



Republic of the Philippines
Region IX, Zamboanga Peninsula
Province of Zamboanga Sibugay
MUNICIPALITY OF TUNGAWAN

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OFFICE OF THE SANGGUNIANG BAYAN

Tel No. (Loc) 926-0569; (062) 926-0569; MP No. 09265986831

GENERAL ORDINANCE NO. 33
Series of 2009

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Edward
Acosta-Dano

"AN ORDINANCE IMPLEMENTING THE COMPREHENSIVE ECOLOGICAL SOLID WASTE MANAGEMENT PROGRAM OF TUNGAWAN, ZAMBOANGA SIBUGAY AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF."

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Be it enacted by the 15th Legislative Council of Tungawan, Zamboanga Sibugay, in its 71st Regular Session that:

ARTICLE I
General Provisions

Section 1. **Title.** This ordinance shall be known as the Comprehensive Ecological Solid Waste Management Ordinance of Tungawan, Zamboanga Sibugay.

Section 2. **Definition of terms.** - For the purpose of this Ordinance:

1. "Local Government" shall refer to the Municipal Government of Tungawan.
2. "Buy-back center" shall refer to a recycling center that purchases or otherwise accepts recyclable materials from the public for the purpose of recycling such materials.
3. "Collection" shall refer to the act of removing solid waste from the source or from a communal storage point.
4. "Composting" shall refer to the controlled decomposition of organic matter by microorganisms, mainly bacteria and fungi, into a humus-like product.
5. "Controlled dump" shall refer to a disposal site at which solid waste is deposited in accordance with the minimum prescribed standards of site operation.
6. "Disposal" shall refer to the discharge, deposit, dumping, spilling, leaking or placing of any solid waste into or in any land.
7. "Disposal site" shall refer to a site where solid waste is finally discharged and deposited.
8. "Ecological Solid Waste Management" shall refer to the systematic administration of activities, which provide for segregation at source, segregated transportation, storage, transfer, processing, treatment, and disposal of solid waste and all other waste management activities, which do not harm the environment.
9. "Materials Recovery Facility" or "MRF" shall include solid waste transfer station or sorting station, drop-off center, a composting facility, and a recycling facility.

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(P. 2 of Ord. Implementing CESWMP of 2009)

10. "Open burning" shall refer to the thermal destruction of wastes by means of direct exposure to fire. Furthermore, this definition shall apply to traditional small-scale methods of community sanitation "siga"
11. "Person(s)" shall refer to any being, natural or juridical, susceptible of rights and obligations, or of being the subject of legal relations.
12. "Receptacles" shall refer to individual containers used for the source separation and the collection of recyclable materials.
13. "Recyclable material" shall refer to any waste material retrieved from the waste stream and free from contamination that can still be converted into suitable beneficial use or for other purposes, including, newspaper, ferrous scrap metal, non-ferrous scrap metal, used oil, corrugated cardboard, aluminum, glass, office paper, tin cans, plastics and other materials.
14. "Recycled material" shall refer to post-consumer material that has been recycled and returned to the economy.
15. "Recycling" shall refer to the treating of used or waste materials through a process of making them suitable for beneficial use and for other purposes, and includes any process by which solid waste materials are transformed into new products in such a manner that the original products may lose their identity, and which may be used as raw materials for the production of other goods or services.
16. "Re-use" shall refer to the process of recovering materials intended for the same or different purpose without the alteration of physical and chemical characteristics.
17. "Sanitary landfill" shall refer to a waste disposal site designed, constructed, operated and maintained in a manner that exerts engineering control over significant potential environmental impacts arising from the development and operation of the facility.
18. "Segregation" shall refer to sorting and segregation of different materials found in solid waste in order to promote recycling and re-use of resources and to reduce the volume of waste for collection and disposal.
19. "Segregation at source" shall refer to a solid waste management practice of separating, at the point of origin, different materials found in solid waste in order to promote recycling and re-use of resources and to reduce the volume of waste for collection and disposal.
20. "Solid waste" shall refer to all discarded household, commercial waste, non-hazardous institutional, ports/harbor and industrial waste, street sweepings, construction debris, agricultural waste, and other non-hazardous/non-toxic solid waste.



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21. "Solid waste management" shall refer to any resource recovery system or component thereof; any system, program or facility for resource conservation' any facility for the collection, source separation, storage, transportation, transfer, processing, treatment, or disposal of solid waste.
22. "Special wastes" shall refer to household hazardous wastes such as paints, thinners, household batteries, lead-acid batteries, spray canisters and the like. These include wastes from residential and commercial sources that comprise of bulky wastes, consumer electronics, and white goods, yard wastes that are collected separately, batteries, oil and tires. These wastes are usually handled separately from other residential and commercial wastes.
23. "Storage" shall refer to the interim containment of solid waste after generation and prior to collection for ultimate recovery or disposal.
24. "Waste diversion" shall refer to activities, which reduce or eliminate the amount of solid wastes from waste disposal facilities.
25. "Citation Ticket" as constructed in this ordinance a citation ticket is a document printed as tickets in triplicate copies citing the violation committed and the corresponding amount of penalty.

