



Republic of the Philippines
Province of Bohol
Municipality of Jagna

Office of the Sangguniang Bayan

MUNICIPAL ORDINANCE NO. 20-11-2004

**MODIFIED ORDINANCE ON ECOLOGICAL AND INTEGRATED
SOLID WASTE MANAGEMENT OF THE MUNICIPALITY OF
JAGNA, BOHOL.**

(Sponsored by HON. SENEN C. LLOREN)

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 violators.

WHEREAS, Section 10 of Republic Act No. 9003 provides that, "Pursuant to the relevant provisions of R.A. No. 7160, otherwise known as the Local Government Code, the LGUs shall be primarily responsible for the implementation and enforcement of the provisions of this Act within their respective jurisdiction";

WHEREAS, Section 16 of Republic Act No.9003 provides that, "The province, city or municipality, through its local solid waste management boards, shall prepare its respective 10 year solid waste management plans consistent with the National Solid Waste Management Framework: *Provided*, That the waste management plan shall be for the re-use, recycling and composting of wastes generated in their respective jurisdictions: *Provided, further*, That the solid waste management plan of the LGU shall ensure the efficient management of solid waste generated within its jurisdiction";

WHEREAS, Section 47 of Republic Act No. 9003 provides that, "The local government unit shall impose fees in amounts sufficient to pay the costs of preparing, adopting, and implementing a solid waste management plan prepared pursuant to this Act";

WHEREAS, Section 4, Rule XIX of the Implementing Rules and Regulations (IRR) of Republic Act No. 9003 provides that local government units shall be required to legislate appropriate ordinances to aid in the implementation of Republic Act No. 9003 and in the enforcement of its provisions. That said Section 4 further provides that specific measures to implement and enforce Section 48 (Prohibited Acts) of the Act should be included; provided, such ordinances shall be formulated pursuant to relevant provisions of R.A. No. 7160;

WHEREAS, pursuant to Section 16 Republic Act No. 9003, the Municipal Solid Waste Management Board of Jagna has prepared the 10 year solid waste management plan of the Municipality of Jagna and the same has been duly adopted by the Sangguniang Bayan through Resolution No. 52-08-2004 Series of 2004;

NOW THEREFORE, BE IT ORDAINED AS IT IS HEREBY ORDAINED by the Sangguniang Bayan of the Municipality of Jagna, in session assembled, that:

ARTICLE 1
General Provisions

Section 1. Title. This ordinance shall be known as the "**Jagna Modified Ecological and Integrated Solid Waste Management Ordinance of 2004**"

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

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

Section 3. Purpose. This ordinance 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 4. Objectives. The ordinance intends to achieve the general objectives of an enhanced ecological balance and public health through sustainable and integrated solid waste management. Specifically, the ordinance has the following objectives:

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

Section 5. Declaration of Policies. It is hereby declared the policy of the Municipality to adopt and implement a comprehensive, integrated and ecological 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 6. Definition of Terms. For the purposes of this Ordinance, the following terms shall have the respective meaning and import:

- 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;

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- 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.

ARTICLE 3.

Organizational Structure

Section 7. 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 Plan.

- a) Head Office: Municipal Solid Waste Management Officer

Section 8. Qualification and Compensation of Solid Waste Management Officer – The Municipal Solid Waste Management Officer unless he has a bachelor's degree on engineering or other related courses and undergone training on solid waste management.

Section 9. 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 al ISWM related ordinances 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 MRF 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 hosting of a cluster Sanitary Landfill;
- l) Manage and monitor the ISWM trust fund;
- m) Prepare annual work and financial plans.

ARTICLE 4.
Segregation of Solid Waste

Section 10. 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 11. Categories of Solid Waste - Solid Waste shall be segregated into the following categories:

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

Section 12. Requirements for Segregation and Storage of Solid Wastes – The source of solid waste as listed in Section 10 hereof shall have separate containers for each type of solid waste. The solid waste container, depending on its use, shall be properly marked or color-coded for on-site collection as “biodegradable”, “recyclable/reusable”, “residual”, or “special waste”. The containers shall be properly covered, secured or protected or 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 (3) enclosed containers or trashcans, one for biodegradable, recyclable, and residual/special waste.

