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Item No.: 14
Date: JUN 27 2023

Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte

PROVINCIAL LEGAL OFFICE

SANGGUNIANG PANLALAWIGAN
19 June 2023
Re: [Signature]
PROVINCE OF LEYTE

2nd Indorsement
June 14, 2023

Province of Leyte
Legal Office
Released: [Signature]
Date: 6.16.23

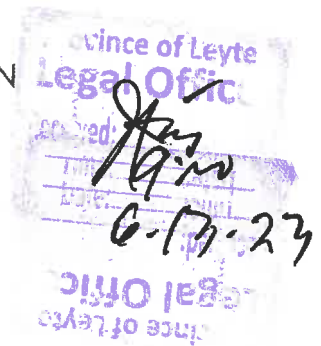
Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 2022-07 of the SB of Albuera, Leyte recommending for the declaration of its validity pursuant to its power under Section 56 (c) of R.A 7160, the same being, to the opinion of the Provincial Legal Office (PLO), an exercise of the power authorized under Section 447 (5), (xiii) of the Code. Provided, that, pursuant to Section 186 thereof, Fees or Charges shall not be unjust, excessive, oppressive, confiscatory, or contrary to declared national policy.

ATTY. JOSE RAYMUND A. ACOL
Asst. Provincial Legal Officer [Signature]


Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
13 June 2023



The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **MUNICIPAL ORDINANCE NO. 2022-07** of the Municipality of **ALBUERA, LEYTE**, entitled: An Ordinance Establishing A System Of Garbage Collection, Imposing Fees, Appropriating Funds And For Other Related Purposes Of Albuera, Leyte.


FLORINDA JILLS UYVICO
Secretary to the Sangguniang



Republic of the Philippines
PROVINCE OF LEYTE
Municipality of Albuera
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OFFICE OF THE SANGGUNIANG BAYAN

TRANSMITTAL

December 28, 2022

Hon. Leonardo Javier, Jr.
Vice Governor & Presiding Officer
Province of Leyte
New Provincial Government Complex
Palo, Leyte

Thru: **Florinda Jill S. Uyvico**
Secretary to the Sanggunian
Province of Leyte

Dear Vice Governor Javier:

Respectfully transmitting herein **Municipal Ordinance No. 2022-07, "An Ordinance Establishing a System of Garbage Collection, Imposing Fees, Appropriating Funds and for Other Purposes of Albuera, Leyte."**

Please acknowledge receipt hereof.

Very truly yours,


PAMELA M. BOHOLST, MPA
Secretary to the Sangguniang Bayan I



Republic of the Philippines
PROVINCE OF LEYTE
Municipality of Albuera

OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE 24TH REGULAR SESSION OF THE SANGGUNIANG BAYAN HELD AT THE SB SESSION HALL OF ALBUERA, LEYTE ON DECEMBER 20, 2022

MUNICIPAL ORDINANCE NO. 2022-07

AN ORDINANCE ESTABLISHING A SYSTEM OF GARBAGE COLLECTION, IMPOSING FEES, APPROPRIATING FUNDS AND FOR OTHER RELATED PURPOSES OF ALBUERA LEYTE

INTRODUCED BY: HON. ROXANNE R. ZALDIVAR

WHEREAS, garbage disposal and collection has been a nagging problem of the municipality and has affected the health of its residents;

WHEREAS, the seeming lack of a system or the failure in its implementation has aggravated the situation,

WHEREAS, there is a need to install discipline among the residents and to insist on the strict implementation and control of the procedure by the garbage haulers.

NOW, THEREFORE, BE IT ORDAINED BY THE SANGGUNIANG BAYAN OF THE MUNICIPALITY OF ALBUERA, LEYTE IN REGULAR SESSION ASSEMBLED:

SECTION 1. TITLE. This ordinance shall be known as “AN ORDINANCE ESTABLISHING A SYSTEM OF GARBAGE COLLECTION, IMPOSING FEES, APPROPRIATING FUNDS AND FOR OTHER RELATED PURPOSES OF ALBUERA LEYTE.”