Section 3. **Scope and limitations.** This Ordinance shall apply to all households, commercial establishment, such as but not limited to restaurants, carenderias/eateries/canteens/refreshment parlors, general merchandize, supermarket and department stores, malls, grocery stores, dry goods stores, sari-sari stores, rice retailers, fish/meat/chicken vendors, vegetables and fruit vendors, dried fish vendors, ambulant vendors, bookstores and school supplies, furniture shops/stores, boutiques/ukay-ukay, dress and tailoring shops, barber and beauty shops, glass ware shops, bakery and bakeshops, appliance/computers and motor vehicle dealers, cellphone/IT products dealer, hotels, apartelles/motels/inns/condo/lodging houses, boarding houses/apartments, funeral parlor, lumberyards, hardwares and construction supplies, gasoline stations, machine shops, vulcanizing and junkshops, motor vehicles service centers, institutions such as but not limited to medical institutions, financial institutions, religious and educational institutions, private and government offices, entertainment/amusement and recreation centers, energy/transport (transportation facilities such as buses, Jeepneys, taxis, motorcycles-for-hire, single-motors-for-hire, hauler, trucks,)/ communication firm/utilities, industrial establishments such as but not limited to rice/corn and feed mills, manufacturers of bricks/ tiles and other concrete products, ampaio factory, warehouses or bodegas, slaughterhouses, motor vehicle/appliance/electric and repair shops, agricultural sources such as piggeries and cattle farms, and all agri-industrial businesses within the territorial jurisdiction of the Municipality of Tungawan, Zamboanga Sibugay.

ARTICLE II
ADMINISTRATIVE PROVISIONS

Section 4. **Organizational Structure.** There is hereby created an Ecological Solid Waste Management Section under the Waste Management Division which will supervise the overall operation of the Ecological Solid Waste Management Program hereinafter referred to as program under the Municipal Environment and



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Natural Resource Office who will serve as the lead office in the implementation of the program. It shall be composed of the following:

- a.) Head of Office : Municipal Environment and Natural Resources Officer (MENRO)
- b.) Division Heads : 1. Ecological Solid Waste Management (ESWM)
2. Coastal Resource Management (CRM)
3. Watershed Management (WM)
4. Ecotourism Management (EM)
5. Monitoring and Evaluation (M&E)

4. 1 Positions for creation under the Ecological Solid Waste Management Division. Under the Ecological Solid Waste Management Program, there shall be created the following positions necessary for the implementation of the ten years plan to be assigned in the ESWM division, to wit

4.1.1 Administrative Section:

- 1) One (1) Environmental Management Specialist II (SG) to serve as the ESWM Division Head
- 2) One (1) Clerk 1
- 3) One (1) Data Controller
- 4) 1 (one) Utility Worker

4.1.2 Enforcement Division:

- 5) Five ESWM regular enforcers

4.1.3 Engineering Section:

- 6) Two (2) Garbage Compactor Truck Driver 1
- 7) Six (6) ESWM Technicians
- 8) Three (3) Laborers/Sorters for MRF operation
- 9) Two (2) Machine Operators
- 10) One (1) Foreman for SLF operation
- 11) Two (2) Security Guards

Section 5. Powers and functions of the division:

5.1 Administrative Section:

- Prepare annual implementation plan based on the ten year plan.
- Directly supervises the daily operation of the ESWM division.
- Prepares and submits annual budgetary requirement to the MENR officer for allocation.
- Lead in the IEC, enforcement and M& E operation.
- Submits weekly/monthly report and recommendation to the MENRO for appropriate action.
- Conduct inspection and monitoring at the MRF and processing facilities, Residual Containment Area and Sanitary Land Fill.

5.2 Enforcement Section:

- Apprehend violators.
- Issue citation tickets to violators



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- *Initiate filing of cases*
- *Conduct IEC to violators*
- *Prepare, compile and submit apprehension reports to the MENRO and to other concerned agencies;*
- *Prepare and submit recommendation to the MENRO for submission to the ESWM Board under the MENRC;*

5.3 Engineering Section:

- *Collect all segregated wastes at source within the collection areas of the municipality;*
- *Conduct final sorting activity at the MRF;*
- *Transfer the sorted residual and special wastes to their respective storage area prior to proper and appropriate disposal;*
- *Operates and maintains all machineries and facilities in the MRF, processing and SLF;*
- *Does other related works as per instruction by the ESWM division head;*

**ARTICLE III
SEGREGATION**

Section 6. **Mandatory segregation of solid wastes.** The segregation of wastes shall be mandatory at source to include households, institutions, industries, commercial and agricultural sources in the 25 barangays of the municipality. Waste shall not be collected unless properly segregated.

