



## **GENERAL ORDINANCE NO. 20-079-2023**

**AN ORDINANCE AMENDING ARTICLE XI SECTION 59 OF GENERAL ORDINANCE NO. 33, SERIES OF 2009 OTHERWISE KNOWN AS "AN ORDINANCE IMPLEMENTING THE COMPREHENSIVE ECOLOGICAL SOLID WASTE MANAGEMENT PROGRAM OF TUNGAWAN, ZAMBOANGA SIBUGAY AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF" AND SHALL BE KNOWN AS THE "ANTI-LITTERING ORDINANCE IN THE MUNICIPALITY OF TUNGAWAN"**

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Authored by: Hon. Rosalie E. Climaco, RPh

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**WHEREAS**, Article 2, Section 16 of the Constitution provides that the state shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature;

**WHEREAS**, the Local Government Code mandates the protection of the environment and impose appropriate penalties for acts which endanger the environment;

**WHEREAS**, among the environmental stewardship of the local government of Tungawan, is to eradicate unsightly, unsegregated wastes in streets, public, and open spaces;

**WHEREAS**, the local government of Tungawan is empowered to adopt measure or Ordinance to ensure cleanliness and sanitation within the municipal premises and to protect the health, social and moral welfare of the community;

**WHEREAS**, there is a need to intensify the campaign and expanded efforts by citizens, business, government and the entire society to properly dispose wastes/litter to prevent ecological and environmental degradation and in still a sense of discipline, social responsibility and awareness for the environment to promote ecological justice and sustainable development.

**NOW, THEREFORE**, be it ordained by the Legislative Council of Tungawan, Zamboanga Sibugay in its 60<sup>th</sup> Regular Session assembled, that

**Section 1. Title.** This ordinance shall be referred as "An Ordinance amending Article XI, Section 59 of General Ordinance No. 33, Series of 2009 otherwise known as "An Ordinance Implementing the Comprehensive Ecological Solid Waste Management Program of Tungawan, Zamboanga Sibugay and Providing Penalties for Violations Thereof", and shall also be known as the "Anti- Littering Ordinance of the Municipality of Tungawan"

**Section 2. Amendment.** Section 59, Article XI of General Ordinance No. 33, series of 2000 is hereby amended, to read as follows:

**Section 59. Littering.** Prohibiting littering or dumping/throwing of garbage, rubbish or any kind in open or covered public places, requiring owners, lessees, occupants of residential, institutional and commercial establishments, whether private or public, to clean and maintain the cleanliness of their frontage and immediate surroundings and providing penalties for violations thereof

**SECTION 59.1. DEFINITION OF TERMS.** For the purpose of this ordinance the following terms and/ or phrases shall mean;

- a. **LITTER**-is garbage, refuse, and rubbish and all other waste materials danger to public health, safety and welfare.
- b. **LITTERING**- the throwing, dumping and/or scattering of plastics, papers residues, waste materials, garbage, trash, rubbish, and/or refuse.



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- c. **SPECIAL WASTES**-are bulky wastes, sewage residues, street sweeping, pollution control residues, pathological/hospital wastes, construction and demolition debris.
- d. **REFUSE**- includes any other waste materials apart from plastic and papers.
- e. **IMMEDIATE SORROUNDINGS**- refers to the frontage or vicinity including up to the mid-span of the road, street, alley or avenue, from the edge of the street gutter, sidewalk of residential houses, hotels, resorts, business/commercial establishments or offices whether private or public.
- f. **WATERWAYS**-includes canals, drainage, sewers, creeks, stream, rivers, swamps and the lake.
- g. **OPEN PUBLIC PLACES**- are roads, streets, sidewalks, casement, parks, playgrounds, beaches, school, government offices and any other edifices publicly used, bridges, alley, rivers, creeks, canal, drainage, esteros, waterways and other bodies of water and outlets.
- h. **COVERED PUBLIC AND PRIVATE PLACES**- includes schools, colleges, museums, clinics, health centers, hospitals, laboratories, government or private offices, gymnasium, session halls, churches, bars, restaurants, canteens, kiosks and other enclosed public eating places, dance halls, markets, groceries, places, and other covered places where people stay or gather for political, social, education, religious, sports or entertain purposes.
- i. **STREET AND SIDEWALK OBSTRUCTION**- mean any form of waste which is immovable and bulky in nature because of its size and weight which may obstruct or impede the free flow of traffic and pedestrian.
- j. **ENTITIES**- includes Non-Governmental Organization (NGO's) Non-Government Agencies (NGA), religious/sectarian organization, non- profit organization and all other institutions excluding hotels, restaurants, resorts, business establishments and residences.

