

Item No.: 08

Date: 20 2024 AUG



Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

-oOo-

Province of Leyte
Legal Office
Released: *[Signature]*
Time: *[Signature]*
Date: *8.16.24*

SANGGUNIANG PANLALAWIGAN
PROVINCIAL LEGAL OFFICE
AUG 16 2024
PROVINCE OF LEYTE

PROVINCIAL LEGAL OFFICE

2nd INDORSEMENT
August 13, 2024

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Ordinance No. 190 series of 2024 of the Sangguniang Bayan of Matag-ob, Leyte.

Issues/concerns for review/recommendation/legal opinion is/are as follows:

- Ordinance No. 190 series of 2024 entitled: **An Ordinance Amending Certain Provisions of Municipal Ordinance No. 104, Series of 2020, Regulating the Usage of Single-Use Plastic Bags, Disposable Utensils and Styrofoam Within the Territorial Jurisdiction of Matag-ob, Leyte.**

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office is of the opinion that the subject Ordinance is within the power covered particularly under Section 16¹ – the General Welfare Clause and Section 447 (1)(vi)² of the Local Government Code of 1991 (R.A 7160).

Likewise as settled in the case of *Costantino v. Desierto* 288 SCRA 654, it is within the power of the Local Council to repeal or amend its prior acts either expressly, or by the passage of an essentially inconsistent resolution. Hence, recommending the declaration of its validity.

We hope to have assisted you with this request. Please note that the opinion rendered by this Office are based on facts available and may vary or change when additional facts and documents are presented or changed. This opinion is likewise without prejudice to the opinions rendered by higher and competent authorities and/or the courts.

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

¹ Every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as the powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare. Within their respective territorial jurisdictions, local government units shall ensure and support, among other things, xxx promote health and safety, enhance the right of the people to a balance ecology xxx

² Protect the environment and impose appropriate penalties for acts which endanger the environment xxx


Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

Province of Leyte
Legal Office
Received
Date: 6.28.24

1ST INDORSEMENT
27 June 2024

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **Municipal Ordinance No.190 (Proposed Municipal Ordinance No. 211)** of the **Municipality of Matag-ob, Leyte**, entitled: **An Ordinance Amending Certain Provisions of Municipal Ordinance No. 104, Series of 2020, Regulating the Usage of Single-Use Plastic Bags, Disposable Utensils and Styrofoam Within the Territorial Jurisdiction of Matag-ob, Leyte.**


FLORINDA J. UYVICO
Secretary to the Sangguniang



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF MATAG-OB
-o0o-

COPY FOR

SB : _____
MMO : _____
OTHERS : *SP* _____

OFFICE OF THE SECRETARY TO THE SANGGUNIAN

INDORSEMENT
June 10, 2024

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. 190 series 2024, of the Sangguniang Bayan of Matag-ob, Leyte titled: AN ORDINANCE AMENDING CERTAIN PROVISIONS OF MUNICIPAL ORDINANCE NO. 104 S. 2020, REGULATING THE USAGE OF SINGLE-USE PLASTIC BAGS, DISPOSABLE UTENSILS AND STYROFOAM WITHIN THE TERRITORIAL JURISDICTION OF MATAG-OB, LEYTE.", for review and approval by the Sangguniang Panlalawigan.

Respectfully,


ANA MARIA SANORIA-ECIJA
Secretary to the Sanggunian





COPY FOR

SB

MMO

OTHERS

SP


Republic of the Philippines

Province of Leyte

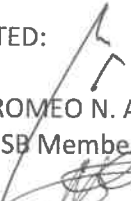
MUNICIPALITY OF MATAG-OB

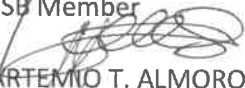
OFFICE OF THE SANGGUNIANG BAYAN


I HEREBY CERTIFY that the foregoing ordinance was duly enacted by the Sangguniang Bayan in regular session assembled:


ANA MARIA SANORIA-ECIJA
Secretary to the Sanggunian

ATTESTED:


HON. ROMEO N. ALBARIDA
Senior 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. EDUARDO E. TOLEDO
SB Member

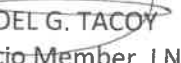
ABSENT, on Leave

HON. PAOLO ANTONIO C. LAURENTE
SB Member

ABSENT, on O.B.

