

**MUNICIPAL ORDINANCE NO. 4-02-2009**

**JAGNA SOLID WASTE MANAGEMENT CODE**

(Sponsored by Coun. Senen C. Lloren)  
Chairman, Committee on Health and Sanitation

Be it ordained by the 6<sup>th</sup> Sangguniang Bayan of Jagna, Bohol, that:

**ARTICLE 1  
GENERAL PROVISIONS**

**Section 1. Title.** This code shall be known as the “**Jagna Solid Waste Management Code of 2009**”

**Section 2. Scope.** This code shall cover all activities involving generations, segregation, collection, recovery, recycling, disposal and treatment of refuse resources.

This code shall apply to all residential houses, industrial and commercial establishments such as hotel/pension houses, restaurants, cinema houses, department stores, groceries, institutions like hospitals, schools, churches, private and public offices, and other establishments of any kind and agricultural areas, parks, public playgrounds, open spaces and transport facilities.

**Section 3. Rationale.** RA 9003 otherwise known as the Ecological Solid Waste Management Act of 2000 provides for solid waste management program which shall create the necessary steps in its implementation from the national to the local level. Section 10 of RA 9003 pursuant to RA 7160 otherwise known as Local Government Code, the LGUs shall be primarily responsible for the implementation and enforcement of this act within their respective jurisdiction.

Pursuant to Section 16 of RA 9003, the Municipal Solid Waste Management Board of Jagna, Bohol through the Solid Waste Management Technical Working Group(SWM-TWG) has already formulated a 10 Year SWM Plan and duly approved by the Municipal Development Council and the Sangguniang Bayan by virtue of a Municipal Resolution No. 52-08-2004.

Pursuant to Section 4 of the Implementing Rules and Regulation (IRR) of RA 9003 provides that local government like LGU-Jagna shall be required to legislate appropriate ordinances or codes to aid in the implementation and enforcement of RA 9003.

Thus, this code has been ordained.

**Section 4. Purpose.** This code is enacted for the following purposes:

- a) To guide, control and regulate the generations, storage, collection, transport and disposal of solid waste within the municipality and promote an orderly and sanitary condition of surrounding;
- b) To enhance the total improvement and maintenance of the environment of the locality through the necessary control of the negative environment impacts and effects of solid waste;
- c) To promote and protect the health, safety, peace and convenience and general welfare of the people of Jagna, Bohol.

**Section 5. Objectives.** The code intends to achieve the general objectives of an enhanced ecological balance and public health through sustainable and integrated solid waste management. Specifically, the code has the following objectives:

- a) To enhance cleanliness at all times through orderly waste management;
- b) To eradicate unsightly, uncovered and overflowing wastes in streets and public places.

**Section 6. Declaration of Policies.** It is hereby declared the policy of the Municipality to adopt and implement a comprehensive, integrated solid waste management program, which shall:

- a) Ensure the protection of the public health and environment;
- b) Utilize environmentally sound method that maximize the utilization of valuable resources and encourage conservation and recovery;
- c) Ensure proper segregation, collection, transport, storage, treatment and disposal of solid waste;
- d) Retain primary enforcement and responsibility of solid waste management with local government units;
- e) Institutionalized public participation in the development and implementation of national and local integrated, comprehensive and ecological waste management program; and
- f) Strengthen the integration of ecological solid waste management and resource conservation and recovery topics into the academic curricula of formal and non-formal education in order to promote environmental awareness and action among the citizenry;

## ARTICLE 2 DEFINITION OF TERMS

**Section 7. Definition of Terms.** For the purposes of this code, the following terms shall be as follows:

- a) **Biodegradable** – all materials that can be reduced into finer composition or refuse resources that are basically decomposable;
- b) **Non-biodegradable** – all waste that are mainly non-biodegradable or do not readily decay;
- c) **Composting** – biological degradation under controlled conditions; the process of making biodegradable into compost by mixing them with soil, water, biological additive and air;
- d) **Recyclable/reusable** – all non-decomposable but can still be used or processed such as tin cans, metals, bottles, glasses, plastics, etc.;

- e) **Domestic waste** – is the waste from households which maybe classified as biodegradable or non-biodegradable;
- f) **Institutions** – refers to the establishments like hospitals, schools, churches, public and private offices, and other similar structure;
- g) **Recycling** – the re-use, retrieval, re-commission of element matter for any and all purpose necessary to healthful and productive structure;
- h) **Solid Waste** – this include anything thrown away, such as garbage, rubbish, trash, litter, junk, and refuse from other source such as house, business, farms or institutions;
- i) **Special waste** – special type of waste containing chemical, biological and radiological elements and materials which as inherently dangerous to human beings or animals;
- j) **Solid Waste Management** – systematic control of the generation, storage, collection, transport separation, processing, recycling, recovery and final disposal of solid waste;
- k) **Sorting a source** – the segregation of waste at the point of generation or at the very place where they are produced into biodegradable, recyclable, toxic and hazardous waste and residuals;
- l) **Residuals** – waste that cannot anymore be use or recycled in needs to be disposed properly;
- m) **Materials Recovery Facility** – includes a solid waste transfer station or sorting station, drop-off center, composting facility, and a recycling facility.
- n) **Central Composting Facility** – is a structure where the biodegradable wastes collected from the households, establishments, government and private offices, park, open spaces, agricultural areas and etc. are being processed into a vermin-cast to be utilized as organic fertilizer;
- o) **Sanitary Landfill** – is now consider as the new method to be the disposal area of residual wastes containing a leachate treatment, storm drain, special waste containing system, ground water monitoring wells, gas monitoring wells, and also includes office, motor poll and laboratory building, light and water, perimeter fence and tree plantations, green and aesthetics, roads and open spaces and weigh bridge;
- p) **Solid Waste Management Fee** – fee imposed for solid waste management services provided by LGU-Jagna which shall form part of the Municipal Solid Waste Management Fund.
- q) **Jagna Young Eco-Savers Club** -

### ARTICLE 3. ORGANIZATIONAL STRUCTURE

**Section 8. Solid Waste Management Office.** There is hereby created a Municipal Solid Waste Management Office that will serve as the lead office in the implementation of the Municipal Solid Waste Management Program.

