

Item No.: 10

Date: 11 2024 JUN

PROVINCIAL LEGAL OFFICE



2nd INDORSEMENT
May 30, 2024



Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 2023-168, of the Sangguniang Bayan of Carigara, Leyte, recommending for the declaration of its validity, pursuant to its power under Section 56 (C) of R.A. 7160, to the opinion of the Provincial Legal Office (PLO), an exercise of the power authorized under Section 447(4)(vi)ⁱ of the Local Government Code.

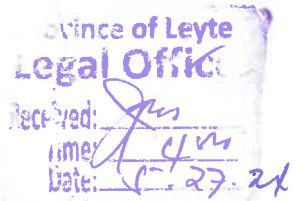
Furthermore, the opinions rendered herein are without prejudice to opinions rendered by higher authorities.

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

ⁱ (vi) Regulate the establishment and provide for the inspection of inflammable and highly combustible materials within the municipality;


Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte

OFFICE OF THE SANGGUNIANG PANLALAWIGAN



1ST INDORSEMENT
27 May 2024

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **MUNICIPAL ORDINANCE NO. 2023-168** of the **MUNICIPALITY of CARIGARA, LEYTE**, entitled: **An Ordinance Prohibiting the Refilling, Distribution and Retailing of Liquefied Petroleum Gas (LPG) in Butane Canisters and "Bote-Bote de Gasolina" Within the Territorial Jurisdiction of the Municipality of Carigara.**


FLORINDA JILL S. UYVICO
Secretary to the Sanggunian



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF CARIGARA

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Office of the Sangguniang Bayan

1st Indorsement


May 24, 2024



Respectfully forwarded to the Honorable Members of the Sangguniang Panlalawigan of Leyte, thru the Provincial Board Secretary, Florinda Jill S. Uyvico, the following documents, to wit:

- 1. Municipal Ordinance No. 2023-168** –*“An Ordinance Prohibiting the Refilling, Distribution and Retailing of Liquefied Petroleum Gas (LPG) in Butane Canisters and “Bote-Bote De Gasolina” within the Territorial Jurisdiction of the Municipality of Carigara.”; AND*
- 2. Municipal Ordinance No. 2023-180** –*“An Ordinance Amending the Implementing Guidelines for Day Care Workers under Ordinance No. 07, Series of 1999, entitled: “An Ordinance Creating the Municipal Day Care Board for other Purposes”.*

For your perusal and appropriate action.


ROMEO M. VIOJAN
SB Secretary



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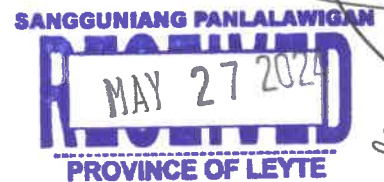
[Signature]
HON. JIMMY A. CAMPOSANO
Mun. Vice Mayor-Pres. Officer

EXCERPT FROM THE MINUTES/JOURNAL OF THE 89TH REGULAR SESSION OF THE 19TH COUNCIL OF THE SANGGUNIANG BAYAN OF CARIGARA HELD AT THE SESSION HALL, LEGISLATIVE BUILDING, CARIGARA, LEYTE ON APRIL 17, 2024

* * * * *

PRESENT:

- Hon. Jimmy A. Camposano ----- Mun. Vice Mayor-Pres. Officer
- Hon. Joenlee C. Larraga ----- SB Member
- Hon. Anabella N. Crisostomo ----- SB Member
- Hon. Mildred C. Modesto ----- SB Member
- Hon. Raul Z. Lloren ----- SB Member
- Hon. Lorna A. Marpa ----- SB Member
- Hon. Joselu N. Guia ----- SB Member
- Hon. Kim Anthony G. Agner ----- SB Member
- Hon. Leny T. Ong ----- SB Member
- Hon. Arvin N. Urmeneta ----- SB Member-Liga ng mga Brgy. Pres.
- Hon. Daniel N. Ariaso, Jr. ----- SB Member-SK Fed. Pres.



[Signature]
DANIEL N. ARIASO, JR.
SB Member-SK Fed. Pres.

[Signature]
ARVIN N. URMENETA
SB Member-Liga Fed. Pres.

ABSENT:

None

* * * * *

MUNICIPAL ORDINANCE NO. 2023-168

PROHIBITING THE REFILLING, DISTRIBUTION AND RETAILING OF LIQUEFIED PETROLEUM GAS (LPG) IN BUTANE CANISTERS AND "BOTE-BOTE DE GASOLINA" WITHIN THE TERRITORIAL JURISDICTION OF THE MUNICIPALITY OF CARIGARA.

AUTHORS: HON. KIM ANTHONY G. AGNER
HON. LORNA A. MARPA

WHEREAS, the Department of Energy (DOE) has urged the general public to refrain from using LPG-refilled canisters of butane camping stoves because these might explode;

WHEREAS, pure butane fuel is designed for outdoor use and can only be used once, and refilling it is not advisable for safety reasons. The problem is compounded

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“PROHIBITING THE REFILLING, DISTRIBUTION AND RETAILING O LIQUEFIED PETROLEUM GAS (LPG) IN BUTANE CANISTERS AND “BOTE-BOTE DE GASOLINA” WITHIN THE TERRITORIAL JURISDICTION OF THE MUNICIPALITY OF CARIGARA”

when owners fill empty canisters with liquefied petroleum gas (LPG). Butane and LPG do not have the same characteristics. The canister is not suited to the gas pressures expected of the LPG. Using LPG refilled canisters has jeopardized public safety and is now a major issue that needs public awareness;

DANIEL N. ARIASO, JR.
SB Member-S. Fed. Pres.

WHEREAS, forcing LPG on a butane canister may cause a leak that will lead to emission of volatile gas, that can cause explosion and fire. The Bureau of Fire Protection (BFP) has reported 44 butane related incidents of fire from 2010 to 2015;

ARVIN N. URMENETA
SB Member-Liga Fed. Pres.

