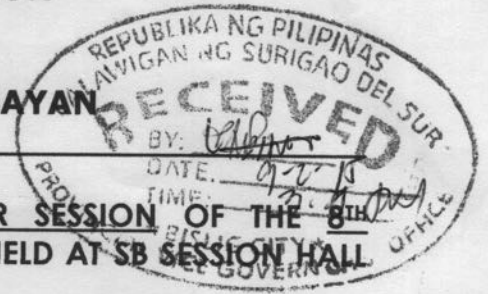




Republic of the Philippines
PROVINCE OF SURIGAO DEL SUR
Municipality of Lingig

OFFICE OF THE SANGGUNIANG BAYAN



EXCERPT FROM THE MINUTES OF THE 81st REGULAR SESSION OF THE 8th
SANGGUNIANG BAYAN OF LINGIG, SURIGAO DEL SUR HELD AT SB SESSION HALL
DATED JUNE 23 2015.

PRESENT:

Hon. Emelita C. Balingan	Mun. Vice Mayor – Reg. Pres. Officer
Hon. Leonardo C. Tangca-ag	Reg. SB Member
Hon. Fernando A. Badang	Reg. SB Member
Hon. Modesto B. Deloso, Sr.	Reg. SB Member
Hon. Richard D. Casil	Reg. SB Member
Hon. Liberato M. Artiza	Reg. SB Member
Hon. Charlo Q. Salaga	* Reg. SB Member

ABSENT:

Hon. Jerito B. Layupan	Reg. SB Member
Hon. Elmer P. Evangelio	Reg. SB Member
Hon. Jemuel M. Quiobe	Ex-officio Mem., Pres., Liga ng mga Brgy.

(*appointed in lieu of deceased SB Member Dianilito M. Dapitanon)

ORDINANCE NO. 2015-06

Series of 2015

"AN ORDINANCE PRESCRIBING THE MUNICIPAL ECOLOGICAL SOLID WASTE MANAGEMENT PROGRAM OF LINGIG, SURIGAO DEL SUR AND PROVIDING FINES AND PENALTIES FOR VIOLATING ANY OF THE PROVISIONS WITH THE USE OF CITATION TICKETS SUBJECT TO APPLICABLE LAWS, RULES AND REGULATION"

Introduced by: SBM Hon. Leonardo C. Tangca-ag & Hon. Liberato M. Artiza

WHEREAS, pursuant to Republic Act 9003, otherwise known as the "Ecological Solid Waste Management Act of 2000", and to the relevant provisions of RA No. 7160, otherwise known as the "Local government Code of 1991", it is the responsibility of the local government to ensure the protection of public health and environment;

WHEREAS, the systematic segregation and disposal of households and commercial/ industrial waste maximizes the utilization of valuable resources and encourage resources conservation and recovery;

NOW, THEREFORE, be it ordained by the 8th Sangguniang Bayan of Lingig, Surigao del Sur in a Regular Session assembled that:

ARTICLE I

TITLE, SCOPE & COVERAGE

Section 1. Short Title. - This Ordinance shall be known as the "Municipal Solid Waste Management Ordinance of 2015"

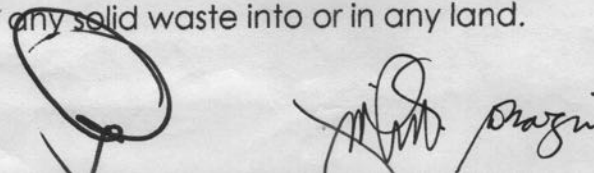
Section 2. Scope and Coverage. - This Ordinance shall be applied to all households, commercial establishments - such as hotels, lodging houses, recreational centers, restaurants, public markets, groceries stores, sari-sari stores, stalls, shops, vendors, parlors, and dancing halls, and other commercial establishments in general, institutions like hospitals, health centers, schools, churches, public and private offices, industrial establishments like piggeries, transportation facilities such as buses, jeepneys, motorcycles-for-hire, single-motors-for-hire, haulers, trucks, trisikads, motorkads (payong-payong) and all agri-industrial businesses within the territorial jurisdiction of the Municipality of Lingig, Surigao del Sur.

