

2
Dec. 17

Item No.: 02
Date: 16 2024 DEC



Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

Province of Leyte
Legal Office
Released: *[Signature]*
Time:
Date: 12.11.24

SANGGUNIANG PANLALAWIGAN
PROVINCE OF LEYTE
DEC 12 2024
[Signature]

PROVINCIAL LEGAL OFFICE

2nd INDORSEMENT
December 3, 2024

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 04, S. 2024 of the Sangguniang Bayan of Villaba, Leyte.

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

- Ordinance No. 04, S. 2024 entitled **“An Ordinance prescribing safety measures in refueling at any gasoline stations within the territorial jurisdiction of the Municipality of Villaba, Leyte and providing penalties for violation thereof.”**

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office is of the opinion that the subject Ordinance is generally in accordance with its power under Section 447(a)(4)(iv)¹ of the Local Government Code of 1991 (R.A 7160). Hence, we recommend for 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 the 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 (a) The sangguniang bayan, as the legislative body of the municipality, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the municipality and its inhabitants pursuant to Section 16 of this Code and in the proper exercise of the corporate powers of the municipality as provided for under Section 22 of this Code, and shall:

(4) Regulate activities relative to the use of land, buildings and structures within the municipality in order to promote the general welfare and for said purpose shall:

(vi) Regulate the establishment and provide for the inspection of steam boilers or any heating device in buildings and the storage 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
21 November 2024

Province of Leyte
Legal Office
Received: *JMS*
Date: *11.20*
11-21-24

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **Municipal Ordinance No. 04, S. 2024** of the **Municipality of Villaba, Leyte**, entitled: **An Ordinance prescribing safety measures in refueling at any gasoline stations within the territorial jurisdiction of the Municipality of Villaba, Leyte, and providing penalties for violation thereof.**

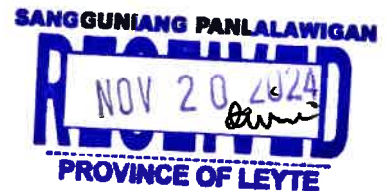

FLORINDA JIL'S UYVICO
Secretary to the Sanggunian



November 19, 2024

THE SANGGUNIANG PANLALAWIGAN MEMBERS
New Provincial Government Complex
Campetic, Palo, Leyte

Thru: **LEONARDO M. JAVIER, JR.**
Vice Governor/Presiding Officer



Hon. Sangguniang Panlalawigan Members:

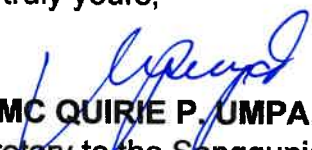
We respectfully transmit herewith sixteen (16) original copies of:

MUNICIPAL ORDINANCE NO. 04, S- 2024 - entitled: "AN ORDINANCE
PRESCRIBING SAFETY MEASURES IN REFUELING AT ANY GASOLINE
STATIONS WITHIN THE TERRITORIAL JURISDICTION OF THE
MUNICIPALITY OF VILLABA, LEYTE, AND PROVIDING PENALTIES FOR
VIOLATION THEREOF,"

for review and approval.

Best regards.

Very truly yours,

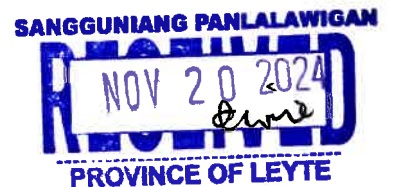

MC QUIRIE P. UMPAD, J.D.
Secretary to the Sangguniang Bayan



MUNICIPAL ORDINANCE NO. 04, S.2024

AN ORDINANCE PRESCRIBING SAFETY MEASURES IN REFUELING AT ANY GASOLINE STATIONS WITHIN THE TERRITORIAL JURISDICTION OF THE MUNICIPALITY OF VILLABA, LEYTE, AND PROVIDING PENALTIES FOR VIOLATION THEREOF

Authored by : Hon. Roque M. Compra



Preparatory Statement

Section 16 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991 provides that all local government units shall ensure and support, among others, the promotion of health and safety, cognizant to this mandate, local government units shall provide mechanisms which would ensure the safety of its inhabitants, one of the pressing issues that confront the safety of the constituents in general, and in the Municipal of Villaba, Leyte, in particular is the harmful effect that improper refueling in gasoline stations may bring.