WHEREAS, refilling of canisters previously filled with butane started in Mindanao, but is now prevalent in the Visayas, particularly in Leyte Province, as we are informed that Kananga and Ormoc City are some of the places with existing butane refilling backyards;

WHEREAS, the Municipality of Carigara already knew that it is widely operated, as butane refill is popular due to convenience, and because it only costs twenty-five pesos (₱25.00) compared to the regular price of pure butane, which is seventy-pesos (₱70.00);

LENY T. ONS
SB Member

WHEREAS, it become imperative to regulate the refilling, distribution and retailing of LPG-refilled butane canisters in the Municipality of Carigara;

WHEREAS, there is also an increasing proliferation of unsafe practices in Liquid Petroleum Product Retailing particularly with the use of inappropriate containers (e.g. "bote-bote"), storage tanks and tank vehicles;

KIM ANTHONY G. AGNER
SB Member

WHEREAS, the continued operation of unsafe and sub-standard Retail Outlets may (i) expose the consuming public to fire, security, health and environmental risks; (ii) deny the public the proper quality and quantity of the Liquid Petroleum Products they purchase; (iii) deprive legitimate Retail Outlets of additional sales volume; (iv) deprive the government of revenue derived from licensing fees, local business taxes and pump calibration charges, among others; and (v) encourage the marketing of Liquid Petroleum Products sourced from illegal activities such as smuggling, pilferage, theft and the like;

OSEJO N. GUIA
SB Member

NOW, THEREFORE, the Sangguniang Bayan of Carigara, Leyte, hereby pass and

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enact an ordinance, known as:

SECTION 1: Title - This Ordinance shall be otherwise known as the, "Anti LPG-Refilled Butane Canister and Bote-Bote De Gasolina Ordinance ".

SECTION 2: Definition of Terms - As used in this Ordinance, the following terms shall mean:

Butane - is a colorless flammable gas and a derivative of natural gas or petroleum refining, and is used as fuel, refrigerant, among others.

Hauler - shall refers to any person, whether natural or juridical, engaged in the transport, distribution, hauling, and carriage of petroleum products, whether in bulk or packed form, from the oil companies and independent marketers to the petroleum dealers and other consumers.

Liquefied Petroleum Gas (LPG for brevity - is a colorless and flammable gas which is amixture of propane and butane, and is used in the Philippines as fuel for heating, cooking and vehicles. It is commercially refilled and sold in cylinders approved by the Bureau of Philippine Standards.

Liquid Petroleum Products - are substances that are liquid in nature, for example gasoline, petrol, diesel, kerosene and other products manufactured or extracted in a petroleum refinery.

Refiller - a person or entity engaged in refilling LPG into a canister previously filled with butane or into a canister not approved by the Bureau of Philippine Standards.

Peddler - refers to an individual or entity engaged in the unauthorized sale of liquid fuels, such as gasoline, motor oils, kerosene, and diesel, in small portable containers like soda bottles, plastic bottles, and jugs, including the LPG refilled in butane canister.

Bote-bote - refers to the manner of Retailing Liquid Petroleum Products (i.e. premium/regular gasoline, diesel, motor oils, kerosene and the likes), particularly gasoline,

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in unapproved and recycled containers such as soda bottles, plastic containers, jugs and other similar portable containers not intended or suited for storing, handling and dispensing Liquid Petroleum Products, by individuals, entities, or businesses within the municipality.

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Apprehending Officer - pertains to the personnel from the Philippine National Police (PNP) of the Carigara Municipal Police Station and the officers on duty from the Carigara Traffic Enforcement & Management Office (CATEMO).

SECTION 3: Purpose of this Ordinance - It is the purpose of this Ordinance to ensure safety of the end-users and the buying public in general. Butane and LPG do not have the same characteristics. The canister is not suited to the gas pressures expected of the LPG. Using LPG-refilled canisters will jeopardize public safety and is now a major issue that needs public awareness.

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Forcing LPG on a butane canister may cause a leak that will lead to emission of hazardous gas that can cause explosion and fire.

Likewise, to protect the health and safety of the community by preventing the illegal sale of gasoline through the use of unapproved and recycled containers such as soda bottles, plastic containers, jugs and other similar portable containers. It is to ensure safety of the end-users and the buying public in general. However, it should be noted that this practice is extremely dangerous and potentially illegal, as it poses a significant fire hazard, and the gasoline may be contaminated or mixed with other chemicals, which can damage engines and potentially cause health hazards.

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SB Member

SECTION 4: Minimum Standards

I. For LPG Industry Participants:

All persons and those engaged in the downstream oil industry shall comply with the following:

- (a) All persons and entities engaged in the downstream oil industry, including selling of petroleum and petroleum-based products, shall use only facilities, and equipment that comply with the specification, design, fabrication, inspection,

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marking and requalification provision of the safety codes set and observed in the industry.

- (b) All other matters affecting the safe and proper handling, transport, storage, installation and use of equipment and facilities used in the downstream oil industry shall be governed by the pertinent provisions of the different international safety codes now observed and adopted in the industry.
- (c) To ensure safety of the consumers, all LPG marketers are enjoined to procure only brand-new cylinders from duly licensed cylinder manufacturers with their brand name clearly embossed on the cylinder body and shall conform to the provisions of the Philippine National Standards ("Specification for Steel Cylinders for LPG"). All cylinders shall be re-qualified ten (10) years from the date of manufacture and every five (5) years thereafter.
- (d) All LPG marketers shall have appropriate provisions for the safe handling of all cylinders in circulation.
- (e) Vehicles used in transporting LPG cylinders shall have substantially flat floors and equipped with suitable racks for holding the cylinders which shall be securely fastened in a position that shall minimize the possibility of movement and tipping over, which might cause danger to life and property.
- (f) All brand owners who sell LPG in bulk or retail shall carry a product liability insurance to answer for whatever damage or liability that may result from the unsafe condition of LPG tanks, installation and equipment.

II. For Retailers of Liquid Petroleum Products:

- (a) The Retailing of Liquid Petroleum Products shall be conducted in duly approved premises with an initial minimum lot area of 100 square meters and where vehicles being served shall at all times be inside the duly approved business premises.