- a) The Municipal Solid Waste Management Office shall be headed by a Solid Waste Management Officer.
- b) The SWM Office shall be directly under the supervision of the Office of the Market Administrator.

**Section 9. Qualification of Solid Waste Management Officer.** The Municipal Solid Waste Management Officer shall have a bachelor's degree on engineering or other related courses and have undergone an extensive training on solid waste management.

**Section 10. Powers and Functions of the Municipal Solid Waste Management Office.** The Municipal Solid Waste Management Office shall serve as the office implementation of the Municipal Solid Waste Management Plan. It shall have the following powers and functions:

- a) Organize waste enforcement team and coordinate with the PNP Environmental Desk Officer (PEDO) for the implementation of all SWM related measures and policies;
- b) Coordinate with the assigned agencies and units including NGO's in the conduct of IEC campaign activities;
- c) Monitor and evaluate range of compliances with respect to reduction and segregation at source, to include backyard composting per barangay;
- d) Technical Assistance, logistical and training support to barangay and communities to help them formulate strategies and plans, and implement, monitor and evaluate SWM project;
- e) Formulation, review and refinement of procedures for SWM operations and enforcement, including coordination with groups and sectors providing support to the SWM program;
- f) Formulation, review and refinement of incentives command and control system to reinforce the proper practice of solid waste management;
- g) Periodically prepare reports on the performance status and analysis of implementation and enforcement of solid waste management ordinances;
- h) Undertake efficient collection system;
- i) Manage the Central Material Recovery Facility and provide technical assistance to barangay for the establishment and operation for their respective MRF's;
- j) Take the lead in the house feasibility study, planning, establishment and operation of the proposed Jagna sanitary landfill;
- k) Manage the proposed Sanitary Landfill at barangay Tubod Mar;
- l) Manage and monitor the SWM fund;
- m) Prepare and formulate a SWM business plan.

#### **ARTICLE 4. SEGREGATION OF SOLID WASTE**

**Section 11. Mandatory Segregation of Solid Waste.** The segregation of waste shall be mandatory. Segregation shall primarily be conducted at the source to include household, institutions, industrial, commercial and agricultural sources.

**Section 12. Categories of Solid Waste.** Solid Waste shall be segregated into the following categories:

- a) Biodegradable
- b) Recyclable/reusable
- c) Residual
- d) Special Waste

**Section 13. Requirements for Segregation and Storage of Solid Wastes.** The source of solid waste as listed in Section 12 hereof shall have separate receptacle/container for each type of solid waste. The solid waste receptacles/containers, depending on its use, shall be properly marked or color-coded as "biodegradable", "recyclable/reusable", "residual", or "special waste". For site collection, receptacles shall be properly covered and secured to prevent spillage or

scattering of the waste and to ensure its containment. For bulky waste, it will suffice that the same be collected and placed in a separate container and in designated areas.

The stored segregated waste must be staked within the establishment's premises and will be moved out during the schedule of collection.

The head of any commercial and institutional establishment shall be the one responsible for the proper solid waste management system within the establishment.

The Philippine Port Authority (PPA) and similar agencies shall segregate their generated solid waste and shall be properly segregated in three (4) enclosed containers or trashcans, one for biodegradable, recyclable, and residual and special waste.

**Section 14. Additional Requirements for Premises Containing Six (6) or more Residual Units.** Those persons residing in premises containing six (6) or more residential units shall have their own separate receptacle for each type of waste stated in Section 12 and shall also apply storage requirements stated in 13 and shall have a designated area for collection of solid waste.

**Section 15. Additional Requirements for all Commercial, Institutional and Industrial Establishments Including Public Utility Vehicles.** The operators, owners or heads of all public utility vehicle, commercial, institutional, and industrial establishments shall provide a designated area and receptacles / containers in which to accumulate source for the purpose of collection of solid waste. In addition, such owner or head shall notify all passengers, workers, employees, and entities working in the premises of the requirements of proper segregation. No scavenging or unauthorized collection in the designated areas shall be allowed.

## **ARTICLE 5 MUNICIPAL SOLID WASTE MANAGEMENT PLAN**

**Section 16. Incorporation by Reference.** The Municipal Solid Waste Management Plan was adopted and approved by the Sangguniang Bayan by virtue of a Municipal Resolution No. 52-08-2004, Series of 2004, is hereby incorporated by reference and made an integral part of this code.

**Section 17. Implementation.** The Municipal solid Waste management Plan shall be implemented in accordance with the implementation strategy and schedule contained in the said Plan. The implementation of the specific components of the plan is provided in the succeeding articles of this code.

## **ARTICLE 6 SOURCE REDUCTION**

**Section 18. Receptacles for Solid Wastes.** Waste generators shall purchase an official receptacles properly labeled, secured and boldly marked with the name of the waste generators.

**Section 19. Color-Coding of Receptacles** – The required color of the receptacles for each kind of waste shall be as follows:

1. Green – biodegradable wastes (Malata);
2. Blue – recyclable/reusable wastes (Magamit Pa);
3. Yellow– for residuals (Dili na Magamit)

4. Red - special wastes (Delikado)

**Section 20. Number of Receptacles.** For purposes of collection the following shall be followed:

1. Each residential waste generator shall provide a receptacle for each type of waste in accordance with Section 12 of this code.
2. For business establishments outside the public market, receptacles shall also be required for their wastes in accordance with Section 12 of this code. However, establishments within the premises of the public market shall also follow the same with those establishments outside the public market.