NOW, THEREFORE, on motion by the Hon. Roque M. Compra, Chairman, duly seconded by Hon. Felipe S. Casas, Sr., Be it

BE IT ORDAINED by the Sangguniang Bayan of Villaba, Leyte, in session assembled that:

SECTION 1. DEFINITION OF TERMS. Within the context of this Ordinance, the following term shall mean:

- a. **GASOLINE STATION** – a retail station servicing road vehicles, especially with gasoline and oil – also called as service station.
- b. **FORECOURT**- a driveway or open space leading to and within the gasoline refueling station.
- c. **NOZZLE**- a small tube or spout attached to a pipe or hose, usually as an outlet.
- d. **PUMP CREW**- a person employed by the gasoline refueling station to operate machine or device for transferring gasoline of diesoline into the fuel tank or motor vehicle, any such person who dispense petroleum products.
- e. **REFUEL**- to supply a motor vehicle again with fuel.
- f. **STRADDLE**- to sit on a motorbike with legs wide apart.

 DENNIS L. SY Vice Mayor/Presiding Officer	 VIOLETA T. SUMAPIG Sangguniang Bayan Member	 MERIAM P. UMPAD Sangguniang Bayan Member	
 FELIPE S. CASAS, SR. Sangguniang Bayan Member	 ROQUE M. COMPRA Sangguniang Bayan Member	 NIEL ALBERT B. INOPIQUEZ Sangguniang Bayan Member	 ROGELIO J. BRAY Sangguniang Bayan Member
 ELET MARIA N. ENEVOLDSEN Sangguniang Bayan Member	 MACARIO V. ESMAS LNB President	 RILE CHRISTIAN G. VELOSO SK Pederasyon President	 MC QUIRIE B. UMPAD Secretary to the Sangguniang Bayan
	 ENG. CARLOS G. VELOSO Municipal Mayor		

g. MOTORIST – a driver of a motor vehicle

h. BOTE-BOTE – unauthorized plastic containers, such as soda bottles, plastic containers, jugs, and/or other similar containers not intended for storage of flammable liquid fuels, and/or to the manner of retailing and dispensing of liquid fuels using the said containers.

SECTION 2. PROHIBITED ACTS. As safety measures for the protection of motorists, personnel of gasoline refueling stations, and the public at large, the following acts are strictly prohibited:

a. Igniting a lighter or match for any purpose and smoking by a motorist while refueling within a fifteen (15) meter radius, by any person not a customer who happens to be within the location, including a passenger of private motor vehicle or public utility vehicle, by any person buying take-out fuel products in containers, by any pump attendant or station employee on duty therein and by any person delivering fuel products within the area of the forecourt and the entire station compound.

b. Using mobile phone within the forecourt area of the gasoline station by any such person as identified herein-above.

c. Refueling while engine of motor vehicle is still running, in which case both customer-motorist and pump crew shall be liable.

d. Refueling of motorbike or tricycle while customer is straddling on the vehicle, in which case both purchaser and pump crew shall be liable.

e. Using an unauthorized plastic container for take-out purchasing of fuel, in which case both purchaser and pump crew shall be liable.

SECTION 3. NOTICE AND WARNING. The refueling station, through its station manager, shall post the following signs in a conspicuous place within the forecourt to notify and warn customers, station pump attendants and other employees, and the public at large:

a. No Smoking Area or Non-Smoking Area

b. Switch Off Mobile Phone while refueling. Using Mobile Phone while refueling can cause fire and/or explosion.

c. Switch off engine before vehicle is refueled. Running the engine while refueling can cause fire.

d. Get off from motorbike or tricycle before refueling.

e. Use only approved containers for take-out fuel purchases. Such approved containers are available on deposit refundable upon return of the container.

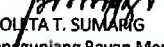
The station manager may post other related signs that he/she may deem appropriate for the further information and compliance of all concerned.