Section 7. **Classification of wastes.** Wastes shall be properly segregated into four types:

- Biodegradable/Compostable*
- Recyclables*
- Residuals*
- Special*

Section 8. **Receptacle prescription.** Receptacles or garbage bins shall be labeled properly using words that will be easily understood by the household members and or personnel of business establishments and institutions and the like. Furthermore, all residual and special wastes for collections must be stored in proper receptacle that are labeled properly, sealed and hanged.

Section 9. **No provision of garbage bins in public places.** There shall be no garbage bins provided in public places except in business establishments, public market, offices and during gatherings, events and market days provided that they will be secured in areas away from scavengers.

Section 10. **Promotion of home based waste reduction practices.** There shall be massive promotion of home based waste reduction practices such as segregation, backyard composting, recycling, re-use, use of baskets in marketing and establishment of mini MRF;



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Section 11. *Promotion/adoption of livelihood projects using recyclable materials.* The ESWM Division shall promote livelihood projects using recyclable materials among private individuals, entities, civil society and peoples organizations and shall provide technical assistance thereto;

**ARTICLE IV
COLLECTION AND TRANSPORT**

Section 12. *Manpower.* The Engineering section of the Ecological Solid Waste Management division shall take charge of the collection and transport of all types of segregated wastes. The usual team shall be composed of a driver, garbage inspector, who is usually a regular enforcer and ESWM Technicians.

Section 13. *Collection Points.* At present, the collection points shall be at households, public market, general stores, and institutions within the Poblacion covering 13 puroks and 1 purok in the neighboring barangay of Masao. By 2017, collection must cover the entire municipality establishing several collection points along the national highways and those located in the upland barangays. Wastes positioned not in the assigned points shall not be collected.

Section 14. *Requiring all millers to construct waste containment area.* All milling operators such as rice mills shall construct their own waste containment area prior to collection by the ESWM engineering section. Business licenses shall not be issued or renewed unless this section shall be complied.

**ARTICLE V
MATERIALS RECOVERY FACILITY (MRF) AND PROCESSING**

Section 15. *Establishment of Satellite Materials Recovery Facility.* A Satellite Materials Recovery Facility (MRF) shall be established by every purok or cluster of puroks, barangay or cluster of barangays and schools depending upon their preference. They shall have a choice as to the type of MRF to be established.

15.1 The types of Satellite Materials Recovery Facility (MRF) are:

- a) MRF with segregation, composting, recycling, and storage facility
- b) MRF with segregation, recycling and storage facility
- c) MRF with segregation and storage facility only

Section 16. *Establishment of Municipal Materials Recovery Facility (MRF).* A Municipal Materials Recovery Facility shall be established with the following components:

- a) Processing Facility
- b) Composting Facility
- c) Storage Facility

Section 17. *Final Sorting.* Recyclables shall be finally sorted for proper storage in the compartmentalized MRF.

Section 18. *Junkshops and or buy-back centers as recycling centers.* The establishment and operation of junkshops and buy-back centers shall be encouraged to serve as recycling centers.



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Section 19. **Composting.** There shall be established a composting facility within the central MRF using the heap-type and vermi composting.

**ARTICLE VI
DISPOSAL**

Section 20. **Establishment and maintenance of Residual Containment Area.** There shall be established and maintained a municipal residual containment area prior to the construction of sanitary land fill to serve as depository of all collected residual wastes in the municipality.

Section 21. **Establishment of Septic vault.** There shall be established and maintained a septic vault to serve as depository of all collected special wastes.

Section 22. **Establishment of Sanitary Land Fill.** There shall be established a municipal sanitary land fill in compliance with RA 9003.

Section 23. **Development of present disposal site into a Municipal Eco Park and Ecological Center.** The ESWM Engineering unit shall gradually develop the present disposal site into a municipal eco park and ecological center to serve as educational tour site and for research purposes.

Section 24. **Enclosure of present disposal site.** The present disposal site and all its perimeter shall be enclosed and maintain to secure the said facility and all the machineries within the area.

**ARTICLE VII
MAINTENANCE OF CLEANLINESS**

Section 25. **Responsibility of the Residents and Households.** Owners and occupants of households, lessors, lessees, operators or administrators of commercial and industrial establishments, government and non government institutions shall be responsible for the cleanliness of their surroundings approximately from 3-5 meter radius from their owned or occupied properties.

**ARTICLE VIII
ENVIRONMENTAL MANAGEMENT FEES**

Section 26. **Monthly and Annual Fees.** There is hereby imposed a monthly and annual environmental management fee for solid waste management services provided by the Municipality in accordance with the schedule provided hereunder. The fees collected shall form part of the Municipal Ecological Solid Waste Management Fund established under this ordinance.