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- (b) The Retailing of Liquid Petroleum Products shall only be carried out through fixed and permanent dispensing pumps duly approved by the DOE.
- (c) The owner and/or operator of the Retail Outlet must possess valid permits, licenses and certifications for the Retailing, storage, handling, transfer and/or dispensing of Liquid Petroleum Products from the LGU concerned, the BFP, the DENR, DOE and other relevant government authorities.
- (d) Liquid Petroleum Products shall be transferred only from underground tanks by means of fixed pumps designed and equipped to allow the control of the flow and prevent leakage or accidental discharge;
- (e) Liquid Petroleum Products shall not be dispensed from above-ground tanks, portable tanks, tank vehicles, drums, barrels or similar containers, e.g. bote-bote, into the fuel tanks of motor vehicles or containers;

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SECTION 5: Prohibition - It is unlawful for any person or entity to perform the following within the Municipality of Carigara, to wit:

- a. To refill LPG into a canister, previously filled with butane or not registered or approved by the Bureau of Philippine Standards;
- b. To distribute and transport, by any means of transportation, any LPG in canister, or from a known refiller of LPG into canister, previously filled with butane or not registered or approved by the Bureau of Philippine Standards, to any customer; and,
- c. To retail LPG in canister previously filled with butane or in canister not approved by the Bureau of Philippine Standards.
- d. To fill up gasoline into a soda bottles, plastic containers, jugs and other similar portable containers not intended or suited for storing, handling and dispensing Liquid Petroleum Products, not registered or approved by the Bureau of Philippine Standards

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- e. To distribute and transport, by any means of transportation, any Liquid Petroleum Products in container not approved by the Bureau of Philippine Standards to any customer;
- f. To retail petroleum products such as gasoline/diesel in container not approved by the Bureau of Philippine Standards.

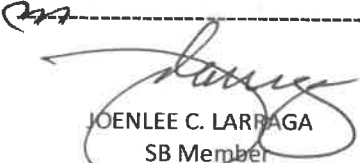
SECTION 6: Enforcement - In order to come up with an action plan that will prevent the spread of refilled containers and “bote-bote” the following agencies shall be tasked to lead the strict enforcement of this Ordinance:


The **Philippine National Police (PNP)** personnel of Carigara Municipal Police Station and/or the **Carigara Traffic Enforcement & Management Office (CATEMO)** officers of **Municipality** shall apprehend haulers of LPG-refilled butane canisters and “bote-bote”, by any means of transportation. A citation ticket to this effect shall be issued to the hauler, and the refilled butane canisters or “bote-bote” in possession shall be taken into custody by the LGU for evidence purposes and proper disposal thereafter. The **Department of Energy (DOE)** shall be consulted for technical and legal support.

On the other hand, the **Philippine National Police (PNP)** personnel of Carigara Municipal Police Station, and the **Barangay Officials** and its **Barangay Tanods**, in coordination with the **Department of Trade and Industry (DTI)-Bureau of Product Standards** shall monitor all commercial and community “sari-sari” stores that sell butane canisters. The owner of the commercial and community store shall be appropriately charged, and the refilled butane canisters in possession shall be taken into custody by the PNP for evidence purposes and proper disposal thereafter.

Also, with the “bote-bote”, the peddler of Liquid Petroleum Products (i.e. premium/regular gasoline, diesel, motor oil, kerosene and the likes) in container not approved by the Bureau of Philippine Standards shall be taken into custody by the PNP for evidence purposes and proper disposal thereafter.


The **Barangay Officials** and its **Barangay Tanods** tasks include assisting in the surveillance and inspection of these establishments, reporting any violations or irregularities


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to the authorities, ensuring compliance with regulations governing the sale and handling of butane canisters and “bote-bote de gasolina” within their respective barangays, and serving as witnesses during the confiscations. Additionally, they may provide support in disseminating information about safety protocols and regulations to store owners and residents to promote public safety and awareness.

Finally, the Municipal Treasurer's Office (MTO) shall REFUSE/CEASE from issuing business permits to firms or individuals who are engaged or shall intend to engage in the refilling, distribution, hauling and retailing of LPG in canister, previously filled with butane, or not approved by the Bureau of Fire Protection.

Similarly, firms or individuals who are engaged or shall intend to engage in the ‘illegal Retailing of Liquid Petroleum Products shall be DENIED from issuance of business permits. The Bureau of Fire Protection (BFP) shall assist the Treasurer's Office in the implementation of this provision.

SECTION 7: Penalty

Violators, who are haulers set forth in the preceding section of this Ordinance, shall be held liable to pay an administrative fine of One Thousand Pesos (P1,000.00), which shall be paid to the Municipal Treasurer's Office within seventy-two (72) hours from the time of apprehension. During the 72-hour period, pending the payment of the administrative fine, the motorcycle or vehicle used for the commission of the offense shall be taken into the custody and turned over to the PNP, subject to towing fees (if applicable).

However, when the administrative fine required in the previous paragraph of this section is not paid, after the 72-hour period, the motorcycle or vehicle used for the commission of the offense shall be impounded in favor of the Municipal Government, and shall only be released to the owner upon payment of its corresponding towing fees based on the existing towing tariff rates, and an administrative fine of Two Thousand Pesos (P2,000.00), which shall be paid to the Municipal Treasurer's Office.

Violators, who are owners of commercial and community stores set forth in the preceding section of this Ordinance, shall be held liable to pay an administrative fine of One Thousand

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Pesos (₱1,000.00) for the first offense; Two Thousand Pesos (₱2,000.00) for the second offense; which shall be paid to the Municipal Treasurer's Office. After the payment, the owner shall be ordered to refrain from selling of refilled butane canisters and/or “bote-bote”, OTHERWISE, an administrative fine of Two Thousand Five Hundred Pesos (₱2,500.00) and his business permit will be revoked on third and subsequent apprehension.

However, when the commercial and/or community stores do not possess a business permit, the owner shall be held liable to pay an administrative fine of Two Thousand Five Hundred Pesos (₱2,500.00) which shall be paid to the Municipal Treasurer's Office. And in addition, he shall be compelled, for a prescribed period, to secure a business permit for the operation of his commercial and/or community store, PROVIDED, he will not be selling refilled butane canisters and/or “bote-bote”.

Corollary thereto, the Philippine National Police (PNP) personnel of Carigara Municipal Police Station, with the assistance of the Department of Energy (DOE), may file a separate criminal case against the illegal refillers, distributors, haulers and retailers of LPG in canisters and/or “Bote-bote” pursuant to the provisions of Presidential Decree No. 1865, or an *“Act Defining and Penalizing Certain Prohibited Acts Inimical to the Public Interests and National Security involving Petroleum and/or Petroleum Products”*.