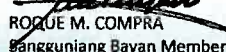
SECTION 4. PENALTIES. The following shall be the penalties for violation of the prohibited acts described under Section 2 hereof:


DENNIS L. SY
Vice Mayor/Presiding Officer

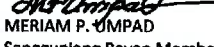

FELIPE S. CASAS, SR
Sangguniang Bayan Member


ELLY-MARTIN N. ENEVOLDSEN
Sangguniang Bayan Member


VIOLITA T. SUMARING
Sangguniang Bayan Member


ROQUE M. COMPRA
Sangguniang Bayan Member

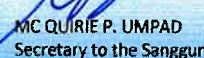

MACARIO V. ESMAS
LNB President


MERIAM P. UMPAD
Sangguniang Bayan Member


NIEL ALBERT B. INOPIOQUEZ
Sangguniang Bayan Member


RYLE CHRISTIAN G. VELOSO
K-Deerasyon President


ROGELIO J. BAAY
Sangguniang Bayan Member


MC QUIRIE P. UMPAD
Secretary to the Sangguniang Bayan


ENGR. CARLOS G. VELOSO
Municipal Mayor

- a. Igniting a lighter or match for any purpose and/or smoking by any person within the forecourt area: **Fine of One Thousand Five Hundred Pesos (Php1,500.00).**
- b. Running the motor vehicle engine while refueling. **Fine of One Thousand Pesos (Php1,000.00)** each for motorist and forecourt crew.
- c. Using mobile phone while motor vehicle is being refueled, by motorist and/or any other person within the forecourt area: **Fine of One Thousand Pesos (Php1,000.00)** for each violator.
- d. Straddling on motorbike or tricycle while vehicle is being refueled: **Fine of Five Hundred Pesos (Php500.00)** each for motorist and forecourt crew.
- e. Using unauthorized container for take-out purchasing of fuel: **Fine of Five Hundred Pesos (Php500.00)** each for purchaser and forecourt crew.
- f. Reprimand for the station manager for unabated, repeated violation of the prohibited acts in his/her refueling station, which shall be served with a warning of cancellation of Business Permit by the Office of the Municipal Mayor through the Municipal Fire Marshall or his deputized agent.

SECTION 5. ADMINISTRATIVE PROVISIONS. Geared toward the effective implementation of this ordinance.

a. The Municipal Mayor shall deputize teams from the Philippine National Police Villaba Municipal Police Station, Task Force Ordinances and Traffic Enforcement Unit to conduct from time-to-time unannounced surveillance and monitoring of strict observance of this Ordinance in all gasoline refueling stations within the territorial jurisdiction of the Municipality of Villaba and to apprehend violators of the prohibited acts provided under Section 2 hereof.


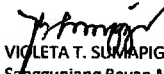

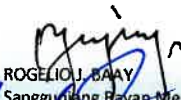
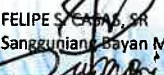


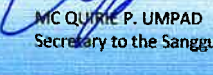
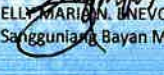
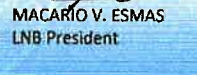


The Deputized teams shall issue an Ordinance violation receipt to every apprehended offender, indicating therein the name and address of the offender, the violated act, date and time of apprehension, and the corresponding fine imposed under Section 4 hereof.

b. The Municipal Fire Marshall; or his deputized agents shall conduct from time-to-time unannounced inspection of all gasoline stations within the Municipality of Villaba to evaluate safety measures as prescribed in this Ordinance.

Whenever necessary, the Municipal Fire Marshall shall recommend to the Municipal Mayor appropriate sanctions against gasoline refueling stations that have been found negligent or deficient in their compliance with such safety measures.

c. The Sangguniang Bayan Secretary, shall furnish all gasoline stations within the Municipality of Villaba with copies of this Ordinance for posting in conspicuous places herein.

SECTION 6. NO CONTEST PROVISION. Any person, individual or entity who is apprehended or cited for violation and who does not wish to contest the violation and is

 DENNIS L. SY Vice Mayor/Presiding Officer	 VIOLETA T. SUNAPIG Sangguniang Bayan Member	 MERIAM P. UMPAD Sangguniang Bayan Member	 ROGELIO J. BAY Sangguniang Bayan Member
 FELIPE S. CABAL, SR. Sangguniang Bayan Member	 ROQUE M. COMPRA Sangguniang Bayan Member	 NIEL ALBER C. INOIQUEZ Sangguniang Bayan Member	 MAC QUIRE P. UMPAD Secretary to the Sangguniang Bayan
 ELLY MARIANN BNEVOLDSEN Sangguniang Bayan Member	 MACARIO V. ESMAS LNB President	 RUFÉ CHRISTIAN G. VELOSO Pederasyon President	
	 ENGR. CARLOS G. VELOSO Municipal Mayor		

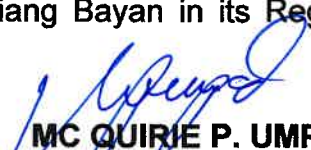
willing to pay voluntarily the minimum fine imposed upon him/her prior to the filing of formal charges with the proper court shall be allowed to pay the said fine with the Municipal Treasurer to avoid being criminally prosecuted within six (6) hours from apprehension otherwise the case shall prosecuted.

