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Item No.: 09
Date: MAY 16 2023

Republic of the Philippines
PROVINCE OF LEYTE

SANGGUNIANG PANLALAWIGAN
PROVINCIAL LEGAL OFFICE
PROVINCE OF LEYTE

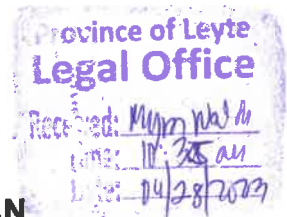
2nd INDORSEMENT
May 3, 2023

Province of Leyte
Legal Office
Date: 5-5-23

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary the attached Ordinance No. 153 S. 2023 of the SB of Matag-ob, Leyte, recommending for the declaration of validity pursuant to its power under Section 56 (c) of R.A 7160, the same being to the opinion of the Provincial Legal Office (PLO), an exercise of the power authorized under Section 447 (5), (xiii) of the Code. Provided, That pursuant to Section 186 of the Code, "Fees or Charges shall not be unjust, excessive, oppressive, confiscatory, or contrary to declared national Policy". Provided, Likewise, that the penalty of "Community Service", shall not violate the prohibition under the 1987 Constitution against INVOLUNTARY SERVITUDE.

Atty. **JOSE RAYMUND A. ACOL**
Asst. Provincial Legal Officer

Republic of the Philippines
PROVINCE OF LEYTE
Tacloban City



OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
27 April 2023

The Provincial Legal Office is respectfully requested to review and submit recommendations, on the herein enclosed **MUNICIPAL ORDINANCE NO. 153 series 2023 OF MATAG-OB, LEYTE, "MUNICIPAL ECOLOGICAL SOLID WASTE MANAGEMENT PROGRAM ORDINANCE"**.


FLORINDA JILL S. UYVICO
Secretary to the Sanggunian

SP RECORDS
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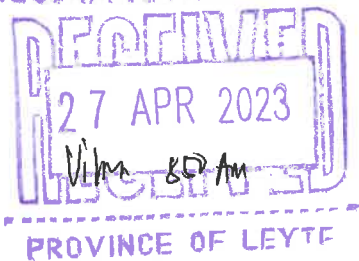
Republic of the Philippines
Province of Leyte
MUNICIPALITY OF MATAG-OB
OFFICE OF THE SANGGUNIANG BAYAN

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INDORSEMENT

April 17, 2023

SANGGUNIANG PANLALAWIGAN



HONORABLE LEONARDO "SANDY" JAVIER
Vice-Governor
Presiding Officer
Sangguniang Panlalawigan of Leyte

Sir:

Respectfully forwarding to your good office the herein attached Municipal Ordinance No. 153 s. 2023 of the Sangguniang Bayan of Matag-ob, Leyte, entitled: "AN ORDINANCE ESTABLISHING THE COMPREHENSIVE ECOLOGICAL SOLID WASTE MANAGEMENT PROGRAM OF THE MUNICIPALITY OF MATAG-OB, LEYTE, DECLARING CERTAIN ACTS PROHIBITED AND PROVIDING PENALTIES, THEREOF AND FOR OTHER PURPOSES.", subject to review by the Sangguniang Panlalawigan.

Respectfully yours,

ANA MARIA SANORIA-ECIJA
Secretary to the Sanggunian



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF MATAG-OB
OFFICE OF THE SANGGUNIANG BAYAN
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CERTIFICATION OF POSTING

THIS IS TO CERTIFY that copy of Municipal Ordinance No. 153 s. 2023 of the Sangguniang Bayan of Matag-ob, Leyte, entitled: "AN ORDINANCE ESTABLISHING THE COMPREHENSIVE ECOLOGICAL SOLID WASTE MANAGEMENT PROGRAM OF THE MUNICIPALITY OF MATAG-OB, LEYTE, DECLARING CERTAIN ACTS PROHIBITED AND PROVIDING PENALTIES, THEREOF AND FOR OTHER PURPOSES.", have been posted in three (3) conspicuous places within the municipality of Matag-ob, Leyte starting from April 5, 2023. It shall continue to be posted therein until the required three consecutive weeks shall have been complied with.

This certification is issued in compliance with Section 59 of R.A. 7160, otherwise known as the Local Government Code of 1991.

Issued this 17th. Day of April, 2023.


ANA MARIA SANORIA-ECIJA
Secretary to the Sanggunian



SANGGUNIANG PANLALAWIGAN

Republic of the Philippines
Province of Leyte
MUNICIPALITY OF MATAG-OB
OFFICE OF THE SANGGUNIANG BAYAN

RECEIVED
27 APR 2023

HON. MARTIN LUTHER P. VELARDE
SB Federation President

HON. ROMEO N. ALBARIDA
SB Member

EXCERPTS FROM THE MINUTES OF THE 15th REGULAR SESSION OF THE SANGGUNIANG BAYAN HELD AT THE LEGISLATIVE SESSION HALL ON APRIL 11, 2023.

MUNICIPAL ORDINANCE NO. 153 series 2023
(Proposed Mun. Ord. No. 162 s. 2023)

Author: Honorable Romeo N. Albarida

HON. RODRIGO N. SUJIR
LMBP President

HON. ARTEMIO T. ALMOROTO
SB Member

AN ORDINANCE ESTABLISHING THE COMPREHENSIVE ECOLOGICAL SOLID WASTE MANAGEMENT PROGRAM OF THE MUNICIPALITY OF MATAG-OB, LEYTE, DECLARING CERTAIN ACTS PROHIBITED AND PROVIDING PENALTIES, THEREOF AND FOR OTHER PURPOSES.

Be it ordained by the Sangguniang Bayan of Matag-ob, Leyte in regular session assembled:

ARTICLE I
General Provisions

HON. RICARDO L. GIVA
SB Member

SECTION 1. Title.- This ordinance shall be known as the "Municipal Ecological Solid Waste Management Program Ordinance of 2023".