HON. RICARDO L. GIVA
SB Member


HON. ANA LOVE D. BORDEN
Ex-Officio Member, SK Fed. President


HON. JOEL G. TACOY
Ex-Officio Member, LNB President


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

EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGUNIANG BAYAN OF MATAG-OB, LEYTE, HELD AT THE LEGISLATIVE SESSION HALL ON MAY 27, 2024.

**MUNICIPAL ORDINANCE NO. 190
(Proposed Municipal Ordinance No. 211)**

AN ORDINANCE AMENDING CERTAIN PROVISIONS OF MUNICIPAL ORDINANCE NO. 104 S. 2020, REGULATING THE USAGE OF SINGLE-USE PLASTIC BAGS, DISPOSABLE UTENSILS AND STYROFOAM WITHIN THE TERRITORIAL JURISDICTION OF MATAG-OB, LEYTE.

Author : Hon. Romeo N. Albarida
Co-Authors : Hon. Artemio T. Almoroto
Hon. Orlando G. Viacrusis
Hon. Eduardo E. Toledo
Hon. Paolo Antonio C. Laurente
Hon. Ricardo L. Giva

Section 1. SHORT TITLE. This Ordinance shall be known as follows:

“An Ordinance Regulating the usage of single-use plastic bags, disposable utensils and Styrofoam within the territorial jurisdiction of Matag-ob, Leyte.”

Section 2. DEFINITION OF TERMS. Paragraph (d.) Single-Use Plastic shall be defined as follows:

d. Single-Use Plastic - also known as sando bags, pouch, plastic shopping bags and plastic film bags, roll bags, and the likes. It is a type of flexible packaging material made of thin plastic film that is used for containing and transporting food and other products (commercial or industrial). It shall also refer to thin-gauge packaging medium that is used as bags.

Section 3. Insert a new section after Section 5, which shall be assigned as **Section 6** - Prohibition on the use of disposable utensils and Styrofoam for food packaging, to read as follows:



I HEREBY CERTIFY that the foregoing ordinance was duly enacted by the Sangguniang Bayan in regular session assembled:

[Signature]
 ANA MARIA SANORIA-ECIJA
 Secretary to the Sanggunian

ATTESTED:

[Signature]
 HON. ROMEO N. ALBARIDA
 Senior SB Member

[Signature]
 HON. ARTEMIO T. ALMOROTO
 SB Member

[Signature]
 HON. JOEL M. DENOY
 SB Member

[Signature]
 HON. EVANGELINE C. CARNO
 SB Member

[Signature]
 HON. ORLANDO E. VIACRUSIS
 SB Member

[Signature]
 HON. EDUARDO E. TOLEDO
 SB Member

ABSENT, on Leave

HON. PAOLO ANTONIO C. LAURENTE
 SB Member

ABSENT, on O.B.

HON. RICARDO L. GIVA
 SB Member

[Signature]
 HON. ANA LOVE D. BORDEN
 Ex-Officio Member, SK Fed. President

[Signature]
 HON. JOEL G. TACOY
 Ex-Officio Member, LNB President

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

Section 6. Prohibition on the use of disposable utensils and Styrofoam for food packaging. No person shall be allowed to use disposable utensils and Styrofoam for food packaging.

Section 4. Insert a new section after the new Section 6 which shall be assigned as **Section 7 - Regulatory Provisions** to read as follows:

Section 7. Regulatory Provisions.

1. All business establishment owners shall use biodegradable materials only as bagging/packaging materials such as paper, newspaper, boxes, wax paper/carton, banana leaves and the like.

2. All restaurants, canteens, carinderias may use very thin transparent plastic (biodegradable plastic) for repackaging of broth/soup meals, and rice.

3. Fish, meat, and seafoods vendors may use very thin transparent plastic (biodegradable plastic) for repackaging.

Section 5. Insert a new section after the new Section 7, which shall be assigned as Section 8 – Exemptions to read as follows:

Section 8. Exemptions.

1. Putting sugar, ice candy, homemade ice, salt and other similar products into the plastic with the condition they will not place it again in another plastic if they were to be sold;

2. Plastic straw used for tying/knotting goods;

3. All types of recyclable plastics such as net bags, sacks and other similar products;

4. Plastics used as original containers/packaging such as those frozen products, candles, biscuits, junk foods, shampoo sachet, bread, clorox, plastic bottle, and other similar items.