**Section 21. Public Market Storage.** All establishments In market area shall always maintained four containers for biodegradable, recyclable, residual and special wastes with distinctive marking according to the type of wastes with the name of the stall owner tag on it. These shall likewise be confined inside their area before the scheduled collection. Once all wastes from public market are properly collected, these are being kept temporary at the designated storage area. In the next morning, these wastes are collected again through the garbage compactor/truck and brought to the Central Composting Facility for biodegradables, to the Central Material Recovery Facility for recyclables and to the disposal area for residuals and special wastes.

**Section 22. Communal Receptacles.** No communal receptacles shall be provided except at the municipal wharf, plaza and public cemetery. The Philippine Port Authority shall take charge with the provision and management of their types of receptacle in the wharf area. A memorandum of agreement shall be executed to institutionalize the said arrangement. The Municipal and Barangay Enforcers with the assistance of War on Waste (WOW) enforcers and the barangay tanods shall be tasked to monitor the proper use and maintenance of the receptacles/containers provided by the local government at the plaza and Rizal Park area and the cemetery caretaker shall be responsible for the proper use and maintenance of the receptacles in the area.

**Section 23. Bulk Wastes.** Households in far-flung areas when bulk collection is not yet possible shall be required to establish additional piles /pits for their residual and special wastes. These wastes shall be secured in plastic containers before it is dumped into the pit and covered with soil thereafter. The BSWMC shall see to it that the above requirements shall be enforced and complied with by the local residents.

## **ARTICLE 7 ESTABLISHMENT OF MATERIAL RECOVERY FACILITY**

**Section 24. Central Material Recovery Facility (CMRF).** Central Material Recovery Facility shall be established in Barangay Tejero about 400 meters from the municipal hall and shall be operational in the year 2005. The Central MRF shall accept only for processing of all recyclable wastes from the metro barangays covered by the SWM collection route. These types of waste materials shall include from households, commercial, institutional establishments and public market will be collected and processed.

**Section 25. Barangay Material Recovery Facility.** The size of the BMRF shall be at least about 1.5cm x 4m or approximately 6 sq. m. with its compartment will each have a

dimension of 1.5 cm x 1m to accommodate plastic, paper/cartons, metals and bottles. Separate compartment shall be provided for the residuals and special wastes.

**Section 26. Responsibility for establishment.** The Municipal Government shall be responsible for the establishment, operation and maintenance of the Central Material Recovery Facility. The LGU-Barangay shall be the one responsible for the establishment, operation and maintenance of their Barangay Material Recovery Facility, provided, however, that the municipal government shall provide the necessary financial and technical assistance to the barangays in the establishment of its respective BMRF's.

## **ARTICLE 8 RECYCLING**

**Section 27. Small Scale Processing.** Small scale processing of waste involves the cleaning and washing of recyclable materials for further recovery and use shall be actively pursued at the Materials Recovery Facility. Segregation into saleable and non-saleable items shall be done manually to ensure proper sorting. The recovered saleable materials shall be sold to junk shops or to other interested direct buyers while the non-saleable materials shall be further processed into indigenous products, if feasible, otherwise the same shall be accumulated together with the residuals and placed in a specified areas to its final disposal.

**Section 28. Indigenous Production.** The Municipal Materials Recovery Facility may proceed to the processing of salvageable recyclable into indigenous product. The MSWM Office shall be responsible in conducting research and feasibility studies to determine viability of possible products that may be derived from the processing recyclable wastes.

## **ARTICLE 9 COMPOSTING**

**Section 29. Mandatory Composting.** Composting of biodegradable on site shall be mandatory in every household and small scale establishments in urban and rural areas; however, if there is inadequate backyard space for composting, segregated biodegradable shall be collected with a corresponding fee and brought to the Central Composting Facility at sitio Carmoli, Barangay Pagina.

**Section 30. Composting Facility.** Each household and small-scale establishment shall provide its own compost pit/pile as its own composting facility. The Central Composting Facility shall be established to be located at sitio Carmoli, Barangay Pagina. The method to be used in composting shall be Vermi- composting.

## **ARTICLE 10 COLLECTION AND TRANSFER**

**Section 31. Formulation of Collection Schedule.** The LGU- Jagna through the SWM Office with the assistance of SWM-TWG shall formulate a systematic and organize collection schedule consistent with the 10 Year Solid Waste Management plan. The collection schedule shall be strictly enforced to encourage local residents and establishment owners to comply with the mandated segregation and reduction of waste at

source. The collection schedule shall be regularly reviewed and studied if it address as effective and efficient.

**Section 32. Coverage of Collection.** Collection services shall cover initially with the eight (8) barangays of Pangdan, Poblacion, Tejero, Pagina, Canjulao, Looc, Can-upao and Bunga Mar. Expansion of collection services to rural barangays shall always depend as the need arises.

**Section 33. Schedule of Collection.** Collection of segregated wastes shall be done as follow in accordance with the schedule provided below.

Day	Biodegradable Wastes	Residual Wastes	Recyclable Wastes	Special Wastes
Monday and Thursday	Market, Pangdan, Poblacion, Tejero, Pagina, Canjulao, Looc, Can-upao and Bunga Mar			
Tuesday	Market	Market, Pangdan, Poblacion, Tejero and Pagina		
Wednesday	Market	Rural Barangays		
Friday	Market	Market, Canjulao, Looc, Can-upao and Bunga Mar		
Saturday	Market	Maintenance		
4 <sup>th</sup> Saturday			Market/8 brgys - Metro Jagna	
Sunday	Market	Maintenance		
4 <sup>th</sup> Sunday	Market			Market/8 brgys

**Section 34. Time for the Collection of Solid Waste.** Placement of waste along the collection route shall only be allowed during and within one (1) hour before the arrival of the garbage truck/compactor. Collection of waste shall always start first at the public market then to the metro barangays covered by the collection route stated in this code. Public notice through the existing Radio stations and *rekorida* shall be made once the garbage truck/compactor is incapable to collect due to mechanical problem.