SECTION 7. REPEALING CLAUSE. All other ordinances, resolutions, executive orders and other issuances inconsistent with the provisions of the ordinance are hereby repealed and modified accordingly.

SECTION 8. SEPARABILITY CLAUSE. If for any reasons, some provisions of this Ordinance are found to be invalid or unconstitutional, all other provisions hereof not affected hereby shall remain in full force and effect.


SECTION 9. EFFECTIVITY CLAUSE. Upon its approval, this Ordinance shall take effect after its publication in a newspaper of general circulation in the Municipality of Villaba Leyte.

This Ordinance was approved by the Sangguniang Bayan in its Regular Session on September 23, 2024.



MC QUIRIE P. UMPAD
Secretary to the Sanggunian

ATTESTED:


DENNIS L. SY
Vice Mayor/Presiding Officer


VIOLETA T. SUMAPIG
Sangguniang Bayan Member


HON. NIEL ALBERT B. INOPIQUEZ
Sangguniang Bayan Member



MERIAM P. UMPAD
Sangguniang Bayan Member


ROGELIO J. BAAY
Sangguniang Bayan Member


ROQUE M. COMPRA
Sangguniang Bayan Member


ELLY MARIA N. ENEVOLDSEN
Sangguniang Bayan Member


FELIPE S. CASAS, SR.
Sangguniang Bayan Member


MACARIO V. ESMAS
LNB President


RILE CHRISTIAN G. VELOSO
SK Pederasyon President

APPROVED:


ENGR. CARLOS G. VELOSO
Municipal Mayor

28 OCT 2024

Page 4 | 4



MINUTES OF THE PUBLIC HEARING ON THE COMMITTEE ON LAW ENFORCEMENT AND PEACE AND ORDER

At exactly 9:30 o'clock in the morning, the Chairman of the Committee Hon. Roque M. Compra, briefly emphasized to the inviting persons, for safety measures in Accordance to the Provisions on Ordinance.

The Focal Persons present during the hearing was, Mr. Teddy L. Vapor, Municipal Administrator/HRMO, PEMS Verdel Niño Ancot, the Municipal Police of Villaba Police Station representative, Mrs. Ana Marie B. Sarino, Municipal Disbursement Officer Designate, FO3 Patrick P. Madeja, BFP Representative, and Mrs. Delia Y. Punong, representative from Mighty Fuel.

Mr. Teddy L. Vapor, The Municipal Administrator raised his concern to rephrase a paragraph in the Section 4: PENALTIES under the letter F paragraph; shall read: Reprimand for the station manager for unabated, repeated violation of the prohibited acts in his/her refueling station, which shall be served with a warning of cancellation of Business Permit by the Office of the Municipal Mayor, through the Municipal Fire Marshall or his deputized agent.

Mrs. Ana Marie B. Sarino, Disbursement Officer designate, raised her suggestion that the aforementioned Ordinance's Introduction, offenders are required to pay voluntarily the minimum fine imposed upon him/her directly at the Municipal Treasury Office.

Fo3 Patrick P. Madeja, BFP, raised a suggestion about having a fire drill on all of the establishments, and shall conduct from time to time unannounced inspection of all Gasoline Stations within the Municipality of Villaba, Leyte, to evaluate safety measures as prescribed in this Ordinance.

PEMS Verdel Niño Ancot, PNP Officer, suggested that the aforementioned Ordinance be posted on the LGU of Villaba's social media accounts so that the residents of Villaba will be aware of it.

Having no more arguments raised by the invitees, Hon. Compra moved that the meeting be adjourned and the proposed ordinance be approved.

At around 10:30 AM, the Public Hearing was adjourned.


Chairman: Hon. Roque M. Compra


Vice Chairman: Hon. Rile Christian G. Veloso


Member: Hon. Felipe S. Casas Sr.