Section 13. Additional Requirement for Premises Containing Six (6) or more Residual 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 to be collected by the barangay or private collector. In addition, such owner or person in charge shall notify the residents or occupants of such premises of the requirement of segregation.

Section 14. Additional Requirements for al Commercial, Institutional and Industrial Establishments Including Public Utility Vehicle – The operators, owners or heads of all public utility vehicle, commercial, institutional, and industrial establishments shall provide a designated area and containers in which to accumulate source separated recyclable materials to be collected by the municipality. In addition, such owner or head shall notify all passengers, 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 5
The Municipal Solid Waste Management Plan

Section 15. Incorporation by Reference – The Municipal Solid Waste Management Plan Adopted and approved by the Sangguniang Bayan through Resolution No. 52-08-2004, Series of 2004, is hereby incorporated by reference and made an integral part of this Ordinance.

Section 16. 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 Ordinance.

ARTICLE 6
Source Reduction

Section 17. Receptacles for Solid Wastes – Waste generators shall provide their own waste receptacles in any form - -Plastic bags, sacks, empty cans or any containers at the discretion of the owner provided these are properly labeled and secured.

Section 18. Color-Coding of Receptacles – The required color of the receptacles for each kind of waste shall be as follows:

1. Green – for biodegradable wastes;
2. Yellow – for recyclable/reusable wastes; and
3. Red – for residuals/special wastes

Section 19. Number of Receptacles - For purposes of collection, each waste generator shall provide a receptacle for each type of waste in accordance with the requirements of Section 10 of this Ordinance. In urban areas, however, for medium-scale business establishments outside the public market, two (2) receptacles shall be required for the recyclable and residuals/special wastes only. Biodegradable wastes will not be collected but shall be composted on site. However, for residents and establishments with the inadequate space for composting, they shall be required to provide three (3) containers to include biodegradable waste for collection. In such case, additional collection fee for biodegradable collection shall be imposed from the generators. All receptacles shall be kept within generators respective areas prior to the scheduled collection.

Section 20. Public Market Storage – In the market area, three (3) containers shall be required for the biodegradable waste, recyclable and residual/special wastes of transient vendors and stall operators. Distinctive marking waste shall be placed to determine the classification of waste thrown to the receptacles. These shall likewise be confined inside their area before the scheduled collection.

Section 21. 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 the three types of receptacle in the wharf area. A memorandum of agreement shall be executed to institutionalize the said arrangement. The Tanods and the War on Waste (WOW) Enforcers shall be tasked to monitor the proper use and maintenance of the receptacles provided by the local government in the plaza and the cemetery caretaker shall be responsible for the proper use and maintenance of the receptacles in the area.

Section 22. Bulk Wastes – Households in far-flung areas when bulk collection is not yet possible shall be required to establish additional put 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 23. Central Material Recovery Facility (CMRF) – A 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 for processing all recyclable waste from the urban barangays. All types of waste materials from households, commercial and institutional establishment and public market areas will be collected and processed.

The CMRF shall have facilities that include segregation of recyclable waste, a small-scale processing, indigenous product facility, composting facility, storage for residuals and an administrative office.

Section 24. Barangay Material Recovery Facility – the size of the BMRF shall be about 1.5cm x 4m or approximately 6 sq. m. 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 25. Responsibility for establishment – The Municipal Government and the BSWMC shall be responsible for the establishment, operation and maintenance of the Central materials Recovery Facility and Barangay materials Recovery Facility, respectfully, 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 26. 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 27. 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 28. Mandatory Composting- composting of biodegradable on site shall be mandatory in every household and small scale establishments in urban and rural areas; Provided, however, that in urban areas where there is inadequate backyard space for composting, segregated biodegradable shall be collected separately for a corresponding fee and brought to the composting area.

