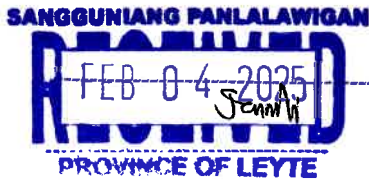
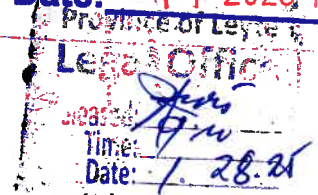


Item No.: 28

Date: 1-1-2025 FEB

PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

-oOo-



PROVINCIAL LEGAL OFFICE

2nd INDORSEMENT

December 26, 2024

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached City Ordinance No. 16 S-2024 of the Sangguniang Panglungsod of Baybay City, Leyte.

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

- City Ordinance No. 16 S-2024 entitled: **“An Ordinance Regulating the Establishment, Operation, and Maintenance of Junk Shops and/or Junkyards within the City of Baybay and for Other Purposes”**.

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office is of the opinion that the subject Ordinance is generally in accordance with its power under Section 458(a)(4)¹ of the Local Government Code of 1991 (R.A. 7160) in consonance with P.D. 1612². 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
Provincial Legal Officer

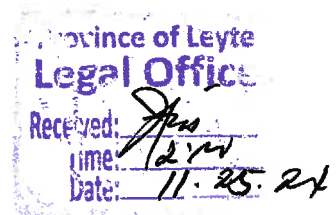
¹ (4) Regulate activities relative to the use of land, buildings and structures within the city in order to promote the general welfare and for said purpose shall:

² “Anti-Fencing Law”


Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
25 November 2024



The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **City Ordinance No. 16, S-2024 of the City of Baybay, Leyte**, entitled: **An Ordinance regulating the establishment, operation, and maintenance of junk shops and/or junkyards within the City of Baybay and for other purposes.**


FLORINDA JILL S. JYVICO
Secretary to the Sanggunian



Republic of the Philippines
PROVINCE OF LEYTE
CITY OF BAYBAY
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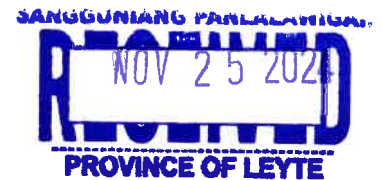
OFFICE OF THE SANGGUNIANG PANLUNGSOD

3rd Floor City Hall, Diversion Road, Brgy. Gaas, Baybay City, Leyte 6521 * panlungsodsangguniang@gmail.com

November 25, 2024

The Sangguniang Panlalawigan
Province of Leyte
Tacloban City

Sir/Madam



I am pleased to transmit herewith the Hard copies of City Ordinance No. 16, S. 2024 of the Sangguniang Panlungsod of Baybay City:

It is hoped that said Ordinance is in order and therefore, merits your kind consideration.

Thank you very much.


ATTY. VIVIAN E. VIDALLON
SP Secretary

Incl.: as stated



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PROVINCE OF LEYTE
CITY OF BAYBAY
 -0000000-

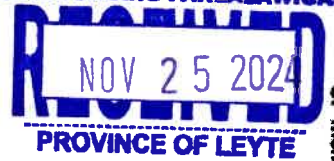


OFFICE OF THE SANGGUNIANG PANLUNGSOD

3rd Floor City Hall, Diversion Road, Brgy. Gaas, Baybay City, Leyte 6521 * spbaybaycity.616@gmail.com

6TH SANGGUNIANG PANLUNGSOD **SANGGUNIANG PANLALAWIGAN**

CITY ORDINANCE NO. 16, S-2024
 42nd Regular Session



AN ORDINANCE REGULATING THE ESTABLISHMENT, OPERATION, AND MAINTENANCE OF JUNK SHOPS AND/OR JUNKYARDS WITHIN THE CITY OF BAYBAY AND FOR OTHER PURPOSES

Author : HON. FILEMON F. AVILA
Co-Authors: HON. FULTON IKE C. ARRADAZA
 HON. JOSE ROMMEL A. PENARANDA
 HON. KYLA SHANNEN T. VIDAL
 HON. JULES LUCAS C. CARI
 HON. CARMEN L. CARI