SECTION 2. Declaration of Policies – It is hereby declared the policy of Municipality of Matag-ob to adopt a MUNICIPAL ECOLOGICAL SOLID WASTE MANAGEMENT PROGRAM which shall:

HON. PAOLO ANTONIO C. LAURENTE
SB Member

HON. EVANGELINE C. CARNO
SB Member

- (a) Ensure public health, protection and conservation of the Natural resources critical to habitability of mother earth and natural life- support system,;
- (b) Utilize environmentally- sound methods and practices that maximize the utilization of valuable resources its conservation and recovery;
- (c) Ensure the proper segregation at source, segregated collection, transport, storage, treatment and disposal of solid waste management through the formulation and

HON. EDUARDO T. TOLEDO
SB Member

HON. ORLANDO G. VIACRUSIS
SB Member





HON. ROMEO N. ALBARIDA
SB Member

HON. ARYAN QUIT. ALMOROTO
SB Member

HON. JOEL N. DENOY
SB Member

HON. EVANGELINE C. CARNO
SB Member

HON. ORLANDO G. VIACRUSIS
SB Member

adoption of the best environmental practices in ecological waste management.

- (d) Set guidelines and targets for solid waste avoidance and volume reduction at the barangay level through waste minimization measures, including composting, recycling, re-use, recovery and others, before collection, treatment and disposal in appropriate and environmentally- sound solid waste management facilities in accordance with ecologically sustained development principles;
- (e) Encourage private sector participation in municipal solid waste management especially the business community, junkshop dealers and individual households;
- (f) Encourage cooperation and self- regulation among solid waste generators through waste minimization and backyard composting practice;
- (g) Define specific responsibilities of the barangay and individual households in solid waste management particularly in the segregation, collection, treatment and disposal of generated solid waste;
- (h) Finally source budget and allocation including valuation of resource utilization to support the cost protection, regulation and rehabilitation relative thereof;

HON. MARTIN LUTHER P. VELARDE
SK Federation President

HON. RODRIGO N. SUNIR
FMR President

HON. RICARDO L. GIVA
SB Member

HON. PAOLO ANTONIO C. LAURENTE
SB Member

HON. EDUARDO E. TOLEDO
SB Member

SECTION 3. – Coverage- This Ordinance shall apply to all persons, natural and juridical, and in all residential, institutional, commercial, industrial and agricultural areas and/or establishment within the Municipality of Matag-ob including transient visitors PUJ's/ PUV's/ PUB's and other vehicles passing within the Municipal boundary.

ARTICLE II Definition of Terms

SECTION 4. Definition of Terms- For purposes of this Ordinance:

- (a) **Agricultural waste** shall refer to waste generated from planting or harvesting crops, trimming or pruning of plants and waste or run-off materials from farms or fields;
- (b) **Barangay Eco-Friendly- Aides (BEFA)** shall refer to persons who are in- charged in the collection of solid waste in the manner provided by law;
- (c) **Barangay EFO- Officers (BEFO)** shall refer to deputized person tasked to enforce the provisions of this Ordinance and RA 9003;

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Municipal Ordinance No. 153
(Proposed Mun. Ord. No. 162)

Author: Honorable Romeo N. Albarida
April 11, 2023



HON. ROMEO N. ALBARIDA
SB Member

HON. ARMAND T. ALMOROTO
SB Member

HON. JOEL N. DENOY
SB Member

HON. EVANGELINE C. CARNO
SB Member

HON. ORLANDO G. VIACRUSIS
SB Member

- (d) **Biodegradable** shall refer to any materials capable to reduced into finer particles by microbiological organisms or enzymes;
- (e) **Bulky waste** shall refer to large items of solid waste such as construction debris, garbage from clearing operations, household appliance, furniture, automobiles, large auto parts, trees, branches, stumps and other oversized waste the size which precludes or complicates their handling by normal solid waste collection, processing, or disposal methods;
- (f) **Buy- back center** shall refer to recycling center that purchases or otherwise accept recyclable materials from the public such as junk shops and the like;
- (g) **Commercial area** shall refer to any establishment pertaining to commerce and trade, deals with and or depending on the system of commerce which manufactures or produces items or otherwise engaged in wholesale or retail of goods, products or items for the public which primary end is to generate or gain profit out of the transaction to include sari- sari store regardless of capital, whether attached to a residential unit/ building or within a residential compound;
- (h) **Commercial waste** shall refer to non- hazardous putrescible waste generate by entities as defined as commercial are and or establishment;
- (i) **Compost** shall refer to biodegradable material that is manage in such a way to promote its decomposition so that a usable soil amenity is produced;
- (j) **Composting** shall refer to the process of biological degradation under controlled conditions of certain biodegradable waste such as food waste, garden waste, animal waste, human waste back into its original estate which is the soil;
- (k) **Disposal** shall refer to the discharge, deposit, dumping, spilling, burying, leaking, or placing of any solid waste into or anybody of land;
- (l) **Domestic waste** is the refuse from households which may be classified as biodegradable, non- biodegradable and recyclable;
- (m) **Ecological Solid Waste Management Program** shall refer to the systematic method which provide for segregation at source, segregated transportation, storage, transfer, processing, treatment, and disposal of solid waste

HON. MARTIN LUTHER P. VELARDE
SK Federation President

HON. RODRIGO N. SUNIR
KMB President

HON. RICARDO L. GIVA
SB Member

HON. PAOLO ANTONIO C. LAURENTE
SB Member

HON. EDUARDO C. TOLEDO
SB Member

PK





HON. ROMEO N. ALBARIDA
SB Member

HON. ARTURO T. ALMOROTO
SB Member

HON. JOELIN-BENOY
SB Member

HON. EVANGELINE C. CARNO
SB Member

HON. ORSANDO G. VIACRUSIS
SB Member

and all other waste management activities which do not harm the environment;