IF THE Local Government Unit had an Ordinance to this effect or of similar nature, the provision(s), most specifically the Penalty Clause of this Ordinance, shall be suppletory to the enacted Ordinance of the Municipality.

SECTION 8: Impounding and Disposal

The Municipal Mayor shall designate a Municipal impounding area for the confiscated refilled canisters. The PNP, with the assistance of the LGU and BFP, shall provide transport of the seized canisters to the designated impounding area, and shall provide 24 hours security when the evidence is in transit, and during which it is impounded. The Bureau of Fire Protection (BFP) shall be properly consulted in determining the impounding area.

The Municipal Mayor, in coordination with the DOE and BFP, shall provide with a proper and safe procedure in the disposal of the seized soda bottles, plastic containers, jugs

JOENLEE C. LARRAGA
SB Member

ANABELLA N. CRISOSTOMO
SB Member

MILDRED C. MODESTO
SB Member

RAUL Z. LLOREN
SB Member

JIMMY A. CAMPOSANO
Multi-Vice Mayor/Pres. Officer

DANIEL N. ARMASO, JR.
SB Member-SB Fed. Pres.

ARVIN N. URMENETA
SB Member-Liga Fed. Pres.

LENY T. ONG
SB Member

KIM ANTHONY G. AGNEY
SB Member

JOSEFU N. GUIA
SB Member

LORNA A. MARPA
SB Member



REPUBLIC OF THE PHILIPPINES
PROVINCE OF LEYTE
MUNICIPALITY OF CARIGARA

-oOo-

OFFICE OF THE SANGGUNIANG BAYAN

Telephone No. (053) 530-5144 E-mail Address: sangguniang bayancarigara@gmail.com



JIMMY ZAMPOSANO
Mun. Vice Mayor- Pres. Officer

Page 10/11 – Ordinance. No.2023-168 dated April 17, 2024–

“PROHIBITING THE REFILLING, DISTRIBUTION AND RETAILING O LIQUEFIED PETROLEUM GAS (LPG) IN BUTANE CANISTERS AND “BOTE-BOTE DE GASOLINA” WITHIN THE TERRITORIAL JURISDICTION OF THE MUNICIPALITY OF CARIGARA”

and other similar portable containers, canisters, including its hazardous contents.

The **Municipal Mayor** has the discretion to order the use of the seized liquid petroleum products for government vehicle use only after the test result of liquid petroleum products done by DOE that it is safe to use.

The initial impounding area for confiscated refilled cannisters (empty/filled), bote-bote de gasolina, and vehicles will be at the **MOTORPOOL**, ensuring a centralized and secure location for containment and assessment. However, it is important to note that depending on specific circumstances and requirements, these assets may be transferred to other locations deemed more suitable by the **Municipal Mayor and BFP**. Such transfers could be necessitated by factors such as the need for specialized containment facilities. Flexibility in relocation ensures that confiscated refilled cannisters (empty/filled), bote-bote de gasolina, and vehicles are appropriately handled and managed according to the highest safety and regulatory standards.

SECTION 9: Repealing Clause

Any and all other existing ordinances or parts thereof containing provisions which are inconsistent or contrary with any of the provisions declared in this Ordinance are hereby deemed repealed, amended or modified accordingly.

SECTION 10: Separability Clause

If any provision of this Ordinance, is for any reason(s), declared to be unconstitutional or invalid, the remainder of this Ordinance or any provision hercof which are not affected thereby shall continue to be valid and enforceable.

SECTION 11: Effectivity Clause

This Ordinance shall take effect after its posting at a conspicuous place in the Municipal Government of Carigara for three consecutive weeks, and/ or after its mandatory publication in newspaper of general circulation as mandated under Section 511 of the R.A. 7160, or otherwise known as the Local Government Code of 1991, whichever comes first.

DANIEL N. ABRASO, JR.
SB Member- Pres. Officer

ARVIN N. URMENETA
SB Member-Liga Fed. Pres.

LENY T. ONG
SB Member

KIM ANTHONY G. AGNER
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REPUBLIC OF THE PHILIPPINES
PROVINCE OF LEYTE
MUNICIPALITY OF CARIGARA



OFFICE OF THE SANGGUNIANG BAYAN

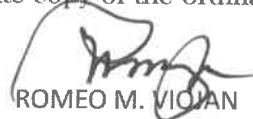
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Page 11/11 – Ordinance. No.2023-168 dated April 17, 2024–
“PROHIBITING THE REFILLING, DISTRIBUTION AND RETAILING O LIQUEFIED
PETROLEUM GAS (LPG) IN BUTANE CANISTERS AND “BOTE-BOTE DE GASOLINA”
WITHIN THE TERRITORIAL JURISDICTION OF THE MUNICIPALITY OF CARIGARA”

ENACTED: This 17th day April 2024 at Carigara, Leyte

* * * * *

I HEREBY CERTIFY that this is a true and accurate copy of the ordinance enacted by
the Sanggunian on 17 April 2024.


ROMEO M. VIOJAN
SB Secretary

Attested:


JIMMY A. CAMPOSANO
Municipal Vice Mayor /Presiding Officer

Concurred:


JOENLEE C. LARRAGA
SB Member


ANABELLA N. CRISOSTOMO
SB Member


MILDRED C. MODESTO
SB Member



RAUL Z. LOREN
SB Member



LORNA A. MARPA
SB Member


JOSE N. GUIA
SB Member


KIM ANTHONY G. AGNER
SB Member


LENY T. ONG
SB Member


ARVIN N. URMENETA
SB Member-LnB Pres.


DANIEL N. ARIASO, JR.
SB Member-Sk. Fed. Pres.

Approved:


EDUARDO T. ONG, JR.
Municipal Mayor

Date Approved: 5/22/24



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF CARIGARA

-oOo-

Office of the Sangguniang Bayan

CERTIFICATION

THIS IS TO CERTIFY that a public hearing was conducted last March 8, 2024 at 3:00 o'clock in the afternoon at the LGU- Roof Deck, Carigara, Leyte for the deliberation of the **Municipal Ordinance No. 2023-168** — *“An Ordinance Prohibiting the Refilling, Distribution and Retailing of Liquefied Petroleum Gas (LPG) in Butane Canisters and “Bote-Bote De Gasolina” within the Territorial Jurisdiction of the Municipality of Carigara”*.