ARTICLE II

DEFINITION OF TERMS

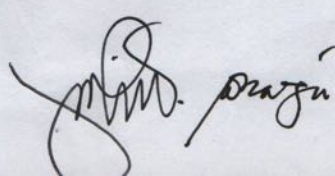
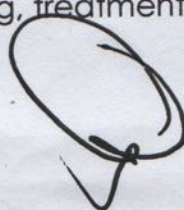
Section 3. Definition of Terms. - For the purpose of this Ordinance, the following are defined:

- a) **"Local Government"** refers to the Municipal Government of Lingig.
- b) **"Buy-back center"** refers to a recycling center that purchases or otherwise accepts recyclable materials from the public for the purpose of recycling such materials.
- c) **"Collection"** refers to the act of removing solid waste from the source or from a communal storage area.
- d) **"Composting"** refers to the controlled decomposition of organic matter by microorganisms, such as bacteria and fungi, into a humus-like product.
- e) **"Controlled dump"** refers to a disposal site where solid waste is deposited in accordance with the minimum prescribed standards of site operation.
- f) **"Disposal"** refers to the deposit, discharge, dumping, spilling, leaking or placing of any solid waste into or in any land.



- g) **"Disposal site"** refers to a site where solid waste is discharged and deposited.
- h) **"Ecological solid waste management"** refers to the synthesized administration of activities, which provide for segregation at source, segregated transportation, storage, transfer, processing, treatment, and disposal of solid waste and other solid waste management activities which do not harm the environment.
- i) **"Generation"** refers to the act or process of producing solid waste.
- j) **"Generator"** refers to a person, natural or juridical, who last uses a material and makes it available for disposal or recycling.
- k) **"Hazardous waste"** refers to solid waste or a combination of it wherein due to its quantity, concentration, or physical, chemical or infectious characteristics, may cause illness, or pose a substantial present or potential hazard to human health or the environment when not properly treated, stored, transported, or disposed of, or otherwise managed.
- l) **"Materials Recovery Facility (MRF)"** refers to solid waste transfer station or sorting station, drop-off center, a recycling facility and a composting facility.
- m) **"Municipal Waste"** refers to wastes produced from activities within the local government unit, such as domestic, commercial, institutional and industrial wastes and street litters.
- n) **"Open burning"** refers to thermal destruction of wastes by means of direct exposure to fire. This definition shall apply to traditional small-scale methods of community sanitation "siga".
- o) **"Open dump"** refers to a disposal area wherein the solid wastes are indiscriminately thrown or disposed of without due planning and consideration for environmental and health hazards.
- p) **"Person(s)"** refers to any being or individual, natural or juridical, susceptible of rights and obligations, or of being the subject of legal relations.
- q) **"Receptacles"** refers to individual containers used for the source separation and collection of recyclable materials.
- r) **"Recovered materials"** refers materials or by-products that have been recovered or diverted from solid waste for the purpose of being collected, processed and used as a raw material in the manufacture of a recycled product.