**Section 35. Rural Barangay Collection System.** The Barangay Solid Waste Management Committee (BSWMC) shall be responsible for creating their own system of collection of their wastes. The ESWM Board through the SWM-TWG shall provide an assistance to the barangays in establishing their collection system.



**Section 36. Transfer Station.** Residual and Special wastes collected in rural barangays shall be temporarily deposited at the barangay pick-up station which will be collected by the municipal collection team according to schedule.

**Section 37. Collection of Biodegradable Waste.** No collection of biodegradable wastes from the rural barangays or those that do not belong to the Metro Jagna Cluster which are presently covered by the SWM regular collection route. These rural barangays shall be required to institute their own mechanism in addressing the disposal and management of their biodegradable wastes in accordance within the framework of SWM program sets by RA 9003 and this code. Those barangays in the rural areas wanted to be included in the present collection system shall enact barangay resolution manifesting their desire to be included in the regular collection route.

**Section 38. Collection of Unsegregated Garbage.** Garbage not segregated shall not be collected and shall be treated as violation for the anti-littering law and shall be penalized accordingly.

**Section 39. Purchase of Garbage Compactor/Truck.** The present 13 year old garbage compactor is entirely and fully depreciated. It is just a matter of time that such equipment will soon to die. In order to provide a consistent and quality service to the public, a procurement program of a new garbage compactor/truck shall be set by the SWM Office to be presented to the SWM Board for appropriate financial action.

## **ARTICLE 11 DISPOSAL**

**Section 40. Conversion of Open Dump to Controlled Dump.** The existing open dumpsite of the municipality has already been converted into a controlled dumpsite to be operational by the year 2005 up to 2007 at such time when the Sanitary Landfill shall operational. Control procedures shall consist of covering the dump area with limestone or any appropriate alternative covering materials and to provide a fence around the perimeter to control the entry of scavengers and other stray animals. The LGU shall assign personnel who shall be designated to man and watch over the operation of the facility to ensure that only residuals and selected waste from the LGU shall be dumped.

**Section 41. Establishment of Sanitary Landfill.** The municipality shall establish a Sanitary Landfill in Barangay Tubod Mar, to be operated and managed by the LGU. The establishment of the Sanitary Landfill shall be properly coordinated with the Mines and Geosciences Bureau (MGB) and Environmental Management Bureau (EMB) of the DENR in terms of the technical geological study which shall be conducted prior to the actual commissioning of the area as site for the Sanitary Landfill. Likewise, the necessary Environmental Impact Assessment shall be conducted for the issuance of the required Environmental Compliance Certificate before the SLF shall proceed with the operation.

The Sanitary Landfill shall contain the following support facilities:

1. Leachate treatment plan
2. Storm drain
3. Special waste containing system

4. Ground water monitoring wells
5. Gas monitoring wells
6. Office, motor poll and laboratory building
7. Light and water
8. Perimeter fencing and tree plantations
9. Green and aesthetics
10. Roads and open spaces
11. Weigh bridge

**Section 42. No Hosting to cluster SLF.** The municipality shall not host the cluster for disposal of solid wastes from other municipalities by virtue of the Memorandum of Agreement entered between the Barangay Council of Tubod Mar and the Municipal Government of Jagna. The proposed Sanitary Landfill shall be strictly for the municipality of Jagna only. The act of accepting solid wastes from other municipalities shall be considered as a ground for closure of the SLF. The host barangay of the SLF shall be the one responsible for declaring the MOA as null and void for accepting solid wastes from other municipalities.

**Section 43. Establishment of SLF by Another Entity.** The LGU may endeavor to a joint venture with other entity who is interested in the establishment of SLF in Jagna and such venture must be duly covered by a Memorandum of Agreement which will define the operational and management responsibility of the respective parties.

**Section 44. Role of LGU in SLF Management.** Once the proposed SLF has been established by the LGU through their own initiative, the LGU-Jagna shall take charge in the management and operation. In the eventuality, if the proposed SLF at Tubod-Mar will be established through a private entity, the LGU shall remain to function as an oversight and monitoring party in the operations and management of the SLF.

The oversight and monitoring role of the LGU shall include, but are not limited to the following:

1. Ensure that the establishment of SLF is within the approval area and size;
2. ensure that the construction of the landfill and its support facilities is in accordance with the LGU approved plans, design and specifications;
3. Conduct regular monitoring and inspection of the management of leachate, gas emission and ground water contaminator;
4. Ensure compliance with the ECC requirement and mitigating measures; and
5. Monitor the upkeep and overall operations and maintenance of the facility.

**Section 45. Roles of the Host Barangay.** The host barangay shall have a MOA with the SLF owner regarding the operation of the SLF to ensure public safety and social welfare of the people.

**Section 46. Collection and Disposal In Remote/Inaccessible Households.** For remote/inaccessible households, where collection is impossible, residuals and special waste shall be treated in a special cell provided that those wastes potential to secrete toxic substance shall be wrapped to prevent them from contaminating the soil. Each remote household shall be required to provide two (2) pits, one for the biodegradable wastes and another for the residual/special waste.