- (n) **Municipal Eco-Friendly Soldiers** are persons/ garbage collectors who is in- charge of garbage collection;
- (o) **Municipal Eco-Friendly Police** are person/ persons involved in the enforcement of pertinent laws and Ordinances of the Municipality;
- (p) **Non-Biodegradable** – a kind of substance which cannot be broken down by natural organisms and acts as a source of pollution.
- (q) **Generation** shall refer to the act of process of producing solid waste either directly or indirectly, wilfully or negligently;
- (r) **Generator** shall refer to a person, natural or juridical, who last uses the material and makes it available for disposal or recycling;
- (s) **Hazardous waste** shall refer to special type of waste containing chemical, biological and other dangerous elements harmful to human health and the environment;
- (t) **Industrial area** shall refer to an area or establishment where there are factories and is engaged in any industrial undertaking;
- (u) **Industrial Waste** is defined as waste generated by manufacturing or industrial processes;
- (v) **Institutional area** shall refer to hospitals, schools, churches, public and private offices instituted for such purpose or any establishment not defined as residential, commercial agricultural or industrial areas;
- (w) **Materials Recovery Facility (MRF)** shall refer to a temporary solid waste collection area for sorting, recycling, segregation and composting;
- (x) **Municipal Eco-Friendly Aide (MEFA)** are persons/ garbage collectors who are in- charge of garbage collection;
- (y) **Open dump** shall refer to a disposal area wherein the solid wastes are indiscriminately thrown or disposed of without due planning and regard for minimum environmental and health standard;
- (z) **Person(s)** shall refer to any being, natural or juridical susceptible of rights and obligations, or being subject of legal relations;
- (aa) **Receptacles, containers and/or bins** shall refer to any individual containers used for the separation of wastes and the collection of solid wastes;

HON. MARTIN EDHER P. VELARDE
SK Federation President

HON. RODRIGO N. SORIN
LMB President

HON. RICARDO L. GIVA
SB Member

HON. PAOLO ANTONIO C. LAURENTE
SB Member

HON. EDUARDO E. TOLEDO
SB Member





HON. ROMEO N. ALBARIDA
SB Member

HON. ARMANDO T. ALMOROTO
SB Member

HON. JOEL N. DENDY
SB Member

HON. EVANGELINE C. CARNO
SB Member

HON. ORLANDO G. VIACRUSIS
SB Member

- (bb) **Recyclable materials** are solid waste materials which has the capacity to be processed making them beneficial for other usage and purposes;
- (cc) **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 to the effect that solid waste materials are transformed into new products in such a manner that the original products lose their identity;
- (dd) **Segregation at source** shall refer to a solid waste management practice of separating different materials found in solid waste at the place where it is segregated or at the household level, in order to promote recycling and re-use of resources and to reduce the volume of waste for collection and disposal;
- (ee) **Solid waste** in general is garbage, refuse, rubbish, trash, and other discarded solid materials not recycled including solid waste materials resulting from industrial, commercial, and agricultural operations and from community activities, but not including solid or dissolved materials in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solid in industrial waste water effluents, dissolved materials in irrigation return flows or other common water pollution;
- (ff) **Special wastes** shall refer to household hazardous wastes such as paints, thinners, flashlight batteries, cellphone batteries, penlight batteries, car batteries, spray, canister, oil, lubricants, used tire, used incandescent bulbs, thermometers, disposal syringe, fluorescent and any material similar in nature;
- (gg) **Transfer station** shall refer to those facilities utilized to received solid waste temporarily store, separate, convert or otherwise process materials in the solid waste or to transfer the solid waste directly from smaller to larger vehicle for transport;
- (hh) **Yard waste** shall refer to wood, small or chipped branches, leaves, grass clippings, garden debris, vegetable residue that is recognizable as part of a plant or vegetable.

HON. MARTIN LUTHER P. VELARDE
SK Federation President

HON. ROMELITO N. STINIR
LMB President

HON. RICARDO L. GIVA
SB Member

HON. PAOLO ANTONIO C. LAURENTE
SB Member

HON. EDUARDO C. TOLEDO
SB Member

ARTICLE III
Institutional Mechanism

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HON. ROMEO N. ALBARIDA
SB Member

HON. ARTURO T. ALMOROTO
SB Member

HON. JOELIN DENOY
SB Member

HON. EVANGELINE C. CARNO
SB Member

HON. ORLANDO G. VIACRUSIS
SB Member

SECTION 5. Creation of MESWMB & BESWMC- There shall be a Municipal Ecological Solid Waste Management Board (MESWMB) at the municipal level and Barangay Ecological Solid Waste Management Committee (BESWMC) in all Barangay to be composed, and shall have the duties and responsibilities, as provided for under RA 9003.

SECTION 6. Barangay Solid Waste Management Eco-Friendly Action Officer (BEFAO)- There shall be in the barangay a BESWM Action Officer to be appointed by the Punong Barangay with due concurrence by the majority of the Sangguniang Barangay through a resolution. Only competent persons, with basic environmental knowledge/ background and willingness to seriously implement this Ordinance in the barangay level shall be appointed as Barangay ESWM Action Officer. However, if it is the Punong Barangay who choose to become the Barangay ESWM Action Officer, no concurrence from the Sangguniang Barangay is required.

SECTION 7. Enforcement Unit- There shall be created a BESWM Enforcement Unit that must be headed by the Barangay Eco-Friendly Action Officer (BEFAO), the members of which shall be called "Barangay Eco-Friendly Officers" (BEFO). The BEFO shall be responsible in the enforcement of this ordinance and other applicable laws within the barangay, provided that all members must be duly deputized by the Punong Barangay through an Executive Order to that effect and be issued identification cards, signed by the Punong Barangay.

(a) Volunteers for BESWMO membership shall be encouraged.

SECTION 8. Municipal Barangay Eco-Friendly Aides- All personnel in-charge of collection of solid waste, maintenance of Ecological Solid Waste Management Center and MRF and all other solid waste management related activities shall be called "Municipal Eco-Friendly Aides" (MEFA) for the municipal level and "Barangay Eco-Friendly Aides (BEFA) for the barangay level.

ARTICLE IV Education

SECTION 9. Information, Education and Communication- An IEC program shall be implemented by the Municipality pursuant to the strategies, mechanism and guidelines contained in the municipal ESWM Plan. The Sangguniang Bayan shall appropriate the necessary funds to support the implementation of the IEC Program. The appropriation/s shall be based on the budget to be submitted by the ESWM Focal Person for the purpose.