- s) **"Recyclable material"** refers to any waste material retrieved from the waste stream and free from contamination that can still be converted into suitable beneficial use or for other purposes, including newspaper, ferrous scrap metal, non-ferrous scrap metal, used oil, corrugated cardboard, aluminum, glass, office paper, tin cans, plastics and other materials.
- t) **"Recycled material"** refers to post-consumer material that has been recycled and returned to the economy.
- u) **"Recycling"** refers to the treating of used or waste materials through a process of making them suitable for beneficial use and any process by which solid waste materials are transformed into new products.
- v) **"Resource conservation"** refers to the reduction of the amount of solid waste that are generated or the reduction of overall resource consumption and utilization of recovered resources.
- w) **"Resource recovery"** refers to the collection, extraction or recovery of recyclable materials from the waste stream for the purpose of recycling, generating energy or producing a product suitable for beneficial use.
- x) **"Re-use"** refers to the process of recovery without the alteration of physical and chemical characteristics.
- y) **"Sanitary landfill"** refers to a waste disposal site designed, constructed, operated and maintained in a manner that applies engineering control over important potential environmental impacts arising from the development and operation of the facility.
- z) **"Segregation"** refers to sorting and segregating solid waste materials found in solid waste in order to promote recycling and re-use of resources and to reduce the volume of waste.
- aa) **"Segregation at source"** refers to a solid waste management practice of separating solid waste from its point of origin.
- bb) **"Solid waste"** refers to all discarded household materials, commercial waste, hazardous institutional, street sweepings, construction debris, agricultural waste, and other non-hazardous/non-toxic solid waste.
- cc) **"Solid Waste Management"** refers to any resource recovery system or component thereof; any system, program or facility for resource conservation, any facility for collection, source separation, storage, processing, treatment, transportation, transferring or disposal of solid waste.



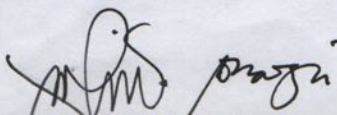
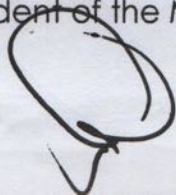
- dd) **"Source reduction"** refers to decreasing volume of solid waste before it enters the solid waste stream by methods such as product design, materials substitution, materials re-use and packaging restrictions.
- ee) **"Source separation"** refers to sorting of solid waste into some or all of its component parts at the point of generation.
- ff) **"Special waste"** refers to household hazardous wastes like paints, thinners, batteries, lead-acid batteries, spray canister etc. These include wastes from residential and commercial sources that encompass of bulky wastes, consumer electronics and white goods, yard wastes that are collected separately, batteries, oil and tires. These wastes are usually handled separately from other residential and commercial wastes.
- gg) **"Storage"** refers to the temporary containment of solid waste after generation and prior to collection for ultimate recovery or disposal.
- hh) **"Waste diversion"** refers to activities which reduce or eliminate the amount of solid wastes from waste disposal facilities.
- ii) **"White goods"** refers to large worn-out or broken household, commercial, and industrial appliances such as stoves, refrigerators, dishwashers, and clothes washers and dryers collected separately. White goods are usually dismantled for the recovery of the specific material (i.e. copper, aluminum, etc.)
- jj) **"Yard waste"** refers to wood, small or chipped branches, leaves, grass clippings, garden debris, and vegetable residue that are recognizable as part of a plant or vegetable and other materials.
- kk) **"Citation ticket"** refers to a document printed as tickets in triplicate copies citing the violation committed and the corresponding amount of penalty.

ARTICLE III

MUNICIPAL SOLID WASTE MANAGEMENT BOARD

Section 4. – Creation. - The Municipal Solid Waste Management Board shall be composed of the municipal mayor as chair with the following members;

- a) Chairman of the Committee on Environment of the Sangguniang Bayan;
- b) President on the Liga ng mga Barangay
- c) President of the Municipal Sangguniang Kabataan Federation;



- d) A representative from NGOs whose principal purpose is to promote recycling and the protection of air, land and water quality;
- e) A representative from recycling industry;
- f) A representative from the manufacturing or packaging industry;
- g) A representative of each concerned government agency possessing relevant technical and marketing expertise as may be determined by the Board.