Section 27. **Coverage.** The environmental management fees imposed herein shall be collected from all sources of solid waste covered by the environmental management fee services provided by the Municipality;



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Section 28. *Fees for Households.* Every household shall pay a monthly environmental management fee of twenty pesos (P20.00).

Section 29. *Fees for Institutions.* Institutions shall pay an annual environmental management fee as follows:

<u>Type of Institution</u>	<u>Amount</u>
a) Medical Institution:	
Secondary Hospitals	1,000.00
Primary Hospitals	600.00
Medical Clinics	200.00
Drug Stores	200.00
Dental Clinics	200.00
Optometry Shops	200.00
Drug Testing Centers & Laboratories	200.00
b) Financial Institution:	
Banks	500.00
Financing and Credit Loans	250.00
Pawnshops and Jewelry Shops	250.00
Insurance and Bonding Companies	250.00
c) Religious and Educational Institution:	
Universities and Colleges	400.00
High schools/Vocational Schools	150.00
Elementary, Kinder and Nursery Schools	150.00
Physical Fitness Schools	240.00
Churches, Temples and Mosques	100.00
d) Offices:	
Private and Government Offices	240.00
e) Entertainment/Amusement and Recreational Centers:	
Cockpit Arenas	1,000.00
Cinemas and Theaters	300.00
Night Clubs, Cabarets, KTV Bars And Disco Houses	500.00
Billiards and Pool rooms	240.00
Bowling Center	250.00
Swimming Resorts	250.00
Video Game Shops/Internet Cafes	240.00
Sauna Baths and Massage Clinics	240.00
Lotto Outlets	240.00
f) Energy, Transport and Communication firm/utilities:	
Smoke Emission Testing Centers	500.00
Electric Companies/Cooperatives	250.00



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Telephone and Communication Firms	250.00
Water Service Companies/ Refilling Stations	250.00
TV and Radio Stations	500.00
Bus Companies	1,000.00
Motorelas (tricycle)	150.00
PUV (jeepney, van, multi-cab)	240.00

Section 30. **Fees for Industrial Establishments.** Industrial establishments shall pay an annual environmental management fee as follows:

<u>Type of Industrial Establishment</u>	<u>Amount</u>
a) Big Industries such as metal smelting plant, bottling company, food processing plant	P 20,000.00
b) Medium scale, big scale furniture Manufacturers, garments factory, Concrete and asphalt plants, Tire recapping plants, LPG recharging Plants	7,000.00
c) Small scale industries, rice, corn, And feed mills, manufacturers of bricks Tiles and other concrete products, bihon, misua, noodles manufacturing	1,000.00
d) Rice Mills *	
Small Scale	300.00
Medium Scale	500.00
Large Scale	1,000.00
e) Warehouses or Bodegas	
2,000 sq.m. or more	1,000.00
1,000 sq.m. to 1,999 sq.m.	800.00
500 sq.m. to 999 sq.m.	500.00
Less than 500 sq.m.	300.00
f) Repair Shops	
Motor Vehicle Repair Shops	240.00
Battery and Electrical Shops	240.00
Appliance Repair Shops	240.00
g) Slaughterhouse	1,000.00

Section 31. **Fees for Commercial Establishments.** Commercial establishments shall pay an annual environmental management fee as follows:

<u>Type of Commercial Establishment</u>	<u>Amount</u>
a) Malls	P 12,000.00



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b) General Merchandise *	
Small Scale	500.00
Medium Scale	1,000.00
Large Scale	2,000.00
c) Super Markets and Department Stores	7,000.00
d) Fast Food and Food Chains	500.00
e) Gasoline Stations	700.00
f) Gasoline Retailer	300.00
g) Restaurants	350.00
h) Hotels	1,000.00
i) Apartelles/Motels/Inns/Condo/	500.00
j) Lumberyards, Hardwares and Construction Supplies	500.00
k) Appliance/Computers and Motor Vehicle Dealers	240-500.00
l) Grocery Stores	240.00
m) Machine Shops	240.00
n) Memorials Parks	700.00
o) Coffin/Casket Maker	240.00
p) Funeral Parlor	1,000.00
q) Dry Goods Stores	100-240.00
r) Fish, Meat and Chicken Vendors	100-240.00
s) Vegetables and Fruit Vendors	100-240.00
t) Dried Fish Vendors	100-240.00
u) Rice Retailers	240.00
v) Bakery and Bakeshop Stores	500.00
w) Glass Ware Stores	500.00
x) Barber and Beauty Shops	240.00
y) Dress and Tailoring Shops	240.00
z) Flower Shops	240.00
aa) Music, Computer Record Shops	240- 500.00
bb) Boarding Houses/Apartments	240-500.00
cc) Carenderias/Eateries/Canteens/ Refreshment Parlors	240.00
dd) Copying Machines, Wood Frames and Photography Shops	240.00
ee) Pet Shops	240.00
ff) LPG Dealers	500.00
gg) Auto/Motor Supplies	240.00
hh) Shoe Stores	240.00
ii) Native Products	240.00
jj) Book Stores and School Supplies	240.00
kk) Cell Phone/IT Products Dealers	240.00
ll) Brake and Metal Crafts	240.00
mm) Sash and wood Crafts	240.00
nn) Parking Lots with parking fees	240.00
oo) Sand and gravel, Hollow Blocks and Culvert factory	300.00
pp) Furniture Shops/Stores	240.00
qq) Sari-sari Stores/Tiangge	100.00 - 240.00
rr) Ice Plants/Dealers	500.00
ss) Motor Vehicles Service Centers	500.00
tt) Boutiques/ Ukay-Ukay	240.00
uu) Laundry Shops	500.00