WHEREAS, the continuous growth of the City of Baybay demands that businesses and activities relative to the use of lands and buildings are to be regulated to prevent criminal elements from taking advantage thereof;

WHEREAS, Section 458(a)(4) of the Local Government Code empowers the City Government, through the *Sanggunian*, to regulate activities relative to the use of land, buildings and structures within the city in order to promote the general welfare;

WHEREAS, the operation of junk shops or junkyards utilizes lands and buildings for its activities which therefore requires regulation to ensure compliance with existing laws and thereby prevent lawless elements from taking advantage of the effects of the crime by selling stolen properties to ready buyers through junk shops and junkyards;

NOW THEREFORE, BE IT ORDAINED, as it is hereby ordained by the 6th *Sangguniang Panlungsod* of the City of Baybay, Province of Leyte, in its 42nd Regular Session duly assembled that:

Section 1. Objective. It is the objective of this ordinance to adopt a uniform system of establishing, operating and maintaining a junk shop or a junkyard in the City of Baybay in accordance with Presidential Decree No. 1612 and other laws relative thereto.

Section 2. Definition of Terms. The following terms as used in this ordinance shall have the following meanings and interpretations;

- **Junk** - any waste material, discarded material, or old iron or other metal or substance glass plastics, paper cordage, machine parts accessories discard machinery or discarded machines in whole or in part, and any material commonly and generally known as junk" in the ordinary meaning of the word, acquired and/or collected.

ROMULO B. ALCALA
 SP Member

SIMOUNE L. ASTORGA
 SP Member

Dr. FULTON IKE C. ARRADAZA
 SP Member

JOSE L. BACUSMO
 SP Member

FILEMON F. AVILA
 SP Member

CARMEN L. CARI
 SP Member

RAMON RONALD J. VELOSO
 SP Member

ATTY. JOSE ROMMEL A. PENARANDA
 SP Member

DOMINIC JONIE F. MURILLO
 SP Member

JORGE V. RESUCAS
 SP Member

JULES LUCAS C. CARI
 President, LGA ng mga Barangay
 Ex-Officio SPM

KYLA SHANNEN T. VIDAL
 SK Chair, City Federation
 Ex-Officio SPM

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- **Junkyard** - any lot or land within the City of Baybay on which junk is placed, collected, stored or kept
- **Junk Shop** - any building or structure within the City of Baybay on which junk is stored and sold
- **Junk merchant** - any person engaged in the business of buying, selling, exchanging, or dealing in junk materials.

Section 3. Permit. It shall be unlawful for any person, firm, association, partnership, or corporation to operate or maintain a junk shop and/or a junkyard at any place without the required permit. The owner of such junk shop or junkyard must secure a Mayor's Permit prior to its operation. For existing junk shop or junkyard without a permit, the owner is required to secure a Mayor's Permit within thirty (30) days from the effectivity of this Ordinance.

Section 4. Required Clearances. The following requirements shall be submitted together with the application for a Mayor's Permit, to wit:

- a. A sketch plan of the location of the junk shop or junkyard.
- b. A Zoning Clearance from the City Planning and Development Office (CPDO) stating that the location of the junk shop or junkyard is within the zone established for such purpose or there is an approved variance or exemption from the zoning ordinance.
- c. An Environmental Sanitation Certificate from the City Health Office stating that the business is in compliance with the Sanitation Code of the Philippines and such other laws or ordinances relative to sanitation.
- d. A Certification from the City Environment and Natural Resources Office (City ENRO) stating that the location of the junk shop or junkyard is not hazardous to the environment and that the system of waste disposal is in accordance with existing environmental laws and ordinances.

The above-mentioned requirements shall be submitted to the City ENRO which shall then issue a clearance of the applicant's compliance. The said clearance shall be a condition for the issuance of the Mayor's Permit.

Section 5. Prohibition. Existing junk shops or junkyards located on areas not classified for its purpose in accordance with the City's zoning ordinance shall be required to transfer or relocate to areas classified for its purpose. The said junk shop or junkyard is affected by this prohibition shall be given a period of one (1) year from notice by the City ENRO to transfer or relocate to the proper site or area intended for such purpose.