Section 29. Composting facility – each household and small -scale establishment shall provide its own compost pit/pile as its own composting facility The facility shall be established separate from the CMRF building 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 30. Formulation of Collection Schedule - The Municipal Government of Jagna shall formulate a collection schedule consistent with the requirements for the implementation of the solid waste management plan. The collection schedule, as formulated, shall be enforced to encourage local residents and establishment owners to comply with the mandated segregation and reduction of waste at source.

Section 31. Coverage of collection – Collection services shall cover initially the seven barangays of Poblacion, Tejero, Pangdan, Looc, Canjulao, Pagina, and Can-upao. In the year 2005, collection coverage shall already include Barangay Bunga Mar. In the year 2006, the entire municipality shall be covered by the municipality's collection services to include the other rural barangays for the collection of residual and special wastes only.

Section 32. Schedule of Collection – Collection of segregated waste shall be done separately and on scheduled basis in accordance with the schedule provided below.

Compactor:

Day	Biodegradable Waste	Residual/Special Waste	Recyclable Wastes
Monday	Market, Tejero, Looc, Can-upao, Pagina, Pangdan, Poblacion		
Tuesday	Market	Market, Tejero, Looc, Can-upao, Canjulao, Pagina, Pangdan, Poblacion	
Wednesday	Market	Clustered Rural Barangays composed with 3-9/ cluster	
Thursday	Market, Tejero, Looc, Can-upao, Canjulao, Pagina, Pangdan, Poblacion		
Friday	Market	Market, Tejero, Looc, Can-upao, Canjulao, Pagina, Pangdan, Poblacion	
Saturday	Market	Truck Maintenance	
Sunday	Market	Truck Maintenance	

Dump Truck:

Day	Biodegradable	Residual/Special Waste	Recyclable
Wednesday			Market
Saturday			Tejero, Looc, Can-upao, Canjulao, Pagina, Pangdan, Poblacion
Sunday	Truck Maintenance		

Section 33. Time for the Collection of Solid Waste – Placement of waste along the collection route shall be allowed only during and within a maximum of one (1) hour before the arrival of the garbage truck. Collection shall be conducted first in the public market then to the barangays.

Section 34. Collection of Recyclable Materials – Only personnel duly authorized by the Solid Waste Management Committee (BSWMC), a system of collection of the recyclable, including the residual/special wastes. The ESWM Board through the TWG, shall provide assistance to the barangays in establishing their collection system.

Section 35. Transfer Station - In the barangays, the barangay collects the residual and special wastes from the sources to be deposited to the barangay pick-up station, which shall be collection, by the municipal collection team according to schedule.

Section 36. Collection of Biodegradable Waste – There will be no collection waste from rural barangays, except in the urban households and establishment where backyard composting is not feasible due to inadequacy of space requirements: Provided that the collection of biodegradable wastes shall have a corresponding fee.

Section 37. Collection of Unsegregated Garbage – Garbage not segregated shall not be collected and shall be treated as disposed in violation for the anti-littering law and shall be penalized accordingly.

Section 38. Purchase for Additional Collector Truck – To sustain the collection operations of the municipality, a procurement program shall be formulated by the ESWM Board to be approved by the Sangguniang Bayan for the purchase of a new set of collector trucks in the succeeding years.

ARTICLE 11 Disposal

Section 39. Conversion of Open Dump to Controlled Dump – The existing open dumpsite of the municipality shall be 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 40. Establishment of Sanitary Landfill – The municipality shall establish a Sanitary Landfill in Barangay Larapan, to be operated and managed by the LGU in the year 2007. 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 term of the technical geological study 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 41. Host to cluster SLF – The municipality shall host the cluster for disposal management of solid waste comprising the municipalities of Jagna, Duero, Candijay, Garcia-Hernandez, and Anda. Towards this end, a memorandum of agreement may be executed by and between the aforementioned local government units.

Section 42. Tipping Fee – An amount will be charges as tipping fee fro the municipality that disposes their garbage in the Sanitary Landfill.