COMMITTEE ON LAW ENFORCEMENT AND PEACE AND ORDER


COMMITTEE REPORT

SUBJECT: AN ORDINANCE PRESCRIBING SAFETY MEASURES IN REFUELING AT ANY GASOLINE STATIONS WITH IN THE TERRITORIAL JURISDICTION OF THE MUNICIPALITY FOR VILLABA, LEYTE AND PROVIDING PENALTIES FOR VIOLATION TEREOF:

FINDINGS AND RECOMMENDATIONS:

The Municipal Administrator Recommended reprimand to the Station Manager for unabated, repeated Violation of the prohibited acts in his/her refueling station, which shall be served with a warning of cancellation of Business Permit, by the office of the Municipal Mayor, through the Municipal fire Marshall or his deputizes agent.

With regards to the Ordinance penal clause offenders are required to pay Voluntarily the minimum fine imposed at the Municipal Treasury office and then.


HON. ROQUE M. COMPRA
Committee Chairman



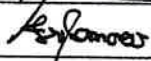
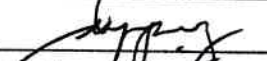




HON. RILE CHRISTIAN G. VELOSO
Vice Chairman


HON. FELIPE S. CASAS SR.
Member

ATTENDANCE SHEET

Public hearing of the "Ordinance Prescribing Safety Measures in Refueling at any Gasoline Station.

September 20, 2024

NAME	SIGNATURE	DATE
1. PEMS VERDEL HIXO ANCOY		SEPT. 20, 2024
2. RORUE M. COMPIA		SEPT. 20, 2024
3. IRINA B. SARAO		SEPT. 20, 2024
4. DELIA Y. PUNONG		SEPT. 20, 2024
5. ANA MARIE K. SARAO		SEPT. 20, 2024
6. TERRY L. VIKER		09-20-2024
7. FOS Patrick P madeja		09/20/2024
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		
19.		
20.		
21.		
22.		
23.		
24.		
25.		

Republic of the Philippines)
City of Ormoc)S.S.

AFFIDAVIT OF PUBLICATION

I, JIMA ZANDRA VERGARA, being first duly sworn, deposes and says: that I am the Managing Editor of the EASTERN VISAYAS MAIL, a newspaper edited and published in the City of Ormoc and circulated in the cities of Ormoc, Tacloban Maasin and Calbayog, and in the islands of Leyte, Samar and Biliran, the rest of the Visayas islands, Mindanao, Manila and Luzon;

That the publication captioned;

Republic of the Philippines
Province of Leyte
Municipality of Villaba
OFFICE OF THE SANGGUNIANG BAYAN
MUNICIPAL ORDINANCE NO. 04, S.2024


AN ORDINANCE PRESCRIBING SAFETY MEASURES IN REFUELING AT ANY GASOLINE STATIONS WITHIN THE TERRITORIAL JURISDICTION OF THE MUNICIPALITY OF VILLABA, LEYTE, AND PROVIDING PENALTIES FOR VIOLATION THEREOF

APPROVED:
(SGD) ENGR. CARLOS G. VELOSO
Municipal Mayor

was published in said newspaper for (1) one consecutive weeks in its EV Mail _____
EV Mail Oct. 28- Nov. 3, 2024 issues.

That I am executing this affidavit to attest to the fact of the foregoing statements. Affiant further sayeth naught.


IN WITNESS WHEREOF, I have hereunto affix my signature this NOV 05 2024 day of 2024, 20__ in Ormoc City.


JIMA ZANDRA J. VERGARA
Affiant

VERIFICATION

SWORN AND SUBSCRIBED before me this NOV 05 2024 day of _____ with affiant exhibiting his Tax Identification Number 932-314-846-000 issued on July 9, 2016 at Ormoc City, Leyte, Philippines.

Doc No. : 128
Page No.: 31
Book No.: 1N
Series of 2024


ATTY. ADELITO M. SOLIBAGA JR.
Notary Public for the City of Ormoc
Municipalities of Karanga, Matag-ob
Ormoc and Villaba
NC No. ORM 22-12-038-NC issued on 01/01/2023
Valid until December 31, 2024
PTR No. 7856400, 01/03/2024, Ormoc City
IBP No. 382527, 12/1/2023, Leyte
Roll of Attorney No. 51625
TIN: 207-693-130
MCLE Compliance No. VI-001-4640
Valid until April 14, 2025