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vv) Vulcanizing and Junk Shops	240.00
ww) Ambulant Vendors	100.00

Section 32. *Imposition of the highest fee for persons/entities engage in several businesses being conducted in one premise or area.* Any person, association, organization or entity engage in two or more business which is conducted at one area/premise(s) or building shall be made to pay the environmental fee that carries with the highest rate imposed.

Section 33. *Fees for Mineral Sources of Solid waste.* Any person, association, organization or entity engage in mining operation, activities, or business shall pay an annual environmental fee of P1,000 for Small scale mining and P3,000-P5,000 for Large Scale mining.

Section 34. *Fees for Agricultural and Fishery Sources of Solid Waste.* Agricultural sources of solid waste shall pay an annual environmental management fee as follows:

a) Piggery and Cattle farms	
Below 10	240.00
10 - 100 heads	1,500.00
101 - 500 heads	2,000.00
501 heads above	2,500.00
b) Commercial Nursery Orchids and Flower Growers	240.00
c) Agricultural Farm Supplies/Stores	240.00
d) Poultry	240-500.00
e) Wholesalers and Dealers	
Chicken Dealer with Chicken Dressing Houses	2,000.00
Coconut and Buko Dealers	240.00
Beer and Soft drink Dealers	500.00
Fruit and Vegetable Dealers	240.00
f) Rubber buyer	500.00 - 1,000.00
g) Fishpond operators	100-500.00
h) Sea-weeds Farmers	100-240.00

Section 35. *Environmental Management Fees for Extra Ordinary Garbage.* The cuttings, plants, foliage, lumber wastes and similar bulky wastes or any solid waste considered as extra ordinary garbage may be disposed by the individual waste source to the municipal disposal site upon payment of a Special Environmental Management Fee in the amount of P100.00 per cu. meter volume of segregated solid wastes.

Section 36. *Dumping/Tipping Fee.* There shall be levied a dumping/tipping fee of P20.00 per cu. m. to private haulers/contractors who will dump their segregated garbage at the disposal site.

Section 37. *Entrance Fees on the Municipal Eco Park and Ecological Center.* There shall be collected as entrance fees from visitors in the Municipal Eco Park and Ecological Center according to the following:

a) students	:	10.00
b) local tourists:		25.00
c) foreign tourists:		150.00



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Section 38. **Educational Tours.** There shall be collected a tour package fee from visitors both local and foreign on educational tours in the amount of P200. It shall cover a brief lecture on the program, a tour inside the eco-park and eco-center and one serve snacks for every tourist.

Section 39. **Environmental Kit.** There shall be an environmental kit for sale amounting to P500.00. It shall contain brochures, flyers, cd and other IEC materials relevant to environmental management undertakings of the municipality.

Section 40. **Amending some specific provisions of the Municipal Revenue Code of 2005.** Sections 28-32 of Article VIII of this ordinance hereby amends section 6D.01 of the article D, chapter 6 of the Municipal Revenue Code of 2005.

Section 41. **Classification.** The classification of the sources into households, institutions, industrial, commercial or agricultural shall be based on the Municipal Zoning Ordinance. For industrial and commercial sources, their permits or licenses to operate shall be made the basis of the classification in addition to the said Zoning Ordinance.

Section 42. **Manner of Payment / Collection.** The fees imposed herein shall be paid / collected as follows:

- a) For households - Monthly not later than every last day of the month.
- b) For Institutions - Annually not later than the 20th day of January of every year
- c) For Industrial Establishments - Annually, upon renewal of Business Permit
- d) For Commercial Establishments - Annually, upon renewal of Business Permit
- e) For Agricultural Sources - Annually, upon renewal of Business Permit
- f) For other type of business - Annually not later than 20th day of January

Section 43. **Barangays that will collect residual wastes and establish collection points and Material Recovery Facility will be entitled to the following sharing scheme:**

Section 44. **Sharing Schemes from Household Fees.** There shall be a sharing scheme of 60%-40% for all fees collected from the households such that the barangay will received 60% while 40% will accrue to the LGU-Municipal Ecological Solid Waste Management Fund.