“

ISSUED this 24th day of May, 2024.


ROMEO M. VIOJAN
SB Secretary

1 MINUTES OF THE PUBLIC HEARING OF THE PROPOSED MUNICIPAL
2 ORDINANCE NO. 2023-168 entitled "PROHIBITING THE REFILLING,
3 DISTRIBUTION AND RETAILING OF LIQUEFIED PETROLEUM GAS (LPG) IN
4 BUTANE CANISTERS AND "BOTE-BOTE DE GASOLINA" WITHIN THE
5 TERRITORIAL JURISDICTION OF THE MUNICIPALITY OF CARIGARA" HELD
6 LAST MARCH 8, 2024 AT 3:00 PM AT LGU ROOF DECK
7

8 **CALL TO ORDER**

9 The Chairman of the committee call the meeting to order.

10 **ROLL CALL**

11 The secretary of the Sanggunian disclosed that present thereto are the Chairman,
12 Hon. Kim Anthony G. Agner, the sponsor of the ordinance and Hon. Joselu N.
13 Guia, also present thereto are Atty. Wenceslao L. Narido Jr, Municipal Administrator, Ms.
14 Juliet R. Hanopol, Municipal Treasurer, the Municipal Warden and personnel from the
15 Bureau of Jail Management and Penology, Carigara Station, Insp. Luis Lymwell C. Marmita,
16 BFP Fire Marshal, Carigara Station, the Punong barangay and Kagawads of the 49 Barangay,
17 in Carigara, Leyte and some SB employees and staff .
18

19 **HON. KIM ANTHONY G. AGNER, SB MEMBER:**

20 Maupay nga kulop ha aton ngatanan nga aanhi, so we are called today to dicuss the
21 proposed Municipal Ordinance. 2023- 168 entitled "PROHIBITING THE REFILLING,
22 DISTRIBUTION AND RETAILING OF LIQUEFIED PETROLEUM GAS (LPG) IN
23 BUTANE CANISTERS AND "BOTE-BOTE DE GASOLINA" WITHIN THE
24 TERRITORIAL JURISDICTION OF THE MUNICIPALITY OF CARIGARA".

25 **SECTION 1: Title** - This Ordinance shall be otherwise known as the, "Anti LPG-
26 Refilled Butane Canister and Bote-Bote De Gasolina Ordinance ".

27 **SECTION 2: Definition of Terms** - As used in this Ordinance, the following terms shall mean:
28 **Butane** - is a colorless flammable gas and a derivative of natural gas or petroleum refining,
29 and is used as fuel, refrigerant, among others.

30 **Hauler** - shall refers to any person, whether natural or juridical, engaged in the transport,
31 distribution, hauling, and carriage of petroleum products, whether in bulk or packed form,
32 from the oil companies and independent marketers to the petroleum dealers and other
33 consumers.

34 **Liquefied Petroleum Gas (LPG)** for brevity - is a colorless and flammable gas which is a
35 mixture of propane and butane, and is used in the Philippines as fuel for heating, cooking
36 and vehicles. It is commercially refilled and sold in cylinders approved by the Bureau of
37 Philippine Standards.

38 **Liquid Petroleum Products** - are substances that are liquid in nature, for example gasoline,
39 petrol, diesel, kerosene and other products manufactured or extracted in a petroleum
40 refinery.

41 **Refiller** - a person or entity engaged in refilling LPG into a canister previously filled with
42 butane or into a canister not approved by the Bureau of Philippine Standards.

43 **Peddler** - refers to an individual or entity engaged in the unauthorized sale of liquid fuels,
44 such as gasoline, motor oils, kerosene, and diesel, in small portable containers like soda

1 bottles, plastic bottles, and jugs, including the LPG refilled in butane canister.

2 Bote-bote - refers to the manner of Retailing Liquid Petroleum Products (i.e.
3 premium/regular gasoline, diesel, motor oils, kerosene and the likes), particularly gasoline,
4 in unapproved and recycled containers such as soda bottles, plastic containers, jugs and other
5 similar portable containers not intended or suited for storing, handling and dispensing
6 Liquid Petroleum Products, by individuals, entities, or businesses within the municipality.

7 Apprehending Officer - pertains to the personnel from the Philippine National Police (PNP)
8 of the Carigara Municipal Police Station and the officers on duty from the Carigara Traffic
9 Enforcement & Management Office (CATEMO).

10 SECTION 3: Purpose of this Ordinance - It is the purpose of this Ordinance to ensure
11 safety of the end-users and the buying public in general. Butane and LPG do not have the
12 same characteristics. The canister is not suited to the gas pressures expected of the LPG.
13 Using LPG-refilled canisters will jeopardize public safety and is now a major issue that needs
14 public awareness.

15 Forcing LPG on a butane canister may cause a leak that will lead to emission of hazardous
16 gas that can cause explosion and fire.

17 Likewise, to protect the health and safety of the community by preventing the illegal sale of
18 gasoline through the use of unapproved and recycled containers such as soda bottles, plastic
19 containers, jugs and other similar portable containers. It is to ensure safety of the end-users
20 and the buying public in general. However, it should be noted that this practice is extremely
21 dangerous and potentially illegal, as it poses a significant fire hazard, and the gasoline may
22 be contaminated or mixed with other chemicals, which can damage engines and potentially
23 cause health hazards.

24 SECTION 4: Minimum Standards

25 I. For LPG Industry Participants:

26 All persons and those engaged in the downstream oil industry shall comply with the
27 following:

28 (a) All persons and entities engaged in the downstream oil industry, including selling of
29 petroleum and petroleum-based products, shall use only facilities, and
30 equipment that comply with the specification, design, fabrication, inspection,
31 marking and requalification provision of the safety codes set and observed in the
32 industry.

33 (b) All other matters affecting the safe and proper handling, transport, storage,
34 installation and use of equipment and facilities used in the downstream oil industry
35 shall be governed by the pertinent provisions of the different international safety
36 codes now observed and adopted in the industry.