Section 43. Establishment of SLF by Another Entity- The LGU may endeavor to a joint venture agreement 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 – The SLF established by the LGU shall be managed and operated by the municipality through the ESWM Board. In the eventuality, however, that the SLF shall be established through a private entity, the LGU shall remain the oversight and monitoring functions 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- The ISWM Board and the TWG shall carry out in intensive IEC program during the initial two years of plan implementation in order to variously promote waste segregation and reduction as well as for the orderly collection of wastes and the prior utilization of MRFs. The IEC program shall be in accordance with the guidelines and strategies as contained in the ISWM Plan.

Section 48. Target Audience and Key Messages - The Information and Education campaign shall 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 IEC Committee of the ISWM board 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 of the Board's IEC Committee that shall spearhead the ISWM IEC and advocacy campaign. The Speaker's Bureau shall be composed of representatives from each barangay SWM Committee and shall work closely with the Municipal Environmental and Natural Resources Office.

Section 51. Conduct of School Based Activities – The LGU, through the ISWM 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 whats, the whys and the hows of re-sue, recycling, composting and other related matters.

Section 52. SWM IEC Certificate- Commercial and industrial institutions practicing solid waste management shall be awarded an IEC Certificate of Participation. The certificate shall be a requisite and shall, thus, be presented when 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 establishment. Toxic and hazardous waste shall be stored in a durable and covered receptacle and shall be collected, transported and disposed of in accordance with the applicable guidelines, rules and regulations of the Solid Waste Management Office.

Section 54. Performance Monitoring and Evaluation - There shall be Monitoring and Evaluation System (M & e System) to be established within the Solid Waste Management Office for the operation of its environment programs. The M & E system shall require every unit of the ISWM Office to submit monthly, quarterly and annual reports in their respective operations to the MENRO Officer, who will then prepare an integrated report of all unit reports submitted and shall provide an analysis of the data and information contained therein. Of particular consideration in the 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 MENRO Officer shall submit the integrated report together with the analysis thereof to the ESWM Board for review and proper endorsement to the Municipal Development Council and the Sangguniang Bayan.

Section 55. In-house Waste Characterization – The MENRO, in accordance with the municipal ESW 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 ISWM Office shall facilitate the conduct of a semi-annual assessment activity to assess, among others, the physical condition of tools and equipment by the local government in the 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 and up to disposal including SLF establishment and management and the validation of data and information contained in the reports submitted to the MENRO and to the ESWM Board.

ARTICLE 14 **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 ISWM 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 the practice of waste segregation and reduction at source. The ISWM 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/pr effective prosecutions that they make.

ARTICLE 15
Financing of Solid Waste Management Projects

Section 58. Sources of Funds- The ISWM program shall undertake activities that are expected to generate revenues. The Revenue generated from the different stages of the project shall be used to partially finance the cash operating requirements of the SWM program. In as much as these revenues will not be sufficient to support the planned 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 16
Procurement of Services, Materials and Equipment

Section 59. System of procurement – The procurement to be used in the procurement of services, materials and equipment for the ISWM program implementation 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 17
The Municipal Solid Waste Management Fund

Section 60. Establishment of Fund- There is hereby created, as a special account of the municipality of Jagna a Municipal Solid Waste Management Fund to be administered by the Municipal Solid Waste Management Board.

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 ISWM 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 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 may be availed of 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 availing 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 18 **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 ordinance.

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:

- | | | |
|---------------------------------|------------|-------|
| a) High residential category | - PhP20.00 | |
| 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:

- | Type of Institution | Amount |
|-----------------------|------------|
| a) Large Institutions | PhP 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:

Type of Establishment	Amount
a) Large industries	PhP500.00
b) Small industries	100.00

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

Type of Commercial Establishment	Amount
a) Large Business establishment	PhP500.00
b) Small food stall	20.00
c) Sari-sari store	20.00
d) General Store	20.00

Section 73. Fees for Biodegradable Wastes- In urban households and establishments collection of biodegradable waste shall have a corresponding fee of PhP5.00 per container/receptacle.

Section 74. Manner of Payment/Collection – The Fees imposed herein shall be paid/collected as follows:

- For households – fees shall be billed individually and a collector from the treasurer's office will be detailed for this function;
- For institutions- fees shall be integrated into the payment of the business permit;
- For industrial establishment- fees shall be integrated into the payment of the business permit;
- For Commercial Establishment- fees shall be integrated into the payment of the business permit.