HON. MARTIN LUTHER P. VELARDE
SK Federation President

HON. ROMULO N. SUINIR
KAB President

HON. RICARDO L. GIVA
SB Member

HON. PAOLO ANTONIO C. LAURENTE
SB Member

HON. EDUARDO E. TOLEDO
SB Member

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HON. ROMEO N. ALBARIDA
SB Member

HON. ARTEMIO T. ALMOROTO
SB Member

HON. JOEL N. DENOY
SB Member

HON. EVANGELINE C. CARNO
SB Member

HON. ORLANDO G. VIACRUSIS
SB Member

ARTICLE V Financing of Solid Waste Management Projects

SECTION 10. Funding- The funds for the implementation of the Municipal IESWM Plan shall be sourced from the twenty percent (20%) development fund and other available sources including funds from funding agencies, INGO's and from other sources.

SECTION 11. Establishment of the Fund- There is hereby created, as a special account of the Municipality of Matag-ob Municipal Ecological Solid Waste Management Fund to be administered by the Office of the MENRO.

SECTION 12. 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: Provided further, that a report on the fund shall be issued annually to the Sangguniang Bayan by the MENRO within four (4) months after the end of each fiscal year to normal auditing procedure in collaboration with the Commission on Audit.

SECTION 13. Sources of the Fund- The Municipal Ecological Solid Waste Management Fund shall be sourced from the following:

- (a) Donations, endowments, grants and contributions from domestic and foreign sources;
- (b) Fees 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) Sub- contracting fees including management, transport and others;
- (e) The amount allocated for solid waste management from the 20% Municipal Development Fund non-infrastructure portion, which amount shall be determined based on needs.

SECTION 14. Use of the Fund- the Municipal Ecological Solid Waste Management Fund shall be considered as Trust Fund to be used in supporting the implementation of the municipal IESWM Plan, including endeavors that will enhance its implementation. These may include activities/projects in the following:

HON. MARTIN LUTHER P. VELARDE
SK Federation President

HON. RODRIGO N. SUMIR
MHB President

HON. RICARDO L. GIVA
SB Member

HON. PAOLO ANTONIO C. LAURENTE
SB Member

HON. EDUARDO S. KOLDO
SB Member

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7
Municipal Ordinance No. 153
(Proposed Mun. Ord. No. 162)

Author: Honorable Romeo N. Albarida
April 11, 2023



HON. ROMEO N. ALBARIDA
SB Member

HON. ARTEMIS T. ALMOROTO
SB Member

HON. JOEL DENOY
SB Member

HON. EVANGELINE C. CARNO
SB Member

HON. ORSOLDO G. VIACRUSIS
SB Member

- (a) Regular operating and maintenance expenses of the ESWM FOCAL PERSON excluding salaries and wages. However, expenses may include per diems and honoraria in accordance with the regulation of the Commission on Audit and other existing accounting rules and regulations.
- (b) Products, facilities, technologies and processes to enhance proper solid waste management;
- (c) Research activities;
- (d) Information, education, communication and monitoring activities;
- (e) Capability- building activities/ attended by personnel of the office relative to the function of the office.

HON. MARTIN LUTHER P. VELARDE
SK Federation President

HON. RODRIGO N. JUNIR
LMB President

HON. RICARDO L. GIVA
SB Member

HON. PAOLO ANTONIO C. LAURENTE
SB Member

HON. EDUARDO E. TOLEDO
SB Member

ARTICLE VI Segregation, Management, and Disposal of Wastes

SECTION 15. Mandatory Segregation- It shall be mandatory to all the residents of the municipality of Matag-ob, Leyte including schools transient visitors and those who conduct business within the barangay, to segregate their solid wastes into three (3) kinds: biodegradable, non- biodegradable (recycle), residual waste, (Sec. 21 & 22; RA 9003).

(a) Residential/ Households

- (i) All residents shall properly separate the generated solid waste in three separate containers which can be made of plastic garbage bags, cans, sacks, bins and the like as categorized in the preceding paragraph. Each house must provide their own waste container.
- (ii) Biodegradable waste especially coming from fish and meat shall as much as possible never be allowed to be brought outside for collection but rather be composed at the backyard of each household or in any available composting area. Each household is required to maintain their own improvised composter such as bamboo or wooden box, sack of rice and other available materials suitable for composting or compost pit where all biodegradable materials shall be composted.
- (iii) The resident concerned may choose to retain the recyclable/ re-usable segregated waste or may allow the Barangay Eco- Friendly Aides (BEFA) to collect the same provided, in any case, the same shall



HON. ROMEO N. ALBARIDA
SB Member

HON. ARYALDO T. ALMOROTO
SB Member

HON. JOEY DENOY
SB Member

HON. EVANGELINE C. CARNO
SB Member

HON. ORLANDO G. VIACRUSIS
SB Member

be properly segregated by the waste generator concerned according to types of solid waste.

- (iv) The grounds or space fronting the vicinity of the property/ house/ apartment or any residential structure approximately 3-5 meters or if along the road or highway, up to the shoulder of the said road or highway shall be kept clean and tidy by the occupant at all times.
- (v) Canals, esteros, or waterways immediately adjacent, along, beside or fronting the property, house or apartment, sari- sari store which is located in the house shall be the responsibilities of the occupant to maintain and to keep it free from clogged materials especially plastics;

(b) Commercial Areas/ Establishment

(i) It shall be the responsibility of the commercial establishment to provide garbage receptacles for their own solid waste observing properly waste segregation. It is also mandatory that garbage from this sector must only be placed in front of their establishment easily accessible to the garbage collector only on the scheduled day and time for collection.

(ii) Trees, shrubs, and other vegetation within the vicinity of the property/ house/apartment or any residential structure shall be regularly cared for and properly maintained in order to minimize waste and to prevent breeding ground for pests and other disease carrying insect.