## **ARTICLE 12 EDUCATION AND PUBLIC INFORMATION**

**Section 47. IEC program for Implementation.** Information and education program shall be incorporated as an institutionalize mechanism for all SWM program to effectively implement, enforce and promote waste segregation and reduction as well as for the orderly collection of wastes and also for the future utilization of the Sanitary Landfill. The IEC program shall be in accordance with the guidelines and strategies as contained in the 10 year SWM Plan.

**Section 48. Target Audience and Key Messages.** The Information and Education campaign shall contained on major audiences segmented into residents, market sidewalk vendors, wholesaler, common buyers, customers and the potential allies or change agents who can help in information dissemination. These shall also include the barangay officials, religious group leaders, media entities, school administrators or teachers, PTA officers and heads of institutions and NGOs.

The messages contained in the IEC campaign materials shall evolve around information on the aspect of segregation, recycling and waste reduction, the need for a material Recovery Facility as well as fines, prohibitions, penalties for violations and incentives for compliance.

**Section 49. Development/Production/Distribution of IEC Material.** The SWM-TWG shall develop/procedure/distribute/print materials using the local dialect. These shall include leaflets, billboards, streamers, posters and press releases. In addition, radio plug and jingles shall be developed/ produced, along with TV ads.

**Section 50. Creation of Speaker's Bureau.** The LGU shall create a Speaker's Bureau as the implementing arm that shall spearhead in all SWM-IEC and advocacy campaign. The Speaker's Bureau shall be composed of members of the SWM-TWG who undergo a training conducted by the Bohol Environmental Management Office.

**Section 51. Conduct of School Based Activities.** The LGU, through the SWM Board, shall work with the school officials in advocating for effective waste management. SWM activities and concepts shall be incorporated in the curriculum of local schools to include, among others, topics on impacts of poorly managed solid waste, importance of waste segregation and reduction at source, the what, why and the how of re-sue, recycling, composting and other related matters.

**Section 52. Institutionalization of Jagna Young Eco-Savers Club.** The Jagna Young Eco-Savers shall be considered as an institutionalize mechanism for school based activities initiating tender age youth and school teachers/administrators to be exposed on solid waste management program. The SWM office shall include Eco-Savers Club in the revision of the 10 year SWM plan and its annual planning and main context of SWM program.

**Section 53. SWM IEC Certificate.** Commercial and industrial institutions practicing solid waste management shall be awarded with an IEC Certificate of Participation. The certificate shall be a requisite for securing or renewing business permit.

## **ARTICLE 13 SPECIAL WASTE**

**Section 53. Special Waste Generators.** Generators of Special wastes such as industrial, hospital, clinics and funeral services shall segregate into biodegradable, recyclable, residuals and special waste. Four (4) receptacles are required for this kind of establishments. Toxic and hazardous waste shall be stored in a durable and covered receptacle and shall be collected, transported and disposed in accordance with the applicable guidelines, rules and regulations of the Solid Waste Management Office.

#### **ARTICLE 14 PERFORMANCE MONITORING, EVALUATION, ASSESSMENT AND IN-HOUSE WASTE CHARACTERIZATION**

**Section 54. Performance Monitoring and Evaluation.** There shall be Monitoring and Evaluation System (M & E System) to be established by the Solid Waste Management Office for its existing operation and programs. The SWM Office shall be the one responsible for designing a methodology for the performance monitoring and evaluation. The method in applying M & E and its analysis shall be on the level of compliance with the mandatory requirements of the law on segregation and waste reduction at source, waste collection efficiency, quantity and types of recycled products generated, recovery efficiency of the Central MRF, quantity of recycles brought from other sources to the MRF and the effectiveness and consistency of the IEC campaign, among others.

The SWM Officer shall submit periodic report on M & E together with the analysis thereof to the SWM Board for review and proper endorsement to the Municipal Development Council and the Sangguniang Bayan.

**Section 55. In-house Waste Characterization.** The SWM Office, in accordance with the municipal SWM Board and its TWG, shall prepare/conduct and periodic in-house waste characterization at the disposal site in order to monitor and determine if there is a significant reduction of waste materials at the end-of-pipe of the waste stream.

**Section 56. Semi-annual Assessment Activity.** The SWM Office shall facilitate the conduct of a semi-annual assessment activity to assess, among others, the physical condition of tools and equipment, its enforcement and/or implementation of the SWM program, the level of effectiveness in the implementation of the different SWM operations from waste segregation, collection, MRF, Central Composting Facility and up to disposal including SLF establishment and management.

#### **ARTICLE 15 INCENTIVE PROGRAMS**

**Section 57. Incentive System.** The LGU shall adopt an Incentive system to help promote its SWM program. The incentive system to be adopted shall include, among others the following:

1. Conduct of the annual search for Most Outstanding Barangay in Solid Waste Implementation. The LGU, through its SWM Office, shall develop the guidelines for the contest, with criteria on the four elements of the SWM, namely: Reduction/Segregation at source, collection and transport, MRF and disposal;
2. Provide incentives on households, individuals consistently practicing waste segregation and reduction at source that can be considered as model in solid

- waste good practices. The SWM office shall organize surveillance team to monitor and observe several practices at sources and during collection;
3. Public announcements and recognitions, during purok and barangay assemblies on households, sitio, barangay which is found to follow the SWM system as provided for to barangays and households;
  4. Conduct poster, slogan and news writing contest and shall be in both radio and TV network which shall encourage participants from all ages;
  5. Commendations and cash incentives to enforces based on the apprehensions and/effective prosecutions that they make.

## **ARTICLE 16**

### **FINANCING OF SOLID WASTE MANAGEMENT PROJECTS**

**Section 58. Sources of Funds.** The SWM program shall undertake activities that are expected to generate revenues. The revenues generated from the different stages of the project shall be used to partially finance the cash operating requirements of the SWM program. Since these revenues is expected to be insufficient to support the implementation of the project, funding for the capital and other operating expenditures shall be taken from the LGU's 20% Development Fund and/or from other external fund sources.