Section 45. **Sharing Scheme from Fines and Penalties.** There shall be a sharing scheme of 80%-20% for all fines and penalties collected through this ordinance such that 80% will go to the barangay where the violation occurs while 20% will go to the LGU-Municipal Ecological Solid Waste Management Fund.

Section 46. **Sharing scheme from proceeds derived out of sold waste management enterprises if managed by schools, POs or barangays.** The Municipal Ecological Solid Waste Management Fund will be entitled to a 20-50% share from sales out of ecological solid waste management enterprises depending on the amount of its investment or contribution.



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Section 47. **All Other Fees shall accrue to the Municipal Ecological Solid Waste Management Fund.** All other fees collected out of the implementation of the ESWM program shall go to the LGU-MESWMF except those collected from establishments that secure or renew their licenses with their respective barangays.

Section 48. **Adjustment of Fees.** The fees imposed herein shall be subject to a 10 % increase after two years. Any subsequent increase or decrease shall be made through an appropriate ordinance enacted by the Sangguniang Bayan based on results of assessments or studies conducted for the purpose.

Section 49. **Penalties.** The following penalties shall be imposed for non-payment of the environmental management fees:

- a) Stopping or cutting of service/s.
- b) Penalty shall be imposed based on Article XI, Section 51-67 of this Ordinance
- c) For late payments, a surcharge of 2% per day of delay shall be imposed.

**ARTICLE IX
MUNICIPAL ECOLOGICAL SOLID WASTE MANAGEMENT FUND**

Section 50. **Creation of the ESWM Special Account.** There shall be created a Municipal Ecological Solid Waste Management Fund as a special account of the Municipality of Tungawan to be administered by the Municipal Ecological Solid Waste Management Board;

Section 51 **Management of the Fund.** The Municipal Ecological 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 subject to usual COA rules and regulations.

Section 52 **Sources of the Fund.** The ESWM Special Account shall be sourced from the following:

- a) Fees collected from provision of the solid waste services such as collection, recycling and transport, among others
- b) The Municipal allocation or share in the fines collected pursuant to Republic Act No. 9003 and its Implementing Rules and Regulations;
- c) Sub-contracting fees including management, transport and others;
- d) The amount allocated for waste management from the 20% Municipal Development Fund.
- e) Donations, grants and contributions from domestic and Foreign sources
- f.) Financial aid from government institutions
- g.) Borrowings from credit and financing institutions such as banks, NGOs, cooperatives and the likes.

Section 53 **Use of the Fund** . The Municipal Ecological Solid Waste Management Fund shall be used to support the implementation of the Municipal Ecological Solid Waste Management Plan, including endeavors that will enhance its implementation. These may include activities/projects on the following:



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- a) Regular operating and maintenance expenses of the Municipal Ecological Solid Waste Management Division;
- b) Products, facilities, technologies and processes to enhance proper ecological solid waste management;
- c) Research and pre-engineering activities;
- d) Information, education, communication and monitoring activities;
- e) Capability-building activities.
- f) Preparation of plans and designs;
- g) Livelihood Assistance to eligible groups;

Section 54. **Criteria for Accessing the Fund.** The Municipal Ecological Solid Waste Management Fund may be availed of based on the following criteria:

The project or activity proposed to be funded shall be based on the Municipal Ecological Solid Waste Management Plan;

For LGU:

- a) The ESWM Division head shall submit thru the MENRO training and projects designs, proposals and annual procurement program to the MESWMB following the budget calendar of the LGU;
- b) Disbursements of the ESWM Division shall be subject to the usual auditing rules and regulations;
- c) The ESWM Division head shall prepare and submit disbursement report every after quarter to the board;

For Pos/CSOs, schools and other institutions:

- a) Only one (1) project per proponent shall be eligible for funding;
- b) A proponent may avail of the Fund once every year but not for the same project or activity;
- c) Project/activity types under the following categories may be considered:
 - Solid waste management projects which catalyze investment from the private sector and/or other investors;
 - Innovative solid waste management approaches
 - Prototyping solid waste management models
- d) The process for the availment of funds is completed.

Section 55. **Level of Funding.** The level of funding for projects or activities proposed to be funded under the Municipal Ecological Solid Waste Management Fund shall be determined and set by the Municipal Ecological Solid Waste Management Board.

Section 56. **Process for Availing the Fund.** The Municipal Ecological Solid Waste Management Board shall promulgate the procedure or guidelines for availing the Municipal Ecological 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 Appendix C of the Implementing Rules and Regulations of Republic Act No. 9003.



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**ARTICLE X
PROCUREMENT OF SERVICES, MATERIALS, EQUIPMENT AND MACHINERIES**

Section 57. *Procurement of services, materials, equipment and machineries.* Procurement of services, materials, equipment and machineries will commence on the first year of implementation of the plan. Procurement procedures shall conform to the new Procurement Law, the Implementing Rules and Regulations of this Ordinance observing the principle of transparency, accountability and participatory decision-making.