37 (c) To ensure safety of the consumers, all LPG marketers are enjoined to procure only
38 brand-new cylinders from duly licensed cylinder manufacturers with their brand
39 name clearly embossed on the cylinder body and shall conform to the provisions of
40 the Philippine National Standards ("Specification for Steel Cylinders for LPG"). All
41 cylinders shall be re-qualified ten (10) years from the date of manufacture and every
42 five (5) years thereafter.

43 (d) All LPG marketers shall have appropriate provisions for the safe handling of all
44 cylinders in circulation.

1 (e) Vehicles used in transporting LPG cylinders shall have substantially flat floors and
2 equipped with suitable racks for holding the cylinders which shall be securely fastened
3 in a position that shall minimize the possibility of movement and tipping over, which
4 might cause danger to life and property.

5 (f) All brand owners who sell LPG in bulk or retail shall carry a product liability
6 insurance to answer for whatever damage or liability that may result from the unsafe
7 condition of LPG tanks, installation and equipment.

8 **II. For Retailers of Liquid Petroleum Products:**

9 (a) The Retailing of Liquid Petroleum Products shall be conducted in duly approved
10 premises with an initial minimum lot area of 100 square meters and where
11 vehicles being served shall at all times be inside the duly approved business
12 premises.

13 (b) The Retailing of Liquid Petroleum Products shall only be carried out through
14 fixed and permanent dispensing pumps duly approved by the DOE.

15 (c) The owner and/or operator of the Retail Outlet must possess valid permits,
16 licenses and certifications for the Retailing, storage, handling, transfer and/or
17 dispensing of Liquid Petroleum Products from the LGU concerned, the BFP,
18 the DENR, DOE and other relevant government authorities.

19 (d) Liquid Petroleum Products shall be transferred only from underground tanks by
20 means of fixed pumps designed and equipped to allow the control of the flow
21 and prevent leakage or accidental discharge;

22 (e) Liquid Petroleum Products shall not be dispensed from above-ground tanks,
23 portable tanks, tank vehicles, drums, barrels or similar containers, e.g. bote-bote,
24 into the fuel tanks of motor vehicles or containers;

25 **SECTION 5: Prohibition** - It is unlawful for any person or entity to perform the
26 following within the Municipality of Carigara, to wit:

27 a. To refill LPG into a canister, previously filled with butane or not registered or
28 approved by the Bureau of Philippine Standards;

29 b. To distribute and transport, by any means of transportation, any LPG in canister, or
30 from a known refiller of LPG into canister, previously filled with butane or not
31 registered or approved by the Bureau of Philippine Standards, to any customer; and

32 c. To retail LPG in canister previously filled with butane or in canister not approved
33 by the Bureau of Philippine Standards.

34 d. To fill up gasoline into a soda bottles, plastic containers, jugs and other similar
35 portable containers not intended or suited for storing, handling and dispensing
36 Liquid Petroleum Products, not registered or approved by the Bureau of Philippine
37 Standards

38 e. To distribute and transport, by any means of transportation, any Liquid Petroleum
39 Products in container not approved by the Bureau of Philippine Standards to any
40 customer;

41 f. To retail petroleum products such as gasoline/diesel in container not approved by
42 the Bureau of Philippine Standards.

1 **SECTION 6: Enforcement** - In order to come up with an action plan that will prevent the spread
2 of refilled containers and "bote-bote" the following agencies shall be tasked to lead the strict
3 enforcement of this Ordinance:

4 The **Philippine National Police (PNP)** personnel of Carigara Municipal Police Station and/or
5 the **Carigara Traffic Enforcement & Management Office (CATEMO)** officers of Municipality
6 shall apprehend haulers of LPG-refilled butane canisters and "bote-bote", by any means of
7 transportation. A citation ticket to this effect shall be issued to the hauler, and the refilled butane
8 canisters or "bote-bote" in possession shall be taken into custody by the LGU for evidence
9 purposes and proper disposal thereafter. The **Department of Energy (DOE)** shall be
10 consulted for technical and legal support.

11 On the other hand, the **Philippine National Police (PNP)** personnel of Carigara Municipal Police
12 Station, and the **Barangay Officials** and its **Barangay Tanods**, in coordination with the
13 **Department of Trade and Industry (DTI)-Bureau of Product Standards** shall monitor all
14 commercial and community "sari-sari" stores that sell butane canisters. The owner of the
15 commercial and community store shall be appropriately charged, and the refilled butane
16 canisters in possession shall be taken into custody by the PNP for evidence purposes and proper
17 disposal thereafter.

18 Also, with the "bote-bote", the peddler of **Liquid Petroleum Products** (i.e. premium/regular
19 gasoline, diesel, motor oil, kerosene and the likes) in container not approved by the Bureau
20 of **Philippine Standards** shall be taken into custody by the PNP for evidence purposes and
21 proper disposal thereafter.

22 The **Barangay Officials** and its **Barangay Tanods** tasks include assisting in the surveillance
23 and inspection of these establishments, reporting any violations or irregularities
24 to the authorities, ensuring compliance with regulations governing the sale and handling of
25 butane canisters and "bote-bote de gasolina" within their respective barangays, and serving as
26 witnesses during the confiscations. Additionally, they may provide support in disseminating
27 information about safety protocols and regulations to store owners and residents to promote
28 public safety and awareness.

29 Finally, the **Municipal Treasurer's Office (MTO)** shall **REFUSE/CEASE** from issuing business
30 permits to firms or individuals who are engaged or shall intend to engage in the refilling,
31 distribution, hauling and retailing of LPG in canister, previously filled with butane, or not
32 approved by the Bureau of Fire Protection.

33 Similarly, firms or individuals who are engaged or shall intend to engage in the 'illegal Retailing
34 of **Liquid Petroleum Products** shall be **DENIED** from issuance of business permits. The
35 **Bureau of Fire Protection (BFP)** shall assist the Treasurer's Office in the implementation of this
36 provision.

37 **SECTION 7: Penalty**

38 Violators, who are haulers set forth in the preceding section of this Ordinance, shall be held
39 liable to pay an administrative fine of **One Thousand Pesos (P1,000.00)**, which shall be paid to
40 the **Municipal Treasurer's Office** within seventy-two (72) hours from the time of apprehension.