(iii) All commercial establishments are required to maintain cleanliness of their immediate surrounding at all times. Regardless as to who litters, scatters or dumps solid waste within the immediate vicinity of the establishment, the owner of the said establishment shall be held responsible for it;

(iv) It is the duty of the owner or person in charge of the establishment to police litterers of solid waste within the immediate vicinity of their establishment or otherwise apprehend or report to the Barangay Eco- Friendly Officer (BEFO), PNP or those who are in- charge in the enforcement of this ordinance and to witness the same if necessary.

(v) Peddlers, rolling stores, barbeque stand and the like shall be required to have their own garbage receptacles in

HON. MARTIN LUTHER P. VELARDE
SK Federation President

HON. RODOLFO N. SUNIR
LMS P. President

HON. RICARDO L. GIVA
SB Member

HON. PAOLO ANTONIO C. LAURENTE
SB Member

HON. EDUARDO E. TOLEDO
SB Member

Handwritten initials: BV





HON. ROMEO N. ALBARIDA
SB Member

HON. ARTEMIO T. ALMOROTO
SB Member

HON. JOELYN DENGY
SB Member

HON. EVANGELINE C. CARNO
SB Member

HON. ORLANDO G. VIACRUSIS
SB Member

their peddling cart and shall maintain the cleanliness within the immediate vicinity of the area where they temporarily conduct their business. Segregation of waste must also be observed.

(c) Agricultural Areas/ Livestock/ Poultry Farms

(i) Homogenous agriculture wastes like rice straws, corncobs, leaves, animal manure, sugarcane stalks and the like shall be stockpiled/ stored by the concerned farmer and have it composted through natural process or other technology which could speed up decomposition.

(ii) Farmers/ Farm Owners may opt to allow the barangay or the municipality to collect agricultural waste for composting. This provision however does not require the farmers/ farm owners to force the municipality to collect agricultural waste as it is the responsibility of the barangay to collect the same as provided for under Section 10 of RA 9003.

(d) Institutional/ Industrial Areas

(i) The head of any institutional (school)/ industrial firm shall ensure the proper hygienic storage for generated and segregated waste in receptacles/ container, which must be placed along collection routes;

(ii) It shall be the responsibility of the schools/ firm to provide their own segregated waste receptacles and containers, Material Recovery Facility (MRF)/ transfer station;

(iii) The head of any institutional (schools)/ industrial establishment shall ensure the cleanliness and orderliness of its facilities, yards, immediate surroundings particularly its fronting sidewalks and street regardless as to who litters, dumps or scatters waste within the mentioned areas of the institutional or industrial establishment shall be held responsible for it; Hospital/ Health care Facilities Waste Management Mine Waste Management;

(e) Tricycle/ Pedicabs, Multicabs and other PUB's/ PUV's/ PUJ's

(i) All tricycle, pedicabs, (trisikad), multicab and other public utility vehicles and jeepneys routing within the barangay are required to have garbage receptacles/ container inside the unit.

HON. MARTIN LUTHER P. VELARDE
SK Federation President

HON. RODRIGON N. SUNIR
LMB President

HON. RICARDO L. GIVA
SB Member

HON. PAOLO ANTONIO C. LAURENTE
SB Member

HON. EDUARDO E. TOLEDO
SB Member

PR





HON. ROMEO N. ALBARIDA
SB Member

HON. ARTEMIO T. ALMOROTO
SB Member

HON. JOELIA DENOY
SB Member

HON. EVANGELINE C. CARNO
SB Member

HON. ORLANDO G. VIACRUSIS
SB Member

(ii) Wrappers of candies, "mga potos", junk foods, chocolates, cigarette butts and similar wastes are required to be placed in the garbage receptacles in tricycle, pedicabs and other PUV/ PUJ's.

(iii) Drivers/ conductors are required to inform and educate their passengers to place their garbage, as mentioned above, in the receptacles inside the vehicle.

(iv) In case the passenger throws garbage indiscriminately while on board, and no action is taken by the driver/ conductor to prevent or recover the garbage thrown, he shall also be held responsible for the said violation together with his passenger. However, the driver/ conductor may choose to report or apprehend and bring the offender to the nearest Barangay Eco- Friendly Action Officer or to any Barangay Eco- Friendly Officer for proper disciplinary action in order to avoid being implicated in the offense;

(v) The driver should wrap properly the collected garbage and dispose it properly in designated garbage bins;

(f) Gasoline Stations

Gasoline Stations located within the barangay shall install oil separation facility. Including facilities in the storage of used oil and grease into sealed receptacles. All these are mandatory preconditions before the issuance of Barangay Clearance and resolution.

(i) Gasoline stations shall ensure that their underground storage tanks are always in good condition by undertaking periodic maintenance and monitoring of fugitive effluents.

(g) Funeral Parlors

Funeral Parlors shall ensure that organic waste especially pathogens coming from human waste shall be disposed in a special way as may be directed by pertinent laws, and provision of septic tank for liquid waste must be in place.

ARTICLE VII

Collection, Transport and Handling of Solid Wastes

SECTION 16. Biodegradable and Reusable Wastes. Collection of solid wastes such as biodegradable, compostable and reusable waste shall be the responsibility of the barangay. However the barangay may provide mechanisms through and ordinance in composting schemes, particularly backyard composting, and market

HON. MARTIN LUTHER P. VELARDE
SK Federation President

HON. RODRIGUEZ N. SORIN
LMD President

HON. RICARDO L. GIVA
Sp-Member

HON. PAOLO ANTONIO C. LAURENTE
SB Member

HON. EDUARDO E. TOLEDO
SB Member

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linkages for reusable wastes while making use of the MRF as indicated in Article IX Section 22 in this ordinance, for recyclable waste.

HON. ROMEO N. ALBARIDA
SB Member

HON. ARMINIO T. ALMOROTO
SB Member

HON. JOELYN DENOY
SB Member

HON. EVANGELINE C. CARNO
SB Member

HON. ORLANDO G. VIACRUSIS
SB Member

SECTION 17. Collection of Residual and Non- Recyclable Wastes- Collection of residual and non-recyclable waste shall be the responsibility of the barangay. The Municipality shall only collect residual and non- recyclable wastes in the designated Material Recovery Facility (MRF) of each barangay.