SECTION 2. POLICY. – It is the policy of the Local Government Unit (LGU) of the Municipality of Albuera, Leyte to promote and preserve the good health of its constituents so that all efforts of the citizens and the government should be harnessed and directed towards the full realization and implementation of such policy.

SECTION 3. RESPONSIBILITIES AND RIGHTS

1. – It is the moral duty of each and every owner, tenant and/or caretaker of any enclosed residential building to clean the area of five (5) meters from the nearest wall of the building of any dead animals and rodents, broken or empty bottles, glass or porcelain, used or empty cans and canisters, cigars, cigarettes or butts, cut grass, waste or used paper, fruit peelings, plastic or plastic materials, rubber, rags, fallen leaves, twigs or branches of trees, swill and all forms of garbage, rubbish, trash or waste materials. With respect to residential buildings enclosed with walls or fence, the five-meter distance shall be measured from the nearest wall or fence.

2. – In the case of commercial or industrial buildings, the responsibility mentioned in the next preceding article shall be borne by the manager or person- in – charge thereof shall be held responsible.

3. – Each homeowner, tenant, manager or person- in- charge of any building or any room or space therein shall provide at least receptacles labeled as biodegradable & non- biodegradable in which he shall deposit or cause to be deposited all such garbage, rubbish, trash or waste materials and which receptacle shall be maintained in sanitary condition at all times by his or her representative and placed in such a location that it is easily accessible but not obstructive to the pedestrians.

4. – It is the responsibility of the homeowner, tenant, manager or person-in- charge to coordinate with the garbage collector assigned so that the garbage shall be regularly collected and properly disposed.

5. – All pedestrians shall also be held responsible for the maintenance of the cleanliness and orderliness sought to be achieved under this title.

SECTION 4. DEFINITION OF TERMS- Unless herein otherwise expressly provided, the following definitions shall govern:

MANUEL E. BANTAYASAN

ANTHONY V. BARTE

LENY S. BLIBAO

ANA LIZA E. DELA VICTORIA

ALBERTO D. SUMALLIAG

PANELA M. BOHOLST

SIXTO B. DELA VICTORIA

IMELDA A. FEADUL

ROXANNE R. ZALDIVAR

MARY JANE R. MANGALOGA

MARJUN P. MAGNO

PROFACIO RIZALITO M. CENIZA

MANUEL E. BANTASAN

“Biodegradable” – shall refer to wastes capable of being decomposed by the action of microorganisms while getting assimilated into the natural environment.

“Bulky Wastes” – shall refer to waste materials which cannot be appropriately placed in separate containers because of either its bulky size, shape or other physical attributes.

“Garbage” - shall mean the refuse of human beings or animals such as meat, vegetables, offal, or any kind of food supplies intended for consumption but have been rejected for such use any putrid or offensive substance.

ANTHONY V. BARTE

“Garbage collector” - Shall mean or include those who engage in collecting or hauling garbage or rubbish from any location establishment, or residence for a fee or profit. This shall include any person using a pushcart for the purpose of collection garbage or rubbish from residences or business establishments for a fee.

“MENRO” - means Municipal Environment and Natural Resources Office

“MRF” - means Materials Recovery Facility

“Non- biodegradable” – shall refer to wastes which cannot be decomposed or degraded by natural agents.

LENY S. BLIBAO

“Public places” - Shall mean and included parks, playgrounds, public school grounds, markets, cemeteries, and other public property of like and similar nature.

“Receptacles” – shall refer to individual containers used for the source separation & the collection of recyclable materials.

ANA LIZA E. DELA VICTORIA

“Rubbish” - shall mean and include waste or used paper, paste boards, woven or matted material, strings, cigar or cigarette butts, metallic vessels, cases, boxes of any kind, broken glass or porcelain, dead animal carrion, loose and decaying material and other dirt-like substances which may arise from repairing and cleaning property, human waste or excreta and dung and waste of cattle, horses and other animals.