#### **SECTION 59.2. PROHIBITED ACTS**

- a. No person shall litter paper, trash, plastic bags of any kind, cigarette butts, empty cigarette packs, matchsticks, banana and barbeque sticks, plastic cups, food package, disposable diaper, masticated chewing gums, residues, waste materials, garbage and refuse in any public places (open and covered public places) and immediate surroundings including vacant lots, rivers, canal, drainage and other water ways.
- b. Dirty frontage and immediate surrounding for establishment owners.
- c. Spitting in public places is unlawful.
- d. Urinating and defecating in public places and waterways is unlawful.
- e. Placing, storing, or dumping of waste materials, garbage, debris, junks, dilapidated appliances and any other immovable objects in any parts of the road, pathway, street or avenue or in any sidewalk which may obstruct or impede the flow of vehicular and pedestrian traffic.
- f. No person shall bring out garbage in the property line of residential and commercial establishments or any part of the road. It shall be brought outside upon arrival of the authorized garbage hauling trucks in their respective localities.
- g. No person while a driver or a passenger in any commercial and transportation facilities or public utility vehicle, shall throw, spill, scatter, or deposit litter on any part of the road, street of other public places within the Municipality or upon private property on their way to their destination.
- h. Hanging or posting of billboards, streamers, and poster for business or commercial advertisement on government buildings, sidewalks, fences, and similar places except in designated areas and with prior permit from the local government unit or concerned barangay.
- i. Posting, installing or displaying in trees is strictly prohibited.



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- j. Drawing, writing, marking, etching, scratching, inscribing, painting or spraying of words, figures or designs on walls, fences and other surfaces in public places or private properties upon complaint of the owner (graffiti).

**SECTION 59.3. RESPONSIBILITY OF THE ENTITIES, RESIDENTS, BUSINESS ESTABLISHMENTS, PERSON AND VEHICLE OPERATIONS.**

- a. The owners/residents, restaurants, resorts/beach fronts, business establishments and offices are obliged every day to sweep, clean and maintain the cleanliness of their respective immediate surrounding or beach fronts. They shall be held responsible for plastics, papers and any other refuse littered within their immediate surroundings.
- b. The owners, operators, and drivers and conductors of public utility vehicles within the municipality are obliged to clean and maintain the cleanliness of their respective vehicles at all times and to provide the modest trash cans inside their vehicles.
- c. Entities, business establishments, restaurant, beach fronts, resorts and residences shall observe proper segregation, storage and disposal of solid waste materials. They shall also take responsibility over the use and care of trash receptacles that the Local Government Unit (LGU) may provide them.
- d. Every person shall likewise observe proper waste segregation and disposal.

**SECTION 59.4. SIGNAGES.** Entities, restaurants, resorts, and business establishments except for residences shall provide or post a "NO LITTERING" signage within and outside the premises of their edifices/building or in any conspicuous area of their respective properties.

**SECTION 59.5. MONITORING/INSPECTION/IMPLEMENTATION.** The implementation and enforcement of this Ordinance shall be spearheaded by the LOCAL GOVERNMENT UNIT's MUNICIPAL HEALTH OFFICE - SANITATION SECTION, the MUNICIPAL ENVIRONMENT and the NATURAL RESOURCES OFFICE-SOLID WASTE MANAGEMENT SECTION, MUNICIPAL AGRICULTURE OFFICE-COASTAL RESOURCES MANAGEMENT SECTION, BUSINESS PERMIT and LICENSING OFFICE and the BARANGAY COUNCIL

The Local Government shall create an inspection unit under the Environmental Sanitation Office with the primary task of apprehending violators of the anti-littering provision, and of persons who do not maintain garbage receptacles within their premises or who allow littering therein. Violators shall be issued apprehension tickets by the inspection unit of the Environmental Sanitation Office (ESO).