SECTION 18. Schedules of Collection of Residual Wastes- The office of the MENRO shall formulate schedule for the collection of residual wastes for the municipality. The Barangay Eco- Friendly Action Officer (BEFAO) shall coordinate with the office of the MENRO regarding the schedule of the collection of residual wastes.

SECTION 19. No Segregation, No Collection Policy- Wastes must be properly segregated, sorted, according to the classification of waste such as biodegradable/ compostable, reusable/ recyclable, residual and special wastes, otherwise it shall not be collected and subject for fines and penalties relative to Article XII Section 27 (e) of this ordinance.

ARTICLE VIII Hazardous Waste

SECTION 20. Reporting of Hazardous Waste- Commercial establishments, industrial firms and institutions shall upon application for the issuance of business permits, inform the Mayor about the presence or production of hazardous biological, pathological, chemical and/ or radioactive waste in their operations. Otherwise, its failure to report shall be grounds for non- issuance or non- renewal of the applicable municipal business permit or the revocation of an existing business permit. In addition to the penalty imposed provided in this ordinance.

SECTION 21. Storage of Hazardous Waste

(a) Hazardous biological, pathological chemical, and radioactive waste whenever necessary, shall be pre-treated or properly disinfected and stored in non-perishable, impermeable, disposal, tightly- covered receptacles located in a site that is secure and not easily accessible to the general public and in accordance with the rules and regulations formulated by concerned national agencies such as the

HON. MARTIN LUTHER P. VELARDE
SK Federation President

HON. RODRIGO N. SUNIR
LMB President

HON. RICARDO L. GIVA
SB Member

HON. PAOLO ANTONIO C. LAURENTE
SB Member

HON. EDUARDO F. TOTIBO
SB Member

RA





HON. ROMEO N. ALBARIDA
SB Member

HON. ARYENJO T. ALMOROTO
SB Member

HON. JOEL N. DENOX
SB Member

HON. EVANGELINE C. CARNO
SB Member

HON. ORLANDO G. VIACRUSIS
SB Member

Environment Management Bureau of the Department of Environment and Natural Resources (EMB- DENR), Department of Health (DOH), the Philippine Nuclear Research Institute (PNRI), Department of Science and Technology (DOST), and other pertinent government agencies.

(b) The Municipality shall identify strategically located commercial establishments, industrial firms, or institutions that shall serve as host for all types of discarded batteries.

SECTION 22. Collection and Transport of Hazardous Waste- The collection and transport of all hazardous waste, whenever necessary, shall be coordinated with government agencies who are responsible or concerned with the disposal of such waste. Hazardous waste shall be transported to the facilities capable of treating them for final disposal.

SECTION 23. Final Disposal of Hazardous Waste- Hazardous waste shall be placed in a separate location specified for hazardous waste with in the landfill facility.

**ARTICLE IX
Solid Waste Management Fees**

SECTION 24. Imposition of Fees- The Barangay is given the prerogative to impose a solid waste management fee provided by the Barangay. It shall be indicated in the Barangay Ordinance the specific amount of fees for every services rendered.

**ARTICLE X
Materials Recovery Facility**

SECTION 25. Establishment of MRF- There shall be a mandatory MRF for every barangay, to cater to the management of waste as segregation, sorting and composting area as identified by the barangay.

SECTION 26. Exclusive Material Recovery Facility (MRF) Ecological Solid Waste Management Center/ Transfer Station- The Ecological Solid Waste Management Center shall be the place where recyclable garbage within the market area shall be sorted, and segregated while biodegradable waste coming from fish, meat, vegetable and fruits will be composted/ liquefied by using raw materials as molasses and fungus, beneficial microorganism while residual waste shall be brought to the sanitary land fill for final

HON. MARTIN LUTHER P. VELARDE
SK Federation President

HON. RODRIGO N. SUNIR
LMA President

HON. RICARDO L. GIVA
SB Member

HON. PAOLO ANTONIO C. LAURENTE
SB Member

HON. EDEGARDA E. TOREDO
SB Member

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disposal. Management of the Market MRF will be handled and supervised by the Office of the MENRO.

ARTICLE XI Clearances

SECTION 27. Barangay Certification- No person, business establishments, activity or any undertaking shall be granted a Barangay Certification or any other license without first undergoing Solid Waste Management orientation to be conducted by the Barangay Ecological Solid Waste Management Committee (BESWMC) designate personnel.

SECTION 28. Power to Suspend or Revoke- The Punong Barangay hereby granted authority to suspend, revoke, or cancel Barangay Certification or any other license issued by the barangay should the concerned person violate the provision of this Ordinance without prejudice to other actions against the violator under this ordinance and applicable laws.

SECTION 29. Securing a New Barangay Certification- The person or business whose Certification was permanently revoked should secure a new Barangay Certification under the pain of repayment of required fees.

SECTION 30. Barangay Resolution Requirement- Subject to the requirement of DENR and other concerned agencies, business establishments such as but not limited to poultry (500 heads above), livestock (20 heads above), funeral parlor, industries, fish/crab & other marine products processing, and all other industries of similar in nature, a barangay resolution shall be required prior to its establishment or operation.

ARTICLE XII Prohibited Acts

SECTION 31. Prohibited Acts- The following Acts are prohibited:

- (a) Littering, throwing, dumping of waste matters in public places, such as roads, public market, sidewalks, canals, esteros, parks and establishments, or causing or permitting the same regardless it is segregated or not;
- (b) The open burning of solid waste in whatever form;
- (c) Causing or permitting the collection of non-segregated or unsorted waste;