“Street” - Shall mean and include all roads, thoroughfares, path, alleys, callejos, eskinitas, sidewalks, crosswalks, canals, gutters, esteros, rivers and the like.

- shall mean the refuse of human beings or animals such as meat, vegetables, offal, or any kind of food supplies intended for consumption but have been rejected for such use any putrid or offensive substance.

SECTION 5. PROHIBITION.

1. It is unlawful for any person to spit, urinate or defecate on any alley, street, sidewalk, pathway, park, plaza, or other public places, or in case of urinating or spitting on the walls and corridors of buildings.

2. It is unlawful to throw or deposit any garbage, rubbish, trash or waste materials in any vacant lot, park, plaza, alley, sidewalk, street gutter, yard or other public places such as but not limited to river banks and shorelines.

3. It is unlawful for any person, or group of persons, except in cases allowed by law or unless a prior authority has been granted by the Municipal Mayor for reasons of public order or the promotion of public health, to post or cause to be posted any handbill or poster of any size or material or paint graffiti on any fence, post or wall of private or public buildings. This prohibition covers the act of strewing handbills, or posters on the streets, sidewalks, pathways, plazas or public places.

4. It is unlawful for any person to pour out, scatter or spill any garbage, rubbish, trash, or waste materials from the receptacles.

SECTION 6. GARBAGE FEES. Garbage fees shall be charged for all residential, commercial, industrial and institutional establishments The following fee schedule shall be followed:

SIXTO B. DELA VICTORIA

IMELDA M. PADUL

ROXANNE R. ZALDIVAR

MARY JANE S. LACERRA

MARJUN P. MAGNO

PROTACIO RIZALITO M. CENIZA

ALBERTO C. MALLAG

PAVELA M. BOHOLST

TYPE OF ESTABLISHMENT	GARBAGE FEE (PESOS)	QUANTITY	MANNER OF COLLECTION
Industrial/ Manufacturing Plant	P 10.00/day	Per establishment	Per Annum (during application or renewal of business permit)
Within Albuera Public Market	P 2.00/day	Per Stall	Per Annum (during application or renewal of business permit)
Other Commercial Establishments 1.1 Interior	P 1.00/day	Per establishment	Per Annum (during application or renewal of business permit)
1.2 Non- interior	P 1.50/day	Per establishment	Per Annum (during application or renewal of business permit)
Special request of any person or establishment	P 1,200.00/ truck load/ trip		

MANUEL E. BANTASAN

ANTHONY V. BARTE

LENY S. BILBAO

ANA LIZA E. DELA VICTORIA

ALBERTO Q. S. MALJAG

PAMELA M. BOHOLST

SIXTO B. DELA VICTORIA

IMELDA M. ADUL

ROXANNE R. ZALDIVAR

MARY JANE E. DELA VICTORIA

MARLON F. MAGNO

PROTACIO RIZAL TOM. CENIZA

For new application for business permit – in case the application of business permit falls after the annual renewal period, the computation of the garbage collection fee shall be based on a monthly scheme to be reckoned on the date of the application.

SECTION 7. EXEMPTION OF GARBAGE COLLECTION FEE – The provision under Section 6 shall not be applicable during occurrence of calamities/ fortuitous events.

SECTION 8. MECHANICS OF GARBAGE COLLECTION. The Municipality of Albuera, Leyte are hereby divided on the basis of the volume of garbage and population, into three (3) areas and compact zones, namely:

- A. Barangay Poblacion.
- B. The barangays from Talisayan up to the northern most barangay that is Benolho.
- C. The barangays from San Pedro down to the southern most barangay that is Mahayag.