Section 4.1. Duties and Responsibilities. – The Municipal Solid Waste Management Board shall perform the following duties and responsibilities:

- a) Develop the Municipal Solid Waste Management Plan that shall ensure the long-term management of solid waste, as well as integrate the various solid waste management programs and strategies of the barangays in its area of jurisdiction. In the development of Solid Waste Management Plan, it shall conduct consultations with the various sectors of the community;
- b) Adopt measure to promote and ensure the viability and effective implementation of solid waste management programs in the component barangays;
- c) Monitor the implementation of the Municipal Solid Waste Management Plan through its political subdivisions and in cooperation with the private sector and NGO's;
- d) Adopt specific revenue-generating measures to promote the viability of its Solid Waste Management Plan;
- e) Convene regular meetings for purposes of planning and coordinating the implementation of the solid waste management programs of the respective component barangays;
- f) Review every two (2) years or as the need arises the Municipal Solid Waste Management Plan for purposes of ensuring its sustainability, viability, effectiveness and relevance in relation to local and international developments in the field of solid waste management;
- g) Develop the specific mechanics and guidelines for the implementation of the Municipal Solid Waste Management Plan;
- h) Recommend to appropriate local government authorities specific measure or proposals for franchise or build-operate-transfer

agreements with duly recognized institutions, pursuant to RA 6967, to provide either exclusive or non-exclusive authority for the collection, transfer, storage, processing, recycling or disposal of municipal solid waste. The proposals shall take into consideration appropriate government rules and regulations on contracts, franchises and build-operate-transfer agreements;

- i) Provide necessary logistical and operational support to its component LGU's in consonance with subsection (f) Section 17 of the Local Government Code;
- j) Recommend measures and safeguards against pollution and for the preservation of the natural ecosystems; and
- k) Coordinate all efforts of its component barangays in the implementation of the municipal solid waste management plan.

ARTICLE IV

MUNICIPAL ECOLOGICAL SOLID WASTE MANAGEMENT OFFICE

Section 5. There shall be a permanent organization structure for Ecological Solid Waste Management Office (ESWMO) in the municipal government, which will be directly integrated and involved in the implementation of Solid Waste Management Program;

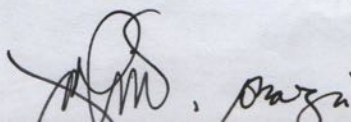
Section 5.1. The ESWMO shall manage the overall ESWM program implementation through the issuance of an executive order by the LCE.

Section 5.2. The ESWMO shall organize Barangay Solid Waste Management Committee in the barangays of the municipality.

ARTICLE V

RESPONSIBILITY OF HOUSEHOLDS & ESTABLISHMENTS

Section 6. - Owners and commercial establishments, industrial establishments, government and non-government institutions shall be responsible for the cleanliness of their surroundings approximately from 3-5 meter radius from their owned or occupied properties.



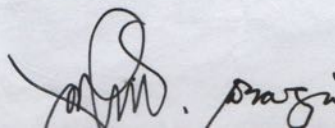
ARTICLE VI

MANNER OF STORAGE, COLLECTION AND TRANSPORTATION

Section 7. - Segregation at source must be properly observed. Solid wastes shall be classified as Biodegradable, Non-biodegradable, Compostable and Reusable materials. Waste containers must be properly labeled. Non-segregated wastes shall not be collected and the household owners of the unsegregated wastes shall be subject to penalty as prescribed under the penalty provisions. Only dry and segregated wastes shall be collected and shall be properly disposed. No unauthorized collection of wastes in designated areas shall be allowed. Collection or pick-up of wastes and transportation schedule shall be arranged or decided by the Ecological Solid Waste Management Board and must be widely disseminated.

Section 7.1. - Residential Homes, Schools and other establishments

- 1.) Residents must segregate their solid wastes by providing separate receptacles/containers for every kind of waste; recyclable such as paper, plastics, bottles and cans. It must be clean and dry. Containers should also be clean and bottoms are holed in order to prevent water accumulation;
- 2.) Solid wastes shall be brought out of the household only during the scheduled time and day of collection;
- 3.) Every household, school, day care center and church shall provide their own compost pit for disposal of kitchen wastes, animal wastes and yard wastes;
- 4.) Public streets and grounds in front or in the vicinity of the household shall be kept clean at all times;
- 5.) The use of non-biodegradable materials (e.g. plastic based-wrappers, Styrofoam) must be minimized;
- 6.) Any toxic and hazardous wastes must be stored and sealed properly and marked the container/bag to be used before it shall be collected and disposed accordingly;
- 7.) It shall be the responsibility of the individual household to dispose all recyclable materials/wastes either through the recyclable buyer or to be voluntarily brought to the Materials Recovery Facility (MRF) for disposal to buyers, proceeds shall be used in the operation and maintenance of the MRF and all Solid Waste Management Program;