## **ARTICLE 17**

### **PROCUREMENT OF SERVICES, MATERIALS AND EQUIPMENT**

**Section 59. System of procurement.** The procurement to be used in acquiring services, materials and equipments for the SWM program shall extensively follow and adopt the implementing rules and regulations of Republic Act No. 9184, otherwise known as the Government Procurement Act. The municipality shall see to it that transparent, competitive and participatory procedures shall be followed in the bidding and awarding of the contracts and that there will be periodic assessment of the performance of the contractors.

## **ARTICLE 18**

### **THE MUNICIPAL SOLID WASTE MANAGEMENT FUND**

**Section 60. Establishment of Fund.** There is hereby created a special account intended only as Jagna Municipal Solid Waste Management Fund to be administered by the Municipal Solid Waste Management Board. Such SWM special account is not a trust fund but still belongs to the general fund but it exist as separate account as SWM FUND. The purpose for having such account is to monitor its cash flow for SWM operations and will serve as a tool for decision making in cost recovery. The official signatories for such account are the Local Chief Executive and the Municipal Treasurer or its official alternates.

**Section 61. Management of the Fund.** The Municipal Solid Waste Management Board 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 issued annually to SWM

Office by the Municipal Solid Waste Management Board in collaboration with the Commission on Audit four (4) months after the end of each fiscal year.

**Section 62. Sources of Fund.** The Municipal Solid Waste Management Fund shall be sourced from the following:

- a) Donations, endowments, grants and contributions from domestic and foreign sources;
- b) The Municipal allocation or share in the fines collected pursuant to Republic Act No. 9003 and its implementing Rules and Regulations;
- c) Fees collected from provision of solid waste services such as collection, recycling, and transport, among others;
- d) Sale of recyclable materials and vermi-cast / organic fertilizers;
- e) The amount allocated for waste management from the 20% Municipal Development Fund.

**Section 63. Use of Fund.** The Municipal Solid Waste Management Fund shall be used to support the implementation of the Municipal Solid Waste Management Plan, including endeavors that will enhance its implementation. These may include activities/projects on the following:

- a) Products, facilities, technologies and processes to enhance proper solid waste management;
- b) Research activities
- c) Information, education, communication and monitoring activities;
- d) Capability-building activities
- e) Personal services and maintenance and other operating expenses.

**Section 64. Criteria for Accessing the Fund.** The Municipal Solid Waste Management Fund can be availed based on the following criteria:

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

**Section 65. Level of Funding.** The level of funding for projects or activities proposed to be funded under the Municipal solid Waste Management Fund shall be determined and set by the Municipal Solid Waste Management Board.

**Section 66. Process for Availing the Fund.** The Municipal Solid Waste management Board shall promulgate the procedure or guidelines for availing the

Municipal 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 Appendixes C of the Implementing Rules and Regulations of Republic Act No. 9003.

**ARTICLE 19  
SOLID WASTE MANAGEMENT FEES**

**Section 67. Monthly Fees.** There is hereby imposed a monthly solid waste management fee for solid waste management services provided by the Municipality in accordance with the schedule provided hereunder. The fee collected shall form part of the Municipal Solid Waste Management Fund established under this code.

**Section 68. Coverage.** The solid waste management fees imposed herein shall be collected from all sources of solid waste covered by the solid waste management services provided by the Municipality.

**Section 69. Fee for Households.** Households shall pay a monthly solid waste management fee as follows:

<u><b>Types of Residential Category</b></u>	<u><b>Amount</b></u>
a) High residential category	- P20.00
b) Medium residential category	- 10.00
c) Poor and urban poor category	- 5.00

**Section 70. Fees for Institutions.** Institutions shall pay a monthly solid waste management fee as follows:

<u><b>Type of Institution</b></u>	<u><b>Amount</b></u>
a) Large Institutions	P 500.00
b) Small Institutions	100.00

**Section 71. Fees for Industrial Establishments.** Industrial establishments shall pay a monthly solid waste management fee as follows:

<u><b>Type of Establishment</b></u>	<u><b>Amount</b></u>
a) Large industries	P1000.00
b) Medium Industries	700.00
c) Small Industries	500.00

**Section 72. Fees for Commercial Establishment.** Commercial establishments shall pay a monthly solid waste management fee as follows:

<u><b>Type of Commercial Establishment</b></u>	<u><b>Amount</b></u>
a) Large Business establishment	P100.00
b) Restaurant/Carenderia	

1. Large including biodegradable waste	50.00
2. Small	20.00
c) Per stall within public market	20.00
d) Commercial Establishments outside public market	20.00

**Section 73. Polluters Fee.** Passenger vessel, Cargo vessel and fishing vessel anchoring in Jagna Municipal water including transient fishing pump boats for commercial purposes shall pay a polluters fee as follows:

<u>Types of Vessels</u>	<u>Amount</u>
a) Cargo Vessel (per anchorage)	P500.00
b) Passenger Vessel (per anchorage)	300.00
c) Commercial Fishing Vessel (per anchorage)	300.00
d) Transient Fishing Pump Boats (per anchorage)	150.00

**Section 74. Fees for Public Vehicle Utilities.** PUV shall pay a monthly solid waste management fee as follows:

<u>Types of Transport PUV</u>	<u>Amount</u>
a) Bus Company	P 30.00
b) Jeepney	25.00
c) V-Hire	20.00
d) Motorela	15.00
e) Single motor for hire	10.00

**Section 75. Fees for Piggery and Poultry Business.** Piggery and Poultry business shall pay a monthly fee of P 20.00.

**Section 76. Fees for Biodegradable Wastes.** Households and establishments availing the collection of biodegradable wastes shall pay a fee of P5.00 per container/receptacle

**Section 77. Manner of Payment/Collection.** The Fees imposed herein shall be paid/collected as follows:

- a) **For households** – the SWM barangay enforcers or in some instances, the SWM municipal enforcers shall serve the function as collector for the monthly household SWM garbage fee ;
- b) **For institutions** – fees shall be integrated into the payment of the business permit;
- c) **For industrial establishments** – fees shall be integrated into the payment of the business permit;
- d) **For PUV, Commercial Establishments including Piggery and Poultry Business**– fees shall be integrated into the payment of the business permit.