HON. MARTIN LUTHER F. VELARDE
SK Federation President

HON. RODRIGO N. SUNIR
LMB President

HON. RICARDO L. GIVA
SB Member

HON. PAOLO ANTONIO C. LAURENTE
SB Member

HON. EDUARDO E. TALEDO
SB Member

HON. ROMEO N. ALBARIDA
SB Member

HON. ARMANDO T. ALMOROTO
SB Member

HON. JOSEPH DENJOY
SB Member

HON. EVANGELINE C. CARNO
SB Member

HON. ORLANDO G. VIACRUSIS
SB Member





HON. ROMEO N. ALBARIDA
SB Member

HON. ARTELAJO T. ALMOROTO
SB Member

HON. JOEL N. DENOY
SB Member

HON. EVANGELINE C. CARNO
SB Member

HON. ORLANDO G. VIACRISIS
SB Member

- (d) Placing solid waste outside the house, institution, in the street, building or business establishment not on scheduled day and time for collection;
- (e) Failure to provide trash cans/ receptacle/ container inside the tricycle, pedicabs or any PUJ, establishment and peddling cart;
- (f) Failure to segregate solid waste at source;
- (g) Failure on the part of the driver to apprehend or report violators of the provisions of this ordinance committed while on board and business owners committed in front of the establishment;
- (h) Failure to maintain cleanliness in the vicinity, immediate surroundings, to include canals, esteros and others, of any houses, business establishments, peddler, institution and industry;
- (i) Spitting, urinating, defecating, or discharging any odorous substance such as fish cleanings and other similar activities, in public places as defined under this Ordinance.

HON. MARTIN LUTHER P. VELARDE
SK Federation President

HON. RODRIGUEZ N. SUNIR
MBS President

HON. RICARDO L. GIVA
SB Member

HON. PAOLO ANTONIO C. LAURENTE
SB Member

HON. EDUARDO E. TORREDO
SB Member

ARTICLE XII Fines and Penalties

SECTION 32. Liability- Any person who violates this Ordinance shall be punished as follows;

- (a) For violation of Section 31 (a), (g), (h) an administrative fine of P100.00 but not more than P300.00 for every solid waste items regardless of its size and type or alternatively be required to render community service of not less than one (1) day;
- (b) For violation of Section 31 (b), (c), (d), (e), (f) and (i) an administrative fine not less than P200.00 but not more than P500.00 or alternatively be required to render community service of not less than one (1) day;

SECTION 33. Repeated Violations- The violator can only avail of the minimum scale administrative fine up to the second offense. Violation for the third offense shall cause the imposition of the maximum administrative fine P1,000.00 with corresponding thirty-day (30) Notice of Sue. Subsequent violation thereafter, for any given period of time, shall cause the filing of charges in proper courts, in accordance with this Ordinance and RA 9003.

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SECTION 34. Receipt for Administrative Fines derived from the imposition of this Ordinance shall be correspondingly issued receipt/ citation ticket subject to usual auditing rules.

ARTICLE XIV Enforcement Mechanism

SECTION 35. Procedure- Upon apprehension, the apprehending officer/ person shall bring immediately the violator together with the evidence to the Barangay Ecological Solid Waste Enforcement Unit (BESWEU) for recording purposes. Thereafter, he/she shall be turned over to the Punong Barangay or the Barangay Eco- Friendly Action Officer, as the case may be, for proper disposition of the case. Upon determination of the facts presented, the violator shall be fined immediately if the case fall within Section 32 or he may choose for a community service if the offender will prefer to do so, otherwise, the violator shall be detained within the reglamentary period if the case falls within the last paragraph of Section 28 pending filing of case in court.

SECTION 36. Notice of Violation-In case of business establishments, operators and or occupants shall be issued immediately a notice of violation, which the violator must settle immediately within office hours before the Barangay Eco- Friendly Action Officer. Failure of the operator and or occupant to settle his/ her violation the day following the service of notice of violation the case shall be referred immediately to the Office of the MENRO who will recommend to the Municipal Mayor for the immediate suspension of the Business Permit. Consequently, the Municipal Mayor or his duly authorized representative may order immediately, with the assistance of PNP, for the temporary closure of the establishment, until such time that the violation is settled administratively. Accordingly, all fines and further action shall be settled at the municipal level.

SECTION 37. Community Empowerment through the citizen's arrest in the enforcement and monitoring of ESWM Ordinance/ Laws.

34.1 Issuance of ID's/ Mayors appointment

34.2 Establish a communication network through center and hotlines to facilitate fast and effective monitoring.

ARTICLE XV Miscellaneous Provisions

SECTION 38. Incentives for Barangay Eco- Friendly Officer- Apprehending BEFO shall be given a share of forty percent (40%) of

HON. MARTIN LUTHER P. VELARDE
SK Federation President

HON. RODOLFO N. SUNIR
LMB President

HON. RICARDO L. GIVA
SB Member

HON. PAOLO ANTONIO C. LAURENTE
SB Member

HON. EDUARDO X. JOSEFO
SB Member

HON. ROMEO N. ALBARIDA
SB Member

HON. ARTURO T. ALMOROTO
SB Member

HON. JOSE W. DENGU
SB Member

HON. EVANGELINE C. CARNO
SB Member

HON. ORLANDO G. VIACRUSIS
SB Member

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the administrative fine imposed for every violation. Upon settlement of the administrative fine, the said share shall be handed-over immediately to the apprehending BEFO and the remaining 60% shall be remitted to the Barangay Treasurer, if the violator will be apprehended by a deputized officer of the Local Government Unit.

SECTION 39. Hauling/ Dumping of Bulky Wastes- The office in charge with the collection shall come up with an environmental sound scheme in the collection of bulky wastes. As defined in Section 16 for the arrangement.

ARTICLE XVI Education

SECTION 40. The Information and Communication (IEC) Team- There shall be a ESWM- IEC Team to prepare programs, modules, and materials to inform and educate individuals about the fundamentals and practices of ESWM. The barangay shall conduct all possible form of Information Education and Communication Campaign on Solid Waste Management in their respective jurisdiction. While the LGU shall assist the barangay to formulate plans and strategies on solid waste management. The Sangguniang Bayan shall appropriate the necessary funds to support the implementation of the IEC program. The appropriation/s shall be based on the budget to be submitted by the MENRO/ESWM Focal Person for the purpose.

The team shall be composed of the following (but not limited to)

- Barangay Committee on Education and Information Campaign
- Barangay Committee on Engineering/ Infra and MRF Construction
- Barangay Committee on Peace and Order
- Barangay Committee on Economic Enterprise

SECTION 41. IEC Materials- A variety of IEC materials shall be developed to support the ESWM communication program. Printed materials such as information sheet, posters, flyers, billboards and banners shall be developed, reproduced and distributed to the target audiences. Public service announcements, radio and TV plugs/ programs, infomercials shall be developed and aired through the local radio stations and local cable network if any.