ARTICLE VIII

MATERIAL RECOVERY FACILITY (MRF), COMPOSTING AND CONTROLLED DUMPING

Section 9.1. - Operations of a Material Recovery Facility (MRF)

Section 9.1.1. - There shall be Material Recovery Facility (MRF) in every barangay/Purok, school and church, etc. which shall be intended to receive, sort, process and store compostable and recyclable materials efficiently and in an environmentally sound manner. There should also be a sufficient area for composting of biodegradable wastes;

Section 9.1.2. - The barangays shall be responsible for the collection, segregation, recycling of biodegradable, non-biodegradable, compostable and reusable materials within their respective jurisdiction. Furthermore, MRF's shall be established in every barangay, purok or by a cluster of household depending on its practicality and applicability;

Section 9.1.3. - The facility shall be built in a barangay-owned, a private land, or in any suitable open space to be determined by the barangay through the Sanggunian. For this purpose, the barangay or purok shall allocate a certain parcel of land for the MRF;

Section 9.1.4. - The MRF shall receive biodegradable wastes for composting, and clean and dry non-biodegradable wastes for final segregation, re-use and recycling;

Section 9.1.5. - Residual wastes shall be provided with appropriate containers/bags for disposal to the controlled dumpsite;

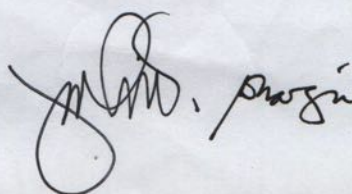
Section 9.2.1. - Composting facilities shall adapt the following setting, design and operating standards and criteria;

9.2.1a. - The facility shall not be placed in areas subject to frequent flooding, unless, engineering controls are provided in the design to prevent inundation of the facility;

9.2.1b. - Leaks and drainage controls shall also be provided;

9.2.1c. - Provisions for path, odor, litter and dust controls shall be included;

9.2.1d. - Records keeping shall be maintained and properly recorded at all times in accordance with section 2 (b) of Rule XIV of IRR, RA 9003;



9.2.1e. Residues shall be managed as solid waste and shall be disposed;

Section 9.2.2. - Individual household backyard composting shall be exempted from this provision of this Section.

Section 9.3.1. - The controlled dumping area shall have fence, a buffer zone, drainage system and a Materials Recovery Facility;

Section 9.3.2. - There shall be a considerable area for composting of biodegradable wastes;

Section 9.3.3. - A septic tank shall be constructed within the controlled dumping site to receive special waste which are classified as hazardous, toxic and infectious;

Section 9.3.4. - Residual wastes shall also be accepted in the controlled dump site;

ARTICLE IX

COLLECTION FEE

Section 10. Garbage Fees. - There shall be fee for the collection in the following manner:

Section 10.1. - A payment of P20.00 per month or P240.00 per annum shall be charged to individual household as garbage collection fee which shall be issued by authorized personnel with an official and appropriate receipt.

Section 10.2. - Garbage fees from commercial, institutional, sari-sari stores, and stalls within the public market shall be charged garbage fees annually in accordance to the approved Municipal Tax Ordinance.