Section 6. Required Records. Every junk shop or junkyard, whether already existing at the time of the passage of this ordinance or establish thereafter according to law or this ordinance, shall keep a book which shall be legibly written in the English language or "Cebuano", at the time of every purchase, a general description of every article subject of the purchase, the price paid for the article, the name of the owner/seller, residence and other description sufficient to identify the person from whom the purchase was made and the place where the junk item was taken.

In addition to the record of purchase required above, whenever the junk shop purchase any broken water meter, brass, copper (peeled and cut copper wire pieces), or any other metal alloy containing these materials, the junk merchant shall keep a record of the transaction and the general description of the material when the same was purchased.

ROMULO B. ALCALA
SP Member

SIMOUNE L. ASTORGA
SP Member

Dr. FULJON I. C. ARRADAZA
SP Member

JOSE L. BACUSMO
SP Member

FILEMON F. AVILA
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SP Member

JORGE J. REBUCAS
SP Member

JULES LUDAS C. CARI
President, LIGANG mga Barangay
Ex-Officio SPM

KYLA SHANNEN T. VIDAL
SK Chair, City Federation
Ex-Officio SPM

All junk shop and junkyard merchants or operators are required to report with confidentiality to the local authorities or PNP persons who are selling broken water meters, brass, copper (peeled and cut copper wire pieces), tower parts (angular bars), tower clamps, aluminum conductor wires, or any other metal alloy containing these materials, which the merchant or operator believes to be stolen.

Section 7. Prohibited Acts.

- a. No junk shop or junkyard shall purchase any peeled or cut copper pieces and broken brass water meters from any minor.
- b. No junk shop or junkyard keep or store junk items or materials in excess of the volume authorized by the City ENRO, if one has been established.
- c. No Junk shop or junkyard shall purchase any item or junk without requiring the seller to disclose his source, his personal identity, his parents/guardian if he is a minor, and his permanent address and contact numbers.
- d. All junk shop or junkyard operator is not allowed to use city roads or public highways as their loading, unloading, and storage area for their junk articles and materials.
- e. All junk shop or junkyard operators are mandated to take active precautionary measures in handling flammable materials or items. These materials are to be segregated properly from other junk or materials.
- f. All junk shop or junkyard operators are required to maintain the cleanliness and orderliness of its premises at all times.
- g. No junk shop or junkyard shall operate without complying with any of the requirements set forth in this ordinance.

Section 8. The City ENRO is authorized to promulgate Rules and Regulations for the effective implementation of this Ordinance. The IRR shall include the area or size of the junkshop or junkyard depending on the nature or class of the business.

Section 9. Inspection of premises. The City ENRO is tasked to monitor the operation of all junk shops or junkyards in the City and ensure its compliance to this Ordinance and such other laws and ordinances. The City ENRO may conduct inspection of the junk shops or junkyards, evaluate its compliance, and provide recommendations for corrective or remedial measures.

Section 10. Penalty. A person who violates any provision of this ordinance shall be subject to a fine of One Thousand (P1,000.00) Pesos for the first offense; Five Thousand (P5,000.00) Pesos for the second offense; and closure of the establishment for the third offense.

Section 11. Separability Clause. If any provision of this Ordinance is held invalid or unconstitutional, the same shall not affect the validity and effectivity of the other provisions hereof.

Section 12. Repealing Clause. Pertinent provisions of all other laws, decrees, executive orders, and rules and regulations contrary to or inconsistent with the provisions of this Ordinance are hereby repealed or modified accordingly.

Section 13. Effectivity Clause. This Ordinance shall take effect after due compliance with all the requirements provided under RA 7160, otherwise known as the Local Government Code of 1991.