41 During the 72-hour period, pending the payment of the administrative fine, the motorcycle or
42 vehicle used for the commission of the offense shall be taken into the custody and turned over
43 to the PNP, subject to towing fees (*if applicable*).

1 However, when the administrative fine required in the previous paragraph of this section is not
2 paid, after the 72-hour period, the motorcycle or vehicle used for the commission of the offense
3 shall be impounded in favor of the Municipal Government, and shall only be released to the
4 owner upon payment of its corresponding towing fees based on the existing towing tariff rates,
5 and an administrative fine of Two Thousand Pesos (P2,000.00), which shall be paid to the
6 Municipal Treasurer's Office.

7 Violators, who are owners of commercial and community stores set forth in the preceding section
8 of this Ordinance, shall be held liable to pay an administrative fine of One Thousand
9 Pesos (P1,000.00) for the first offense; Two Thousand Pesos (P2,000.00) for the second offense;
10 which shall be paid to the Municipal Treasurer's Office. After the payment, the owner shall be
11 ordered to refrain from selling of refilled butane canisters and/or "bote-bote", OTHERWISE,
12 an administrative fine of Two Thousand Five Hundred Pesos (P2,500.00) and his business
13 permit will be revoked on third and subsequent apprehension.

14 However, when the commercial and/or community stores do not possess a business
15 permit, the owner shall be held liable to pay an administrative fine of Two Thousand Five
16 Hundred Pesos (P2,500.00) which shall be paid to the Municipal Treasurer's Office.

17 And in addition, he shall be compelled, for a prescribed period, to secure a business permit
18 for the operation of his commercial and/or community store, *PROVIDED*, he will not be
19 selling refilled butane canisters and/or "bote-bote".

20 Corollary thereto, the Philippine National Police (PNP) personnel of Carigara Municipal Police
21 Station, with the assistance of the Department of Energy (DOE), may file a separate criminal
22 case against the illegal refillers, distributors, haulers and retailers of LPG in canisters and/or
23 "Bote-bote" pursuant to the provisions
24 of Presidential Decree No. 1865, or an *"Act Defining and Penalizing Certain Prohibited Acts
25 Inimical to the Public Interests and National Security involving Petroleum and/or Petroleum
26 Products"*.

27 IF THE Local Government Unit had an Ordinance to this effect or of similar nature, the
28 provision(s), most specifically the Penalty Clause of this Ordinance, shall be suppletory to the
29 enacted Ordinance of the Municipality.

30 SECTION 8: Impounding and Disposal

31 The Municipal Mayor shall designate a Municipal impounding area for the confiscated
32 refilled canisters. The PNP, with the assistance of the LGU and BFP, shall provide transport
33 of the seized canisters to the designated impounding area, and shall provide 24 hours
34 security when the evidence is in transit, and during which it is impounded. The Bureau of
35 Fire Protection (BFP) shall be properly consulted in determining the impounding area.

36 The Municipal Mayor, in coordination with the DOE and BFP, shall provide with a proper
37 and safe procedure in the disposal of the seized soda bottles, plastic containers, jugs
38 and other similar portable containers, canisters, including its hazardous contents.

39 The Municipal Mayor has the discretion to order the use of the seized liquid petroleum products
40 for government vehicle use only after the test result of liquid petroleum products done by DOE
41 that it is safe to use

42 The initial impounding area for confiscated refilled canisters (empty/filled), bote-bote de
43 gasolina, and vehicles will be at the MOTORPOOL, ensuring a centralized and secure

1 location for containment and assessment. However, it is important to note that depending
2 on specific circumstances and requirements, these assets may be transferred to other
3 locations deemed more suitable by the **Municipal Mayor and BFP**. Such transfers could be
4 necessitated by factors such as the need for specialized containment facilities. Flexibility in
5 relocation ensures that confiscated refilled canisters (empty/filled), bote-bote de gasolina,
6 and vehicles are appropriately handled and managed according to the highest safety and
7 regulatory standards.

8 **SECTION 9: Repealing Clause**

9 Any and all other existing ordinances or parts thereof containing provisions which are
10 inconsistent or contrary with any of the provisions declared in this Ordinance are hereby
11 deemed repealed, amended or modified accordingly.

12 **SECTION 10: Separability Clause**

13 If any provision of this Ordinance, is for any reason(s), declared to be unconstitutional or
14 invalid, the remainder of this Ordinance or any provision hereof which are not affected
15 thereby shall continue to be valid and enforceable.

16 **SECTION 11: Effectivity Clause**

17 This Ordinance shall take effect after its posting at a conspicuous place in the Municipal
18 Government of Carigara for three consecutive weeks, and/ or after its mandatory
19 publication in newspaper of general circulation as mandated under Section 511 of the R.A.
20 7160, or otherwise known as the Local Government Code of 1991, whichever comes first.

21 **HON. KIM ANTHONY G. AGNER, SB MEMBER:**

22 Are there any questions? Hearing none. Any motion from the member?

23 **HON. JOSELU N. GUIA, SB Member:**

24 Mr. Chair since there are no more questions, I move to adjourned.


25 **HON. KIM ANTHONY G. AGNER, SB MEMBER:**

26 Okay, so there was a motion, the public hearing is now adjourned.

27 **ADJOURNMENT:**

28 With no more issues to be discussed the meeting was adjourned at 3:30pm.
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Certified correct:




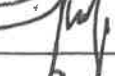
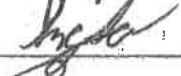
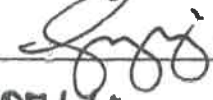





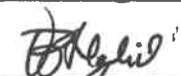

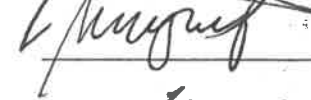
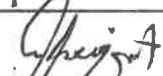
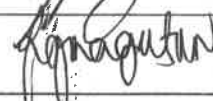
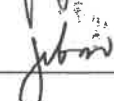
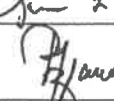
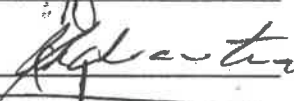