SECTION 42. Creation of IES and Advocacy Teams- A Municipal IES and Advocacy Team shall be created and shall be responsible in promoting ESWM concerns in the municipality. THE

HON. MARTIN LUTHER P. VELARDE
SK Federation President

HON. ROBERTO N. SUNIR
LMB President

HON. RICARDO L. GIVA
SB Member

HON. PAOLO ANTONIO C. LAURENTE
SB Member

HON. EDUARDO T. POLIBO
SB Member

HON. ROMEO N. ALBARIDA
SB Member

HON. ARTURO T. ALMOROTO
SB Member

HON. JOEL M. DELUX
SB Member

HON. EVANGELINE C. CARNO
SB Member

HON. ORLANDO G. VIACRUSIS
SB Member



HON. ROMEO N. ALBARIDA
SB Member

HON. ARMANDO T. ALMORA
SB Member

HON. JEROME DENYO
SB Member

HON. EVANGELINE C. CARNO
SB Member

HON. ORLANDO G. VIACRUSIS
SB Member

IES and Advocacy Team, in coordination with the MENRO/ ESWM Focal Person shall perform the following functions:

1. Prepare and implement detailed communication plans to support implementation of the 10- year SWM Plan;
2. Develop, reproduce and disseminate ESWM promotional materials;
3. Conduct information/ advocacy campaign to waste generators;
4. Establish linkage/ network with partners to generate support for ESWM implementation;
5. Organize and train barangay IEC committees;
6. Document best ESWM practice/ model and facilitate publication/ distribution of ESWM success stories; and
7. Perform such other functions as may be required.

HON. MARTIN LUTHER P. YELLARDE
SK Federation President

HON. RODRIGO N. SUNIR
LNB President

HON. RICARDO L. GIVA
SB Member

HON. PAOLO ANTONIO C. LAURENTE
SB Member

HON. EDUARDO E. TOLDO
SB Member

ARTICLE XVI Financing of Solid Waste Management Projects

SECTION 43. Appropriation- To effectively carry out the implementation of the Municipal ESWM Plan and the implementation and enforcement of this Ordinance, the sum of not less the FIVE HUNDRED THOUSAND PESOS (P500,000.00) is hereby appropriated from the 20% Development Fund for the first year of implementation, which shall be based on the Municipal ESWM Plan, shall be submitted by the MENRO/ ESWM Focal Person and shall be included in the Annual Municipal Budget Ordinance.

SECTION 44. Funding- The funds for the implementation of the Municipal ESWM Plan shall be sourced from the twenty percent (20%) development fund and other available sources including funds from funding agencies.

SECTION 45. Separability Clause- If any provision of this Ordinance or the application of such provision to any person or circumstances is declared unconstitutional, the remainder of the Ordinance or the application of such provision to other person or circumstances shall not be affected by such declaration.

SECTION 46. Repealing Clause- All municipal, barangay ordinances, executive order, resolution or parts thereof inconsistent with the provision of this Ordinance are hereby repealed or modified accordingly.

SECTION 47. Effectivity- This ordinance shall take effect immediately after the lapse of fifteen days (15) from posting in the

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April 11, 2023



municipality and barangay boards and in three conspicuous places in the municipality.

APPROVED AND ENACTED this 11th. day of April, 2023.

AYES: 10

NAYS: 0

Carried Unanimously.

I HEREBY to the correctness of the foregoing Municipal Ordinance No. 153 series 2023, duly enacted by the Sangguniang Bayan of Matag-ob, Leyte.


ANA MARIA SANORIA-ECIJA
Secretary to the Sanggunian


ATTESTED:


HONORABLE ROMEO N. ALBARIDA
SB Member


HONORABLE ARTEMIO T. ALMOROTO
SB Member


HONORABLE JOEL N. DENOY
SB Member


HONORABLE EVANGELINE C. CARNO
SB Member


HONORABLE ORLANDO G. VIACRUSIS
SB Member

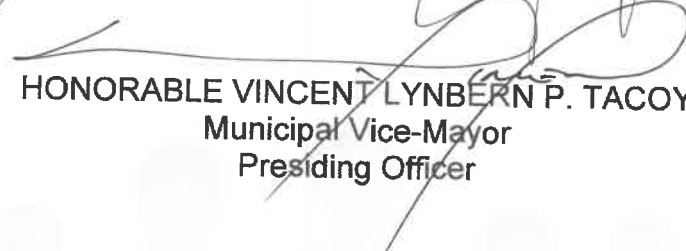

HONORABLE EDUARDO E. TOLEDO
SB Member


HONORABLE PAOLO ANTONIO C. LAURENTE
SB Member


HONORABLE RICARDO L. GIVA
SB Member


HONORABLE RODOLFO N. SUÑIR
Ex-Officio Member, LnB President


HONORABLE MARTIN LUTHER P. VELARDE
Ex-Officio Member, SK Federation President


HONORABLE VINCENT LYNBERN P. TACOY
Municipal Vice-Mayor
Presiding Officer

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April 11, 2023



HON. VINCENT LYNBERN P. TACOY
Municipal Vice-Mayor
Presiding Officer

APPROVED:

HONORABLE BERNARDINO G. TACOY
Municipal Mayor

24 APR 2023

Date Signed

HON. ROMEO N. ALBARIDA
SB Member

HON. ARTEMIO T. ALMOROTO
SB Member

HON. JOEL N. DENOY
SB Member

HON. EVANGELINE C. CARNO
SB Member

HON. ORLANDO G. VIACRUSIS
SB Member

HON. MARTIN LUTHER P. VERLARDE
SK Federation President

HON. RODOLFO N. SUÑIR
MIA President

HON. RICARDO L. GIVA
SB Member

HON. PAOLO ANTONIO C. LAURENTE
SB Member

HON. EDUARDO ESTOLEDO
SB Member

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