**ARTICLE XI
PROHIBITIONS AND PENALTIES**

Section 58. *Non-segregation of wastes.* Any person, establishments or entity not segregating wastes according to the four types of waste prescribed by this ordinance shall be penalized as follows:

First Offense -	P300 and non collection of unsegregated waste
Second Offense-	P500 and non collection of unsegregated waste
Third Offense-	P1,000 and or filing of case in court

Section 59. *Littering.* Any person or individual caught littering anywhere within the municipality shall be penalized as follows:

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 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;

Section 60. *Open burning of solid wastes.* Any person, establishment, institution, organization or group of persons caught open burning shall be penalized as follows:

First Offense -	P500 and/or imprisonment of not more than one (1) day;
Second Offense-	P1,000 and/or imprisonment of not more than three (3) days;
Third Offense-	P1,500 and/or imprisonment of not more than five (5) days or filing of case of court;

Section 61. *Smoking in non-smoking areas*-any person or individual caught smoking in non-smoking areas as designated accordingly by the office in charge and with proper label viewable by everybody shall be penalized as follows:

First Offense -	P300
Second Offense-	P500
Third Offense-	P1,000 and/or filing of appropriate case in court;



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Section 62. *Bringing or positioning out of wastes outside of the collection schedule for at least an hour* - any person, establishment, institution, or entity caught bringing out wastes or positioning outside of the collection area shall be penalized as follows:

- | | |
|-----------------|---|
| First Offense - | P300 and or/ render community service for at least two (2) hours at public places at the discretion of the ESWM Division head |
| Second Offense- | P500 and or/ render community service for at least two (5) hours at public places at the discretion of the ESWM Division head |
| Third Offense- | P1,000 and/or render community service for at least eight hours or filing of appropriate case in court |

Section 63. *Unauthorized collection of wastes*- any unauthorized person caught collecting wastes from the following areas but not limited to collection points and MRFs shall be penalized as follows:

- | | |
|-----------------|---|
| First Offense - | P500 and/or imprisonment of not more than one day |
| Second Offense- | P1,000 and/or imprisonment of not more than three days |
| Third Offense- | P1,500 and/or imprisonment of not more than five days or filing of appropriate case in court; |

Section 64. *Squatting or construction of houses at disposal site*- any person or individual caught squatting, occupying or constructing a house, shelter or makeshift at the disposal site shall be penalized as follows;

- | | |
|-----------------|--|
| First Offense- | P300 and/or render community service at the disposal facility for at least two (2) hours; |
| Second Offense- | P500 and/or render community service at the disposal facility for at least five (5) hours; |
| Third Offense- | P1,000 and/or render community service at the disposal facility for at least eight hours or filing of appropriate case in court; |

Section 65. *Scavenging of wastes*- any person or group of persons caught scavenging or scattering wastes shall be penalized as follows;

- | | |
|-----------------|---|
| 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; |

Section 66. *Throwing of dead animals*-any person caught throwing dead animals anywhere within the municipality shall be penalized as follows:



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- | | |
|-----------------|---|
| First Offense- | -P500 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- | P1,000 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- | P1,500 and/or imprisonment of not more than three (3) days or filing of appropriate case in court; |

Section 67. Improper management of wastes generated by poultry and piggery operators-any poultry or piggery operators caught improperly managing and disposing the wastes generated out of their operation shall be penalized as follows:

- | | |
|-----------------|---|
| First Offense- | P500 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- | P1,000 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- | P1,500 and/or imprisonment of not more than three (3) days or filing of appropriate case in court; |

Section 68. Non-construction of comfort rooms- any household, establishment, institutions and the like which is found without sanitary comfort rooms shall be penalized as follows:

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|----------------|---|
| 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 four (4) hours in public places such as but not limited to public market or bus terminal, municipal gym and the like; |
| Third Offense- | P1,500 and/or imprisonment of not more than three (3) days or filing of appropriate case in court; |

Section 69. Slash and burn system-any person(s) caught engaged in slash and burn activity/ies " kaingin" shall be penalized as follows:

- | | |
|----------------|---|
| First Offense | P500 and/or render community service at least two (4) hours in public places such as but not limited to public market or bus terminal, municipal gym and the like. |
| Second Offense | P1,000 and/or render community service at least four (8) hours in public places such as but not limited to public market or bus terminal, municipal gym and the like; |



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Third Offense- P2,000 and/or imprisonment of not more than three (5) days or filing of appropriate case in court;

Section 70. *Throwing of debris into the water bodies*- any person(s), establishment, and institution etc, caught throwing debris such as but not limited to bamboos, timber cuttings, construction materials, into the water bodies shall be penalized as follows:

First Offense P1,000 and/or shall be made to clean the water bodies until it shall be fully cleaned where the offender is a resident;
Second Offense P1,500 and/or shall be made to clean the water bodies for at least (8) hours where the offenders is a resident;
Third Offense P2,500 and/or imprisonment of not more than three (3) days or filing of appropriate case in court;