**Section 78. Increase and/or Decrease of Fees.** Any subsequent increase or decrease solid management fee shall be made through an appropriate ordinance /code enacted by the Sangguniang Bayan based on results of assessment or studies conducted for the purpose.



**Section 79. Penalties.** The following penalties shall be imposed for non-payment of solid waste management fees:

- a) For households- payment of the total arrears in fees plus 25% of the accumulated amount as penalty, including the suspension of collection service in case of continued and unjustified refusal to pay.
- b) For institutions- Payment of the total arrears in fees plus 50% of the accumulated amount as penalty, including the non-renewal of business permits and the suspension of waste collection services in case of continued and unjustified refusal to pay.
- c) For Commercial/Industrial Establishments- payment of the total arrears in fees plus 50% of the accumulated amount as penalty, including the non-renewal of business permits and the suspension of waste collection services in case of continued and unjustified refusal to pay.

For late payments, a surcharge of 25% per month of delay shall be imposed.

## **ARTICLE 20 PROHIBITION AND PENALTIES**

**Section 80. Prohibited Acts.** The following acts are prohibited.

**a) Prohibited acts under the Code:**

- 1) Lettering, throwing, dumping of waste matters in public places such as roads, sidewalks, canals, esteros, parks and establishments or causing or permitting the same, intentional breaking of bottles and other glass materials;
- 2) Urinating anywhere in public places;
- 3) Non compliance with the requirement on the provision of garbage containers or receptacles;
- 4) Receptacles not properly secured;
- 5) Non-observance of the scheduled collection;
- 6) Placing wastes outside the premises earlier than the go-signal from the Municipal SWM Enforcers for the time to starts to put their waste outside their residence scheduled for collection or more than an hour after the arrival of the garbage truck;
- 7) Throwing or disposing waste and other trashes, used paints or oil at the municipal water;
- 8) Indiscriminate dumping of biodegradable wastes;
- 9) Constructing pigpens and toilets along riverbanks, streams, seashore, springs, and other sources of waters without a proper septic tank;
- 10) Dumping and collection of unsegregated wastes;
- 11) Unauthorized removal or pilferage of recyclable materials intended for collection by authorized persons.

**b) Prohibited Acts under R.A. 9003:**

- 12) Undertaking activities or operating, collecting or transporting equipments in violation of sanitation operation and other requirements or permits set forth or established pursuant to R.A. 9003;
- 13) The open burning of solid waste;

- 14) Causing or permitting the collection of non-segregated or unsorted waste;
- 15) Squatting in open dumps and landfills;
- 16) Open dumping, burying or biodegradable or non-biodegradable materials in flood-prone areas;
- 17) The mixing of source-separated recyclable materials with other solid waste in any vehicle, box, container or receptacle use in solid waste collection or disposal;
- 18) Establishment or operation of open dumps as enjoined in RA 9003, or closure said dumps in violation of Section 37, RA 9003;
- 19) The manufacture, distribution or use of non-environmentally acceptable packaging materials;
- 20) Importation of consumer products packaged in non-environmentally acceptable packaging materials;
- 21) Importation of toxic wastes misinterpreted as “recyclable” or “**with recyclable content**”;
- 22) Transport and dumping in bulk of collected domestic, industrial, commercial and institutional wastes in areas other than centers of facilities prescribed under RA 9003;
- 23) Site preparation, construction, expansion or operation of waste management facilities without an Environmental Compliance Certificate required pursuant to Presidential Decree No. 1586 and RA 9003 and not conforming to the land use plan of the LGU;
- 24) The construction of any establishment within two hundred (200) meters from open dumps or controlled dumps or sanitary landfills;
- 25) The construction or operation of landfills or any waste disposal facility on any aquifer, groundwater reservoir or watershed area and/or any portions thereof.

**Section 81. Fines and penalties.** The following fines and penalties shall be imposed upon the following:

- a) Any person who violates Section 80 paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11

(Prohibited Acts under the ordinance) shall be penalized as follows;

- |                   |              |
|-------------------|--------------|
| 1. First Offense  | - P 500.00   |
| 2. Second Offense | - P 1,000.00 |
| 3. Third Offense  | - P 1,500.00 |

- b) Any person who violates Section 80 paragraphs 12 to 25 (Prohibited Acts under RA 9003) shall be prosecuted and penalized under and in accordance with the provisions of Republic Act No. 9003.

## **ARTICLE 21 PROCEDURE**

**Section 82. Violations under the Code.** The following procedure shall be observed in case of violation of Section 80, paragraphs 1 to 10 (Prohibited Acts under the Ordinance):

## **1. Issuance of Citation Tickets/Receipts**

Any person caught and committing any of the prohibited acts mentioned in paragraphs 1 to 10 of section 80 hereof shall be immediately issued a citation ticket/receipt indicating an amount, which the offender shall pay by way of compromise settlement. However, any person found committing act(s) in violation of paragraph 11 of Section 80 be deemed to have committed the crime of Theft as defined and punished in the Revised Penal Code and shall be prosecuted immediately in accordance with paragraph 3 hereunder.