**SECTION 59.6. FINES AND PENALTIES.** Any person who violates Section 59.2 of this Ordinance will be punished:

- First Offense: P300 and/or render community service at least two (2) hours in public places such as but not limited to public market or bus terminal. Municipal gym and the like;
- Second Offense: P500 and/or render community service at least five (5) hours in public places such as but not limited to public market or bus terminal. Municipal gym and the like;
- Third Offense: P1,000 and/or imprisonment of not more than three (3) days or filing of appropriate case in court.



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1. Failure to pay the administrative fine, the violator shall be penalized after conviction by a fine of P1,000.00 or imprisonment of three (3) to seven (7) days or both at the discretion of the court.
2. For illegally dumping of bulky waste, industrial wastes and others of similar nature that requires hauling the violator shall be liable to pay an additional hauling fee of P300.00 per cubic meter in addition to the penalty provided in section 59.6 hereof.
3. If violator is a corporation, firm or other corporate entities, the maximum penalty shall be imposed upon the president, manager, director or persons responsible for its operation pursuant to the second paragraph of section 2 of PD 825 (Anti-Littering).
4. In addition to the fines and penalties, the Municipal Mayor may order the sweeping or cleaning of the premises or beachfront at the expense of the entities, restaurants, resorts, business establishment and residence.

**SECTION 59.7. PUBLIC INFORMATION AND AWARENESS CAMPAIGN.** The Local Government through the Municipal Environment and Natural Resources Office-Solid Waste Management Unit, Municipal Tourism Office, Municipal Health Office and in cooperation with Ecological/Environment Advocacy Groups, NGO's, Media Organization and the like shall carry out a massive information dissemination of this ordinance and shall regularly conduct awareness campaign on proper waste management, segregation and disposal.

**SECTION 59.8. SEGREGATION/COLLECTION.** The Municipal Solid Waste Management Unit shall implement the provision of R.A. 9003 (Ecological Solid Waste Management Act of 2000) and be responsible for the timely and proper collection of solid waste within the Municipality. It shall publicize its collection dates on all areas concerned and coordinate with the Barangay as to their waste problems.

**SECTION 3. SEPARABILITY CLAUSE.** If any section or provision of this ordinance is held or declared unconstitutional or invalid by a competent court, the other section or provisions hereof shall continue to be in full force if the section or provisions so annulled or voided had never been incorporated herein.


**SECTION 4. REPEALING CLAUSE.** All ordinances, executive orders, rules and regulations or parts thereof inconsistent with this ordinance are hereby revised, amended, modified and/or superseded as the case maybe.

**SECTION 5. AMENDMENTS.** This Ordinance may be amended and/or modified from time to time by the Sangguniang Bayan if ever deemed necessary.

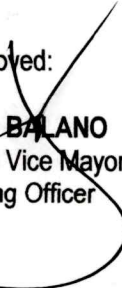
**SECTION 6. EFFECTIVITY** - This Ordinance shall take effect upon the approval of the Municipal Mayor and be posted on the bulletin board at the entrance of the Municipal Hall and at least two (2) other conspicuous places in the municipality.

**ADOPTED AND APPROVED**, this 29<sup>th</sup> day of November 2023.

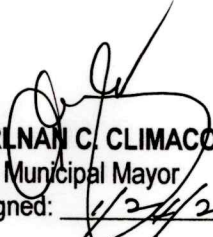
Certified Correct:

  
**CYNTHIA M. RONDINA, MPA**  
Secretary to the SB

Attested and Approved:

  
**IVAN N. BALANO**  
Municipal Vice Mayor  
Presiding Officer

Approved:

  
**CARL NAN C. CLIMACO**  
Municipal Mayor

Date Signed: 