Section 75. Increase and/or Decrease of Fees- The fees imposed herein shall be subject to increase after 5 years at a rate to determined and recommended by the ISWM Board subject to the approval of the Sangguniang Bayan. Any subsequent increase or decrease shall be made through an appropriate ordinance enacted by the Sangguniang Bayan based on results of assessment or studies conducted for the purpose.

Section 76. Penalties- The following penalties shall be imposed for non-payment of solid waste management fees:

- 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.
- Fro 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.
- 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 19
Prohibition and Penalties

Section 77. Prohibited Acts- The following acts are prohibited.

a) Prohibited acts under the Ordinance:

- 1) Lettering, throwing, dumping of waste matters in public places such as roads, sidewalks, canals, esteros or 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 cans or receptacles;
- 4) Receptacles not properly secured;
- 5) Non-observance of the scheduled collection;
- 6) Waste placed outside the premises/along the collection route more than an hour before 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 piggpens 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 din solid waste collection or disposal;
- 18) Establishment or operation of open dumps as enjoined in RA 9003, or closure said sumps 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 78. Fines and penalties- The following fines and penalties shall be imposed upon the following:

- a) Any person who violates Section 77 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 - PhP 200.00
2. Second Offense - PhP 500.00
3. Third Offense - Php1,000.00

- b) Any person who violates Section 77 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 20 Procedure

Section 79. Violations under the Ordinance – The following procedure shall be observed in case of violation of Section 77, paragraphs 1 to 10 (Prohibited Acts under the Ordinance):

1. Issuance of Citation Tickets/Receipts

Any person caught in ***flagrante delicto*** committing any of the prohibited acts mentioned in paragraphs 1 to 10 of section 77 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 77 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.

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 77 hereof, shall be prosecuted accordingly in the proper court.

In the event of prosecution, it shall be the duty of the Local peace Officer, the Deputized ISWM Officer or any public officer charged with the enforcement of the ordinance 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 80. Violation under RA 9003 – For violation of paragraphs 12 to 25 of Section 77 of this Ordinance, 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 ISWM Office. Within five days upon receipt thereof of the written complaint, the ISWEM 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 ISWM 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 ISWM 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 ISWM 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 ISWM 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 21
Appropriation

Section 81. Appropriation – To effectively carry out the implementation of this Ordinance, the sum of Two Hundred Sixty-Five Thousand Pesos (PhP265,000.00) is hereby appropriated from 20% Development Fund for the first year of its implementation. The budget for the subsequent years of implementation, which shall be based on the Municipal Solid Waste Management Plan, shall be submitted by the Municipal solid Waste Management Officer and shall be included in the Annual Municipal Budget Ordinance.

ARTICLE 22.
Miscellaneous Provisions

Section 82. 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 83. 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 84. 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: November 30, 2004

AFFIRMATIVE:

BONIFACIO GO VIRTUDES, SR.
Municipal Councilor

JESUS B. ACEDILLO
Municipal Councilor

VICTORINO M. NAYGA, SR.
Municipal Councilor

PACHECO LL. RANCES
Municipal Councilor

GODOFREDO P. OKIT, SR.
Municipal Councilor

ALBERTO Y. CAFÉ
Municipal Councilor

SENEN C. LLOREN
Municipal Councilor

ALFONSO R. GALES, SR.
Municipal Councilor

ANDREW G. TADENA
Municipal Councilor (ABC Pres.)

HAYDEE C. BALDON
Municipal Councilor (OIC SKMF Pres.)

NEGATIVE: N O N E

ABSENT: N O N E

CERTIFIED CORRECT:

ATTESTED AND CERTIFIED
TO BE DULY ADOPTED:

RENATO R. ACERA
MGDH I/SB Secretary

ENGR. TEOFISTO C. PAGAR
Presiding

APPROVED: 12-29-2004
Date Signed

EXUPERIO C. LLOREN
Municipal Mayor