## **2. Rendering Community Service**

Notwithstanding the above provision, the offender, except those found violating paragraph 11, may be allowed to render community service if he/she chooses to. After satisfactory rendition of community service, the offender shall be deemed to have extinguished his/her liability under the ordinance. The SWM office through its Action Officer shall be the one responsible to determine the number of hours and days and what particular community service shall be rendered by the offender

## **3. Prosecution in Court.**

Any offender who refuses to pay the fine by way of compromise settlement or fails to render the required community service or those found to have violated paragraph 11 of Section 80 hereof, shall be prosecuted accordingly in the proper court.

In the event of prosecution, it shall be the duty of Jagna PNP Environmental Desk Officer or any public officer charged with the enforcement of the Code violated, as the case may be, to prosecute the case. Subject to the basic requirements of due process, the proceedings to be adopted by the court shall be summary in nature in accordance with the Revised Rules in Summary Procedures as promulgated and adopted by the courts.

**Section 83. Violation under RA 9003.** For violation of paragraphs 12 to 25 of Section 80 of this Code, both administrative and civil/criminal proceedings may be instituted:

### **1. Commencement of Actions**

#### **a) Complaint of Violation**

Actions shall be commenced by any person or by the local government unit itself, on its own initiatives through any of its deputized agent, by filling a written complaint initially with the SWM Office. Within five days upon receipt thereof of the written complaint, the SWM Office shall determine whether the complaint is in the nature of an administrative, civil or criminal complaint and shall accordingly make the recommendations relative thereto.

#### **b) Violation caught in flagrante delicto**

In all cases of violations where the violator is caught in flagrante delicto by the ISWM enforcers of any duly authorized enforcement officer, the complaint shall be prepared/ accomplished and filed with the ISWM Office by the apprehending officer himself.

2. Inspection by office where complaint initially filed to determine/verify/confirm the violation committed:

The SWM Office may, at its own discretion, conduct an actual site inspection/verification to determine and confirm the veracity and authenticity of the claims and allegations contained in the complaint and that probable cause exist that a violation has been committed.

### **3. Notice to violator**

Upon determination of probable cause, the SWM Officer shall issue a Notice to Sue to the alleged violator indicating, among others, the type and nature of violation committed and giving the concerned violator thirty (30) days within which to correct, rectify or cease and desist from committing the violation complained of.

### **4. Charge Sheet**

In the event that the violator does not take any appropriate action after the lapse of thirty (30) days and despite being sent with the required notice, the necessary charge sheet shall be filed before the proper court of competent jurisdiction and before SWM Board, for civil/criminal and administrative cases, respectively. The filing of the cause with the regular courts shall be pursuant to the Revised Rules on Civil/Criminal Procedure.

### **5. Hearing of Administrative Case**

A hearing Officer designated by the SWM Board shall hear the administrative case filed with the Board. The hearing officer shall conduct the hearing continuously until the same is terminated in accordance with the schedule agreed by the parties but in no case shall be more than sixty (6) days from the date of initial hearing unless officer shall make his due to justifiable reasons. Thereafter upon termination, the hearing office shall make his findings and recommendations and submit the same to the Board for appropriate action.

### **6. Nature and Procedure**

Subject to the basic requirements of due process, the proceedings in the administrative case shall be summary in nature. The technical rules of evidence in courts of law shall not bind the designated hearing officer. The Rules of Court shall not apply in such proceedings except in a supplementary character, whenever applicable.

## **ARTICLE 22 APPROPRIATION**

**Section 84. Appropriation.** To carry out effectively the implementation of SWM Program, the budget for SWM which shall be based on the Municipal SWM 10 Yr. Plan shall be included in the Annual Municipal Budget Appropriation Ordinance.

**ARTICLE 23  
FINAL PROVISIONS**

**Section 85. Separability Clause.** If any provision of this Ordinance or the application of such provision to any person or circumstances is declared unconstitutional or invalid, the remainder of the Ordinance or the application of such provision to other persons or circumstances shall not be affected by such declaration.

**Section 86. Repealing Clause.** All Ordinances, executive orders, rules and regulations or parts thereof, which are inconsistent with this Ordinance, are hereby repealed or modified accordingly.

**Section 87. Effectivity.** This Ordinance shall take effect seven (7) days after a copy hereof is posted in a bulletin board at the entrance of and in at least two (2) conspicuous places of the Municipal Building and the Ordinance has been published thrice in a local newspaper of general circulation in the Municipality.

**ENACTED:** February 23, 2009.

AFFIRMATIVE:

**SGD. BONIFACIO GO VIRTUDES, SR.**  
Municipal Councilor

**SGD. JESUS B. ACEDILLO**  
Municipal Councilor

**SGD. SENEN C. LLOREN**  
Municipal Councilor

**SGD. CESARIO M. CAGULADA**  
Municipal Councilor

**SGD. PACHECO LL. RANCES**  
Municipal Councilor

**SGD. ALBERTO A. CABRESTANTE, JR.**  
Municipal Councilor

**SGD. ALBERTO Y. CAFE**  
Municipal Councilor

**SGD.\_ANDREW G. TADENA**  
Municipal Councilor ( ABC Pres.)

**SGD.\_LALAIN E. TAN**  
Municipal Councilor (SKMF Pres.)

NEGATIVE: None

ABSTAIN: None

ON OFFICIAL  
BUSINESS: GODOFREDO P.OKIT, SR. Municipal Councilor

CERTIFIED CORRECT:

**SGD. RENATO R. ACERA**  
MGDH 1/ SB Secretary

ATTESTED AND CERTIFIED  
TO BE DULY ADOPTED:

**SGD. ENGR. TEOFISTO C. PAGAR, SR.**  
Presiding

APPROVED: March 9, 2009  
Date Signed

**SGD. HON. EXUPERIO C. LLOREN**  
Municipal Mayor

DO NOT COPY