ARTICLE X

PENAL PROVISIONS

Section 11. Prohibited Acts. - The following are prohibited:

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

Section 11.1b. - Undertaking activities, or operating, collecting or transporting toxic materials in violation of sanitation, operation and other permits or requirements set forth or established pursuant to this Ordinance;

Section 11.1c. - The open burning of solid waste;

Section 11.1d. - Permitting or initiating the collection of non-segregated or unsorted wastes;

Section 11.1e. - Squatting in dumpsite;

Section 11.1f. - Open dumping, burying of biodegradable or non-biodegradable materials in rivers, creeks, lakes and flood prone areas;

Section 11.1g. - Unauthorized removal of recyclable materials with other solid waste in any vehicle, box, container, or receptacle used in solid waste collection or disposal;

Section 11.1h. - The mixing of source such as recyclable materials with other solid waste collection or disposal;

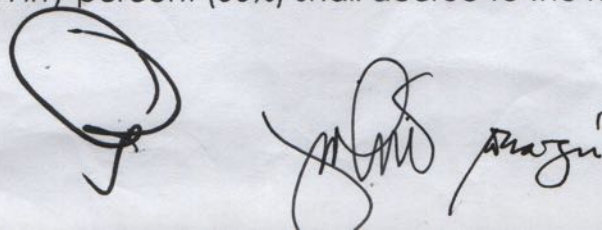
Section 11.1i. - The manufacture, distribution or use of non-environmentally acceptable materials;

Section 11.1j. - Transport and dumping of collected domestic, commercial, and institutional wastes in areas other than center centers of facilities recommended under this ordinance;

Section 11.1k. - The construction of any establishment within two hundred (200) meters from controlled dump facility;

Section 11.1l. - Operation or construction of dumpsite or any waste disposal facility on any ground water reservoir or watershed area and/or any portion thereof;

Section 11.2. Fines and Penalties. - the following fines and penalties shall be imposed to any person who violates specific provisions of this ordinance, in the municipal level; it shall be issued a CITATION TICKET OR NOTICE OF VIOLATION which shall be conveyed by the Municipal Solid Waste Management Board; in the barangay level, the barangay council may adopt a similar ordinance specifying the schedule of penalties; and issue CITATION TICKET OR NOTICE OF VIOLATION as the council may deem appropriate. Fifty percent (50%) of the fines shall be declared mandatory incentive to the ESWM enforcer, the remaining Fifty percent (50%) shall accrue to the municipal/barangay/Purok,



or any individual whichever is the case, for the operation and maintenance of the solid waste management program.

CITATION TICKET

Republic of the Philippines
Province of Surigao del Sur
MUNICIPALITY OF LINGIG

OFFICE OF THE MUNICIPAL MAYOR

---000---

NO. _____

TO: _____

(First)

(Middle)

(Last)

ADDRESS: Date of Birth: Birth Place:

Community Tax Certificate No:

Date Issued:

Place Issued:

Place of Violation: Date and Time:

Violation:

(List Specific Ordinance & Section)

Apprehending Officers/Witness:

(Name & Signature) I.D. #

Date and Time:

UPON RECEIPT, VIOLATOR IS ADVISED TO APPEAR AT OFFICE OF THE MUNICIPAL MAYOR WITHIN 5 DAYS

I HEREBY PROMISE TO APPEAR AT THE OFFICE OF THE MUNICIPAL MAYOR WITHIN 5 DAYS TO ANSWER THE ABOVE DESCRIBED CHARGES FOR COMPROMISE AGREEMENT IT IS UNDERSTOOD THAT IF I FAILED TO SETTLE MY CASE WITHIN 5 DAYS FROM THE DATE OF APPREHENSION, IT WILL CAUSE ME TO FALL TO SUCCEEDING FINES WITHOUT ANY FURTHER NOTICE.

Signature of Violator

Section 11.2a - Any person who violates *Section 11.1a* shall be punished with a fine of no less than Two Hundred Pesos (P200.00) but not more than Five Hundred Pesos (P500.00), or render community service for not less than one (1) day to not more than fifteen (15) days, or both;

Section 11.2b - Any person who violates *Section 11.1b* and *Section 11.1c* shall be punished with a fine of not less than Two Hundred Pesos (P200.00) but not more than Five Hundred Pesos (P500.00), or imprisonment of not less than

one (1) day to not more than fifteen (15) days, or both at the discretion of the court;