However, the MENRO or any instrumentality Municipal Government of Albuera which may hereinafter be imposed with garbage collection duties may make such other zoning (s) as the demand of the service may require. Such additional zoning or re- zoning shall observe the same criteria of volume of garbage and population.

In each garbage zone shall be assigned a garbage truck, a driver and a crew of garbage collectors with the necessary equipment, implements, tools and safety wear.

SECTION 9. HOURS OF DISPOSAL - It shall be unlawful for any person to throw, place, dispose, deposit, dump or allow to fall or escape, or cause to be thrown, placed, disposed, deposited, dumped, allowed to fall or escape, any garbage directly collected by the garbage trucks between 7:00 o'clock in the morning and 5:00 o'clock in the afternoon.

SECTION 10. HOURS OF COLLECTION - A schedule of collection of garbage on these three (3) areas shall be prepared and promulgated by the head of the instrumentality of the municipal government of Albuera which may hereinafter be imposed with garbage collection duties, with consultation with the Barangay Captain/ Chairman of the respective barangay concerned. The schedule shall take into consideration the optimum convenience of the homeowners, least disturbance to traffic and minimum

pollution hazards. Garbage trucks shall collect garbage within the municipality only between the hours of 7:00 in the morning and 5:00 in the afternoon.

SECTION 11. COLLECTION POINTS - Whenever possible, strategic principal garbage collection points or MRF may be established in every barangay with segregated solid wastes. Or for purposes of centralizing and systematizing the pick-up of garbage within the municipality, the following pick-up schedule / location are hereby designated;

Source of Waste	Types of Waste to be Collected	Collection Schedule
Public Market & PUV Terminal	Biodegradable waste	Daily
	Non- Biodegradable waste	Twice a Week
	Bulky Waste	By request
Municipal Hall	Biodegradable & Non- Biodegradable	Twice a Week
Poblacion	Biodegradable & Non- Biodegradable	Twice a Week
11 Coastal Barangays	Biodegradable & Non- Biodegradable	Twice a Week
5 Hinterland Barangays	Biodegradable & Non- Biodegradable	Twice a Week

SECTION 12. MANNER OF COLLECTION

12.1 Household residents are required to bring out their segregated wastes in separate packages/containers immediately before the arrival of collection truck/compactor. The agreed policy of “no-segregation, no-collection” shall strictly be enforced.

12.2 For urban households who have considerable quantity of tree cuttings, shrub branches or banana trunks, in which they do not have adequate space for composting, a special arrangement/schedule for collecting and hauling shall be undertaken by the LGU. This is provided in the existing ordinance of the LGU, and the requesting household have to pay per truckload, the amount of which is provided in the ordinance.

12.3 For urban households where tree cuttings, leaves and yard wastes are minimal and they have adequate space for composting, they are required to make use of these materials for firewood, for composting or leaves will be used for mulching backyard plants.

SECTION 13. PRIVATE CONTAINERS - In places where there are no garbage or rubbish receptacles provided by the municipal government, the garbage or rubbish shall be placed in a separate/ segregated container to be kept within the compound or premises of the person concerned and shall be taken out only upon the approach of the garbage truck whose arrival shall be announced by a signal such as a horn, bell or other similar devise.

The solid waste container depending on its use shall be properly marked or identified for on-site collection as "biodegradable", “non- biodegradable”, “recyclable” or "special waste", or any other classification.

The “no segregation, no collection” policy shall be enforced.

SECTION 14. SCAVENGERS - No individual shall interfere, scatter or remove any garbage or rubbish after it shall have been placed or deposited in the designated collection point or MRF.

SECTION 15. INFORMATION, EDUCATION AND COMMUNICATION MATERIALS.

15.1 MENRO – Shall be responsible for the production and distribution of IEC materials throughout the whole municipality.