Section 71. *Obstructing an enforcer to issue citation ticket to a violator*- any person/s who shall obstruct/prevent an ESWM enforcer from issuing a citation ticket to a violator shall be penalized as follows:

First Offense P1,000 and/or imprisonment of not more than three (3) days
Second Offense P1,500 and/or imprisonment of not more than five (5) days
Third Offense P2,000 and/or filing of appropriate case in court

Section 72. *Evading or resisting to apprehensions*- any offender/s who shall evade or resist to apprehensions made by an ESWM enforcer for violation of this ordinance shall be penalized as follows:

First Offense P1,000 and/or imprisonment of not more than three (3) days
Second Offense P1,500 and/or imprisonment of not more than five (5) days
Third Offense P2,000 and/or filing of appropriate case in court

Section 73. *Mixing of segregated wastes awaiting for collection*- any person/s caught mixing segregated wastes while waiting for collection shall be penalized as follows:

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 four (4) hours in public places such as but not limited to public market or bus terminal, municipal gym and the like;
Third Offense- P1,500 and/or imprisonment of not more than three (3) days or filing of appropriate case in court;



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Section 74. **Unauthorized operation of waste disposal facility**-any person/s, establishment, or institution, caught operating a waste disposal facility without proper authorization from the LGU shall be penalized as follows:

First Offense	P1,000 and/or imprisonment of not more than three (3) days
Second Offense	P1,500 and/or imprisonment of not more than five (5) days
Third Offense	P2,000 and/or filing of appropriate case in court

**ARTICLE XII
PROCEDURE**

Section 75. **Violations under the Ordinance** - The following procedure shall be observed in case of violation of Article XI, Section 51-67:

- Apprehension
- Issuance of Citation Ticket
- Payment of fine or render of community service depending on prescribed penalty
- Prosecution in court, if necessary

Section 76. **Incentive Mechanism.** Actual apprehenders of violators shall be entitled to a 40% share from whatever fines collected out of the said apprehension as incentive to be taken from the share of the barangay. However, in case there is an informant that led to the arrest of the violator, the informant will also be entitled to a 40% share from the incentive received by the actual apprehender (s). Furthermore, in case there are two or more actual apprehenders, the 40% share will be distributed among them equally.

**ARTICLE XIII
APPROPRIATION**

Section 77. **Appropriation** - To effectively carry out the implementation of the Municipal Ecological Solid Waste Management Plan and the implementation and enforcement of this Ordinance, the sum of P 150,000.00 is hereby appropriated from the 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 Ecological Solid Waste Management Plan, shall be submitted by the Municipal Environment and Natural Resources Office and shall be included in the Annual Municipal Budget Ordinance.

**ARTICLE XIV
MISCELLANEOUS PROVISIONS**

Section 78. **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.




MP No. 09168524366 E-mail: sbotungawanzs@yahoo.com

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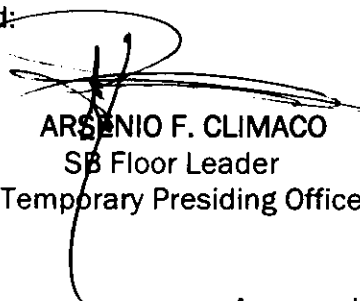
Section 79. **Repealing Clause** - Any other ordinances or parts thereof contrary to or inconsistent with the provisions of this ordinance is hereby repealed, modified amended accordingly.

Section 80. **Effectivity** - This Ordinance which is the Draft Ordinance No. 15-07-09, shall take effect 15 days after a copy hereof is posted in a bulletin board at the entrance of and in at least two (2) other conspicuous places of the Municipal Hall Building and the Ordinance has been published three (3) times consecutively in a local newspaper of general circulation in the locality.

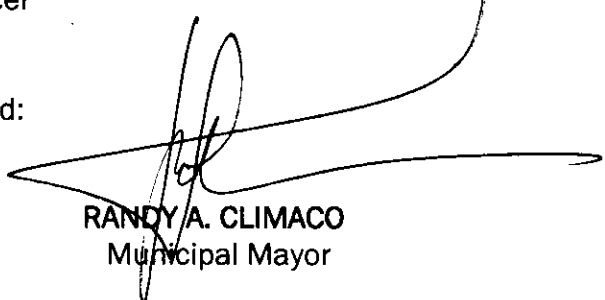
ORDAINED and APPROVED this 10th day of March 2009 at Tungawan, Zamboanga Sibugay, Mindanao, Philippines.


DANTE D. IBARRA
Secretary to the SB

Attested and Correct:
to be Duly Adopted:


ARSENIO F. CLIMACO
SB Floor Leader
Temporary Presiding Officer

Approved:


RANDY A. CLIMACO
Municipal Mayor

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