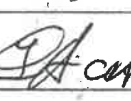




ROMEO M. VIOJAN
SB Secretary

Attendance for Public Hearing


Proposed Mun. Ordinance No. 2023-168 entitled "AN ORDINANCE PROHIBITING THE REFILLING, DISTRIBUTION AND RETAILING OF LIQUIFIED PETROLEUM GAS (LPG) IN BUTANE CANISTERS AND "BOTE-BOTE" DE GASOLINA" WITHIN THE TERRITORIAL JURISDICTION OF THE MUNICIPALITY OF CARIGARA"

Date: MARCH 8, 2024
 Venue: LGU ROOFDECK
 Time: 8:00 PM

| Name | Signature | Date & Time |
|--------------------------------------|-----------|----------------|
| 1. HON. JOSELU N. GUIA | | |
| 2. HON. RAUL Z. LLOREN | | |
| 3. Hon. Kim Anthony G. Agner | | |
| 4. HON. ARVIN URMENETA | | |
| 5. HON. LORNA MARPA | | |
| 6. INSP LUIS LYMWELL C. MARMITA, BEP | | |
| 7. | | |
| 8. MRS. JULIET HANOPOL | | 3/8/24 1:15 PM |
| 9. PMAJ EDGAR RIMANDIBAN, PNP CHIEF | | |
| 10. CHARINA NIVERA | | |
| 11. Rowin R. Reyes | | |
| 12. CRESUMIL L. LLANAS | | |
| 13. STOL MARK T. PASCUAL | | |
| 14. MARICEL TERTAN | | |
| 15. SJOJ JOSEPH SUAN MASCARANTA | | |
| 16. Lito Liguatan | | |
| 17. JOI IRISH MAY ARIZA | | |
| 18. FRANCISCO MICOLO | | |
| 19. JOSEFINA N. NEORUDA | | |
| 20. Pedro de Guzman | | |
| 21. NECTOR DAGA WED | | |
| 22. Margie F. Jabador | | |
| 23. LIGUTAN, RUPA | | |
| 24. MISALAL, CAMILA JHOY | | |
| 25. Shayl Gonzales | | |
| 26. JOY ESCOBAR | | |
| 27. MIKE DARYL NAYETA | | |
| 28. RENATO M. CAPALAN | | |
| 29. OMAR C. BLENDO | | |


| | | |
|----------------------------|--|---------|
| 30. Felipa M. Ramos |  | |
| 31. Dina D. Cajos |  | |
| 32. Rodrigo Lina |  | |
| 33. Rowin Azores |  | |
| 34. Angelo Caballes |  | |
| 35. Andy C. Aquilino |  | |
| 36. Renato M. Waldman | RM Waldman | |
| 37. CHARINA NIVERA |  | |
| 38. Melodio T. Brazil |  | |
| 39. Agustin P. Adrales Jr. |  | 03-8-24 |
| 40. Sarilla, Nelita L. |  | 3-8-24 |
| 41. Norma T. Glori |  | 3-8-24 |
| 42. VICTORINO B. ALAJO |  | 3-8-24 |
| 43. RANIEL B. MARQUEZ |  | |
| 44. GUICEMO YACAP |  | |
| 45. TERENCE M. LIANZA | T. Lianza | |
| 46. GABRIEL JOEL |  | |
| 47. RIZA DAVICOL |  | |
| 48. JANET B. MENDOZA |  | |
| 49. JOSHUA MADRIAGA | Joshua M. Merry | |
| 51. Primitiva d. Azores |  | |
| 52. Judith P. Acuña |  | |
| 53. JOSE L. Peticla Jr |  | |
| 54. COMARTE, JERRA |  | |
| 55. GRADE M. ORSINI |  | 3/8/24 |
| 56. JORDIUSAP ACEDO | J. Acedo | 3/8/24 |
| 57. John V. Nda |  | |
| 58. LIGUAN, MICO II. |  | |
| 59. GENAYOSO PAPA |  | |
| 60. Famil F. Narbonita | F. Narbonita | 3-8-24 |

61. Grandwed Cadave

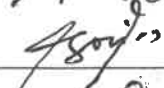


3/8/24


62. KIMBERLY MAY DOMINEZ



63. Solano, Baby Jane



64. Merry Chris Eno



65. Sumoy R. Hagonan



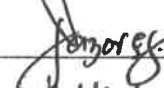
3/8/24

66. POLVERO D. MABUKAN SR.



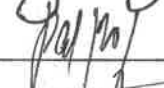
3/8/24

67. Jinky Mae Arce




3/8/24

68. Pedro D. Lopez



3-8-24

69. Atty. W. S. ...



3/8/24

70. Jose Macabanes Jr.

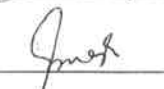


71. CONSTANTINO W. CADIENTE, SR.



3-8-24

72. Manuel A. Rosta




3-8-24

73. AWM M. ...



3-8-24

74. VELUNTA, LUIS IBRAHIM

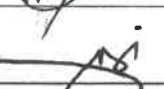


3-8-24

75. Reyangel Pilande



76. Comcast Serra



77. Nida Dawba



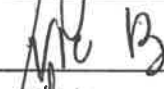
78. Rea Eno




79. MARY JANE ANO



80. VIC BENVEN



81. JASMIN MARIANO



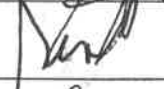
82. MARINA MARANTE



83. Edyardo Jeff ...



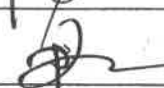
84. RONALD ...



85. Jann Marie ...



86. PAULINO ...



87. _____

89. _____

90. _____



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF CARIGARA
-oOo-

Office of the Sangguniang Bayan

CERTIFICATION

THIS IS TO CERTIFY that **MUNICIPAL ORDINANCE NO. No. 2023-168** –*“An Ordinance Prohibiting the Refilling, Distribution and Retailing of Liquefied Petroleum Gas (LPG) in Butane Canisters and “Bote-Bote De Gasolina” within the Territorial Jurisdiction of the Municipality of Carigara”*, has been posted last **May 23, 2024** in accordance with Sections 59 and 511 R.A. 7160, otherwise known as the Local Government Code of 1991.

ISSUED this 24th day of May, 2024.


ROMEO M. VIOJAN
SB Secretary