which shall be called as Ecological Solid Waste Management (ESWM) Fund, shall be used for the following within the fiscal year of which fines were collected:

1. Procurement of Materials, Equipment, Protective Gears and other items necessary for the proper implementation of the Ecological Solid Waste Management of Pinamalayan;



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2. Information, education, communication and monitoring activities of the Ecological Solid Waste Management of the Municipality;
3. Acquisition of products, facilities, technologies and processes necessary to enhance proper ecological solid waste management;
4. Transportation/Hauling of Ecological Waste;
5. Research programs;
6. Technical assistance;
7. Capability-building activities; and
8. Maintenance and other related activities, programs, etc. for the Material Recovery Facility.

Section 36. Implementing Rules and Regulations - Upon effectivity of this Ordinance, a Drafting Committee composed of representatives from the MENRO, Office of the Municipal Mayor, Municipal Administrator's Office, Municipal Planning and Development Office, Rural Health Unit and members of Solid Waste Management Board shall formulate the Implementing Rules and Regulations necessary to carry out the provisions of this ordinance.

ARTICLE XII

Community Involvement

Section 37. Billboards - In order to facilitate the implementation of this ordinance, every barangay of this municipality shall install billboards/tarpaulins in their street corners "kanto" for information dissemination purposes.

Section 38. Citizen Suits - For purposes of enforcing the provisions of this Ordinance, any citizen may file an appropriate civil or criminal action in the Municipality against any person who violates or fails to comply with the provisions of this Ordinance. The Barangay concerned shall exempt such action from payment of filing fees.

ARTICLE XIII

Appropriation

Section 39. Appropriations - To carry out the provisions of this Ordinance, the amount to be determined by the ESWMB shall be appropriated. Thereafter, such appropriation as may be necessary for the continuous implementation of this Ordinance shall be included in the annual budget of the Municipality.

ARTICLE XIV

Miscellaneous Provisions

Section 40. Separability Clause - If, for any reason, any section or provision of this Ordinance or any part thereof, or the application of such section, provision or portion is declared invalid or unconstitutional, the remainder thereof shall not be affected by such declaration.

Section 41. Repealing Clause - All existing Ordinances and Resolutions of this Municipality found to be inconsistent herewith are hereby repealed or modified accordingly.

Section 42. Effectivity - This ordinance shall become effective upon completion of its publication for three (3) consecutive days in a newspaper of general circulation or posted in at least three (3) conspicuous places in Pinamalayan, Oriental Mindoro pursuant to the Local Government Code of 1991.

ENACTED UNANIMOUSLY this 27th day of June 2022 on joint motions of Hon. Joven S. Velasco and Hon. Arnoldo M. Madrid and seconded by all Sangguniang Bayan Members present.



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HON. ARNOLDO M. MADRID
SB Member


HON. DUNHILL MARCELO M. DELMO V
SB Member


HON. RIO S. MERCENE
SB Member


HON. JOSEPH T. RODIL
SB Member


HON. NAPOLEON M. MANGARING
SB Member


HON. ANJUNE A. ZAMORA
SB Member


HON. LEONARDO L. PEDRAZA
SB Member


HON. RYAN J. NARITO
SB Member


HON. ANTONIO VICTOR R. OLYMPIA
ABC President, SB Member


HON. JOVEN S. VELASCO
SKMF President, SB Member

Attested:


ARNEL G. ABRENICA, MPA, Ph.D. DA
Secretary to the Sanggunian

Certified Correct:


HON. RODOLFO M. MAGSINO
Mun. Vice Mayor, Presiding Officer

Approved:


HON. ARISTEO APASAN BALDOS, JR.
Municipal Mayor

JUL 04 2022