ROMULO B. ALCALA
SP Member

SIMOUN L. ASTORGA
SP Member

Dr. FULTON IRE C. ARRADAZA
SP Member

JOSE L. BACUSMO
SP Member

FLEMON F. AVILA
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JULES LUDAS C. CARI
President, LIGA ng mga Barangay
Ex-Officio SPM

KYLA SHANNEN T. VIDAL
SK Chair, City Federation
Ex-Officio SPM

Enacted: November 7, 2024
Baybay City, Leyte, Philippines

CARRIED BY ALL OF THE MEMBERS PRESENT:

ROMULO B. ALCALA
SP Member

SIMOUNE L. ASTORGA
SP Member

DR. FULTON IKE C. ARRADAZA
SP Member

JOSE L. BACUSMO
SP Member

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President, LIGA Ng Mga Barangay
Ex-Officio SPM

KYLA SHANNEN T. VIDAL
SK Chair, City Federation
Ex-Officio SPM

RESOLVED FURTHER, that certified copies of this ORDINANCE be furnished to the City Mayor Honorable Jose Carlos L. Cari, City Administrator Florante Cayunda Jr.; City Legal Officer, Atty. Avito C. Cahig, Jr.; City Budget Officer, Raul Mabini; City Accountant Jay Ryan Austero; City Treasurer Alberta A. Manatad, CLGOO Juvy C. Pedrera, and to all other offices/agencies/entities concerned for their information, guidance and appropriate action.

I HEREBY CERTIFY to the correctness of the foregoing Ordinance.

ATTY. VIVIAN C. ENARIO-VIDALLON
Secretary to the Sanggunian

**ATTESTED & CERTIFIED
TO BE DULY ADOPTED**

CONFORME:

ATTY. ERNESTO M. BUTAWAN
City Vice Mayor / Presiding Officer

ENGR. JOSE CARLOS L. CARI
City Mayor
11/21/24



Republic of the Philippines
PROVINCE OF LEYTE
CITY OF BAYBAY
-0000000-



OFFICE OF THE SANGGUNIANG PANLUNGSOD

3rd Floor City Hall, Diversion Road, Brgy. Gaas, Baybay City, Leyte 6521 * panlungsodsangguniang@gmail.com

C E R T I F I C A T I O N

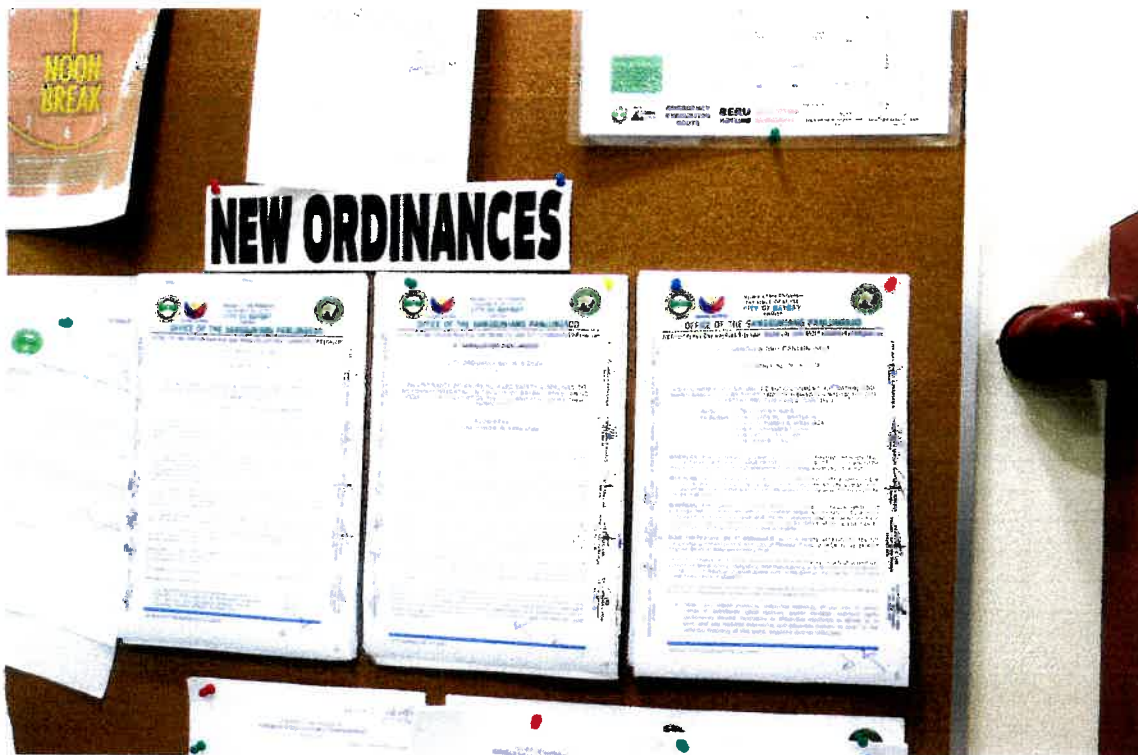
TO WHOM THIS MAY CONCERN:

THIS IS TO CERTIFY that the City Ordinance No. 16 s. 2024 "AN ORDINANCE REGULATING THE ESTABLISHMENT, OPERATION, AND MAINTENANCE OF JUNK SHOPS AND/OR JUNKYARDS WITHIN THE CITY OF BAYBAY AND FOR OTHER PURPOSES." was posted in the bulletin board at Legislative Department, New City Hall, Diversion Road, the public market and Baybay City Bus and Terminal immediately upon approval thereof.

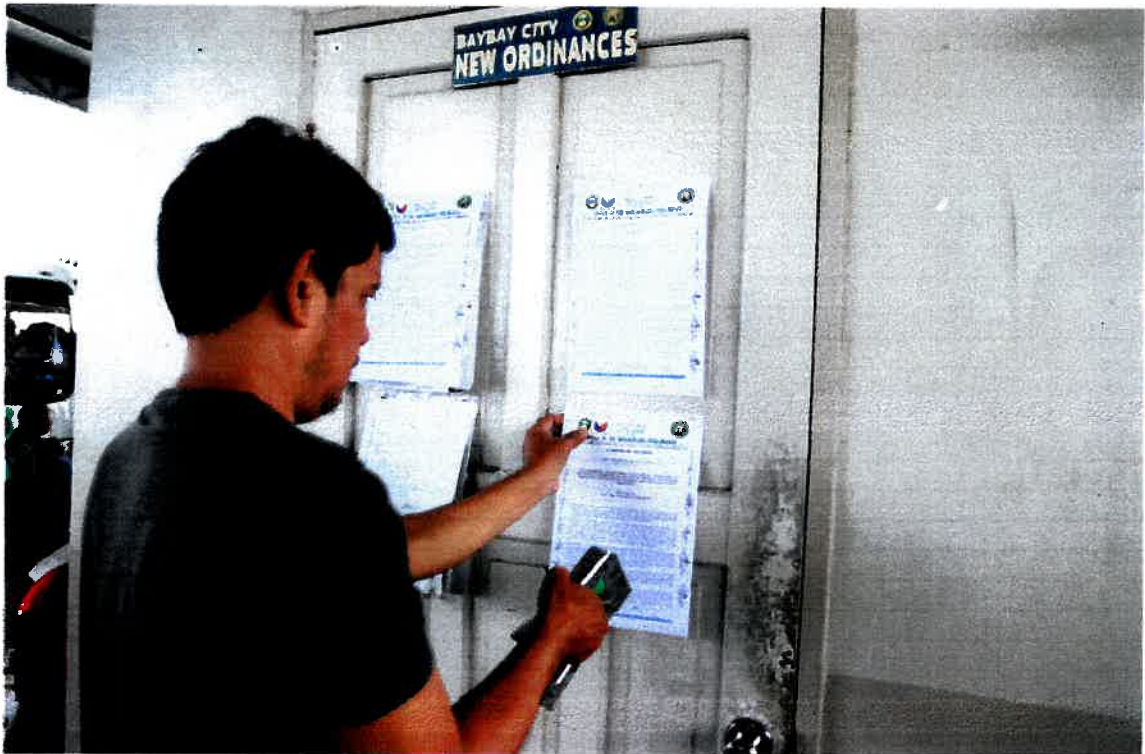
Issued this 25th day of November, 2024, at Baybay City, Leyte.


ATTY. VIVIAN E. VIDALLON
SP Secretary

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SANGGUNIANG PANGLUNGSOD OFFICE BULLETIN BOARD



BAYBAY CITY BUS TERMINAL



BAYBAY CITY TRICYCLE TERMINAL