15.2 Barangay Council - The barangay Council, through the Barangay Chairman, shall be responsible for the cleanliness and sanitation of their respective barangays and have the following duties:

MANUEL E. BANTASAN

ANTHONY V. BARTE

LENY S. ELBAO

ANA LIZA E. DELA VICTORIA

ALBERTO C. SUMALJAG

PAMELA M. BOHOLST

SIXTO B. DELA VICTORIA

IMELDA A. FADUL

ROXANNE R. ZALDIVAR

MARY JANE B.

MARJUN P. MAGNO

PROTASO RIZALITO M. CENIZA

MANUEL E. BANTAYASAN

ANTHONY V. BARTE

KENY S. ELBAO

ANA LIZA E. DELA VICTORIA

ALBERTO S. SUMALJAG

PAWELA M. BOHOLST

a. To assist in determining the collection points within and/or the waiting places for the garbage truck in their barangay.

b. To coordinate the creation of a Garbage Monitoring Team within the barangay territorial jurisdiction, ensuring that there are at least two (2) garbage monitors per Barangay or as many as deemed needed by the Barangay Council involved.

c. Garbage Monitoring Team - Shall be deputized to monitor compliance of the manner of collection and disposal of garbage as specified in this ordinance, to include designated pick-up points and garbage pick-up time. Members shall be authorized to impose and collect fines in behalf of the Barangay and the municipality provided that the necessary receipts or violation report forms are accomplished properly and issued to the offender.

d. Shall be responsible in collating all revenues derived from apprehensions by the individual Barangay Garbage Monitoring Team. A summary report of apprehensions to include date, place, name of offender, apprehending officer, and fine collected shall be forward every end of the month to the Municipal Treasurer's Office with the corresponding municipal share of the apprehension or penal fees. It shall be accounted in the General Fund.

e. The Albuera Leyte municipal government shall coordinate with the respective barangay Council regarding compliance with the above-mentioned schedules and possible revisions. On the time schedule for garbage collection, the teams of garbage collectors shall proceed to their designated garbage zones and, under the immediate supervision of the public service team leader, shall collect from the receptacles and strategic principal garbage collection points all garbage, rubbish and waste materials.

f. The scavengers as provided in Section 14 shall be organized by the barangay Council concerned to provide livelihood in terms of sorting of recyclables.

SECTION 16. PRIVATE GARBAGE COLLECTORS - Private garbage collectors with caretelas, pushcart, and the like shall not be allowed to deposit their collected garbage into any garbage receptacles or in any private ground, other than government dumping sites.

SECTION 17. SPECIAL FUND - All the fines collected under this Ordinances shall constitute a Special Fund to be exclusively used for the improvement of the collection and disposal of garbage and for no other purpose.

SECTION 18. PENAL CLAUSE - Any person found violating, or causing to violate any provision of this Ordinance shall be penalized according to the following schedule;

First Offense	A fine of P500.00
Second Offense	A fine of P1,000.00
Third Offense	A fine of P 2,000.00 and one (1) month imprisonment

SECTION 19. BARANGAY SHARE - All fines collected as a result of apprehensions shall be divided between the municipality, the Barangay, and the Monitoring team responsible for the apprehension in the following manner;

Municipal Share	70%
Barangay Share	30%

The municipal share shall be remitted by the barangay Chairman, together with their monthly summary of apprehensions and fines collected to the Municipal Treasury. The municipal share shall be accumulated in the general fund which shall be used to defray the necessary expenses to provide general services.

SECTION 20. SEPARABILITY - If any provision, article, or title of portion hereof is, for any cause or reason, held declared or pronounced as unconstitutional or invalid, the other provision, article hereof not so held, declared or pronounced shall remain in full force and effect.

SIXTO B. DELA VICTORIA

INELDA T. FADUL

ROXANNER R. ZALDIVAR

MARY JANE B. DELA VICTORIA

MARJUN P. MAGNO

PROTACIO RIZALTO M. CENIZA










SECTION 21. REPEALING CLAUSE - Any ordinance or parts thereof contrary or inconsistent with the provisions of this Ordinances are here by repealed.