Section 6. Adjustment in the numbering of Sections of Municipal Ordinance No. 104 series 2020 shall be as follows:

Ord. No. 104 s. 2020	Adjusted assigned number
Section 6	Section 9
Section 7	Section 10
Section 8	Section 11
Section 9	Section 12
Section 10	Section 13
Section 11	Section 14

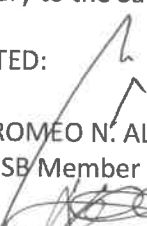




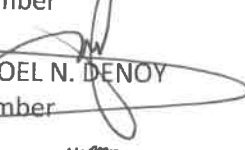
I HEREBY CERTIFY that the foregoing ordinance was duly enacted by the Sangguniang Bayan in regular session assembled:


 ANA MARIA SANORIA-ECIJA
 Secretary to the Sanggunian

ATTESTED:


 HON. ROMEO N. ALBARIDA
 Senior 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

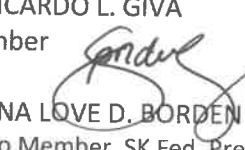

 HON. EDUARDO E. TOLEDO
 SB Member

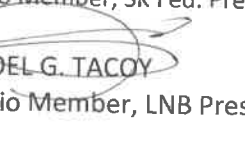
ABSENT, on Leave

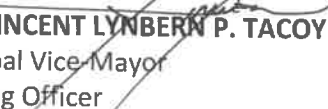
HON. PAOLO ANTONIO C. LAURENTE
 SB Member

ABSENT, on O.B.

HON. RICARDO L. GIVA
 SB Member


 HON. ANA LOVE D. BORDEN
 Ex-Officio Member, SK Fed. President


 HON. JOEL G. TACOY
 Ex-Officio Member, LNB President


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

Section 12	Section 15
Section 13	Section 16
Section 14	Section 17
Section 15	Section 18
Section 16	Section 19
Section 17	Section 20
Section 18	Section 22

Section 7. Insert a new section assigned as Section 21 – Amendments Clause, which shall read as follows:

Section 21. Amendments Clause. *This ordinance may be amended or modified as necessary through the appropriate legislative process.*

APPROVED by the Body with the following votes:

AYES: 8 Votes


- HON. ROMEO N. ALBARIDA
Senior 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. EDUARDO E. TOLEDO
SB Member
- HON. ANA LOVE D. BORDEN
Ex-Officio Member, SK Fed. President
- HON. JOEL G. TACOY
Ex-Officio Member, LNB President

NAYES: 0

ABSTAIN: 0

ENACTED this 27th. day of May, 2024.

I HEREBY CERTIFY the correctness of the foregoing ordinance duly enacted by the Sangguniang Bayan of Matag-ob, Leyte in regular session on May 27, 2024.


 ANA MARIA SANORIA-ECIJA
 Secretary to the Sanggunian





**ATTESTED AND CERTIFIED
TO BE DULY ENACTED:**

HONORABLE ROMEO N. ALBARIDA
Senior 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

ABSENT – on Leave

HONORABLE PAOLO ANTONIO C. LAURENTE
SB Member

ABSENT – on O.B.

HONORABLE RICARDO L. GIVA
SB Member

HONORABLE ANA LOVE D. BORDEN
Ex-Officio Member, SK Federation President

HONORABLE JOEL G. TACOY
Ex-Officio Member, LNB President

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

APPROVED:

HONORABLE BERNANDINO G. TACOY
Municipal Mayor

24 JUN 2024

Date Signed





Republic of the Philippines
Province of Leyte
MUNICIPALITY OF MATAG-OB
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OFFICE OF THE SECRETARY TO THE SANGGUNIAN

CERTIFICATION OF POSTING

THIS IS TO CERTIFY that copies of Municipal Ordinance No. 190 series 2024, of the Sangguniang Bayan of Matag-ob, Leyte, titled: "AN ORDINANCE AMENDING CERTAIN PROVISIONS OF MUNICIPAL ORDINANCE NO. 104 S. 2020, REGULATING THE USAGE OF SINGLE-USE PLASTIC BAGS, DISPOSABLE UTENSILS AND STYROFOAM WITHIN THE TERRITORIAL JURISDICTION OF MATAG-OB, LEYTE.", are posted in Three (3) conspicuous places within the municipality of Matag-ob, Leyte for three consecutive weeks from May 27, 2024.

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

Issued this 10th. Day of June, 2024.


ANA MARIA SANORIA-ECIJA
Secretary to the Sanggunian