Section 11.2c - Any person who violates Section 11.1d, Section 11.1e, Section 11.1f and Section 11.1g shall be punished with a fine of not less than Three Hundred Pesos (P300.00) but not more than Six Hundred Pesos (P600.00) or imprisonment of not less than fifteen (15) days but not more than six (6) months, or both at the discretion of the court;

Section 11.2d - Any person who violates Section 11.1h shall be punished with a fine of not less than Five Hundred Pesos (P500.00) but not more than Three Thousand Pesos (P3,000.00), or imprisonment of not less than one (1) year but not more than three (3) years, or both the discretion of the court;

Section 11.2e - Any person who violates Section 11.1i, Section 11.1j, Section 11.1k and Section 11.1l shall be punished with a fine of not less than Fifty Thousand Pesos (P 50,000.00) but not more than Five Hundred Thousand Pesos (P 500,000.00), or imprisonment of not less than one (1) year but not more than six (6) years, or both at the discretion of the court.

If the offense is committed by a corporation, partnership, or other juridical entity duly organized in accordance with the 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.

ARTICLE XI

MISCELLANEOUS

Section 12. Citizen Suits. - For purposes of enforcing the provisions of this ordinance, or provisions of R.A 9003, any citizen may file an appropriate civil, criminal or administrative action in the proper courts/bodies.

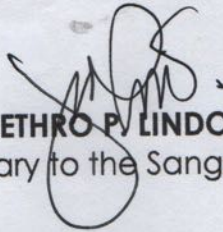
Section 13. Separability Clause. - If any provisions of this ordinance or the application of such provision to any person or circumstances is declared unconstitutional, the remainder of the ordinance or the application of such provision to other persons or circumstances shall not be affected by such declaration.

Section 14. Repealing Clause. - All ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed and modified accordingly by the Sanggunian.

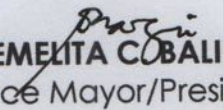
Section 15. Effectivity. - This ordinance shall take effect immediately upon approval by the Sangguniang Bayan and the compliance of law other appropriate laws and regulation.

ENACTED: This 23rd day of June 2015 at the Municipal Session Hall, Lingig, Surigao del Sur.

I HEREBY CERTIFY THAT THIS IS A TRUE AND ACCURATE COPY OF THE ORDINANCE
DULY ENACTED BY THE SANGGUNIAN ON JUNE 23, 2015.

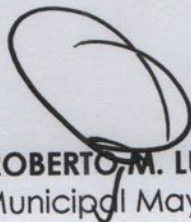


JETHRO P. LINDO
Secretary to the Sanggunian



HON. EMELITA C. BALINGAN
Municipal Vice Mayor/Presiding Officer

APPROVED:



HON. ROBERTO M. LUNA, JR.
Municipal Mayor

Date of Approval: _____



Republic of the Philippines
PROVINCE OF SURIGAO DEL SUR
Municipality of Lingig

OFFICE OF THE SANGGUNIANG BAYAN

September 1, 2015

The Honorable Members
Sangguniang Panlalawigan
Province of Surigao del Sur
Tandag City



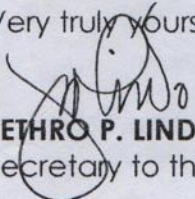
Thru : Hon. Manuel O. Alameda, Sr.
Vice Governor/Presiding Officer

Honorable Ladies and Gentlemen;

Respectfully submitting herewith Ordinance No. 2015-06 entitled, "**AN ORDINANCE PRESCRIBING THE MUNICIPAL ECOLOGICAL SOLID WASTE MANAGEMENT PROGRAM OF LINGIG, SURIGAO DEL SUR AND PROVIDING FINES AND PENALTIES FOR VIOLATING ANY OF THE PROVISIONS WITH THE USE OF CITATION TICKETS SUBJECT TO APPLICABLE LAWS, RULES AND REGULATION**", for your appropriate review action.

Thank you.

Very truly yours,


JETHRO P. LINDO
Secretary to the Sanggunian