SECTION 22. EFFECTIVITY. This Ordinance shall take effect fifteen days (15) after its publication in a local newspaper of general circulation and posting for two (2) consecutive weeks in all conspicuous places in the Municipal Hall or in the local bulletin board.


APPROVED.

ENACTED BY THE SANGGUNIANG BAYAN OF ALBUERA, LEYTE TERM 2022 – 2025 DURING ITS 24TH REGULAR SESSION HELD ON DECEMBER 20, 2022 AT THE SB SESSION HALL ALBUERA, LEYTE.


ATTESTED AND CERTIFIED TO BE DULY ADOPTED:

 HON. ROXANNE R. ZALDIVAR SB Member	 HON. PROTACIO RIZALITO M. CENIZA SB Member	 HON. DENY S. BILBAO SB Member
 HON. MARY JANE B. SASULA SB Member	 HON. MANUEL E. BANTASAN SB Member	 HON. ANA LIZA E. DELA VICTORIA SB Member
 HON. MARJUN P. MAGNO SB Member	 HON. ANTHONY V. BARTE SB Member	 HON. ALBERTO C. SUMALJANG LnB President/Ex-Officio Member

I HEREBY CERTIFY that this is a true and accurate copy of the ordinance duly enacted by the Sangguniang Bayan of Albuer, Leyte Term 2022 – 2025 on its 24th Regular Session on December 20, 2022 at the SB Session Hall, Albuer, Leyte.


PAMELA M. BOHOLST, MPA
Secretary to the Sangguniang Bayan I


HON. IMELDA A. FADUL
Mun. Vice-Mayor/Presiding Officer

APPROVED:

HON. SIXTO B. DELA VICTORIA
Municipal Mayor
Date: DEC 23 2022



Republic of the Philippines
PROVINCE OF LEYTE
Municipality of Albuera

OFFICE OF THE SANGGUNIANG BAYAN
ATTENDANCE SHEET

24th REGULAR SESSION
of the Sangguniang Bayan

SB Session Hall
Venue

December 20, 2022

No.	Name & Designation	Signature
1	Hon. IMELDA A. FADUL Mun. Vice Mayor / Presiding Officer	
2	Hon. ROXANNE R. ZALDIVAR SB Member	
3	Hon. MARY JANE B. CAGULA SB Member	
4	Hon. MARJUN P. MAGNO SB Member	
5	Hon. PROTACIO RIZALITO M. CENIZA SB Member	
6	Hon. MANUEL E. BANTASAN SB Member	
7	Hon. ANTHONY V. BARTE SB Member	
8	Hon. LENY S. BILBAO SB Member	
9	Hon. ANA LIZA E. DELA VICTORIA SB Member	
10	Hon. ALBERTO C. SUMALJAG ABC President, Ex-Officio	
11	Hon. JOY S. PATRICIO SK Federation President, Ex-Officio	MATERNITY LEAVE

CERTIFICATION

I hereby certify that those who have affixed their signatures above, have actually attended the 24th Regular Session of the Sangguniang Bayan of Albuera, Leyte, held at the SB Session Hall on December 20, 2022.

PAMELA M. BOHOLST
Secretary to the Sangguniang Bayan



Republic of the Philippines
PROVINCE OF LEYTE
Municipality of Albura
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OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATION

TO THE CONCERNED:

THIS IS TO CERTIFY that **Municipal Ordinance No. 2022-07**, "An Ordinance Establishing a System of Garbage Collection, Imposing Fees, Appropriating Funds and for Other Purposes of Albura, Leyte," has been posted in the bulletin board of the Sangguniang Bayan of Albura, Leyte on December 24, 2022 and shall remain posted until a period of two (2) consecutive weeks thereof.

ISSUED this 27th day of December 2022 at Albura, Leyte, Philippines.


PAMELA M. BOHOLST, MPA
Secretary to the Sangguniang Bayan I