



Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

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PROVINCIAL LEGAL OFFICE

2nd INDORSEMENT
March 27, 2025

Item No.: **15**
Date: **22 2025 APR**



Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Ordinance No. 2025-11 of the Sangguniang Bayan of Tanauan Leyte.

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

- Ordinance No. 2025-11 entitled: **“Ordinance for the closure and rehabilitation of the open/controlled dumpsite, etc.”**

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office is of the opinion that the subject Ordinance is generally in accordance to its power under Sections 447(a)(4)¹ and (5)(xiii)² of the Local Government Code of 1991 (R.A 7160). Hence, we recommend for the declaration of its validity.

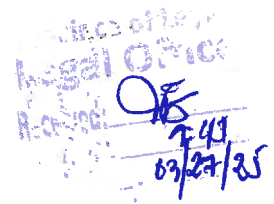
We hope to have assisted you with this request. Please note that the opinion rendered by this Office are based on the facts available and may vary or change when additional facts and documents are presented or changed. This opinion is likewise without prejudice to the opinions rendered by higher and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


ATTY. JOSE RAYMUND A. ACOL
Provincial Legal Officer

¹;(4) Regulate activities relative to the use of land, buildings and structures within the municipality in order to promote the general welfare

² (xiii) Provide for an efficient and effective system of solid waste and garbage collection disposal and prohibit littering and the placing or throwing of garbage, refuse and other filth and wastes;


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OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
26 March 2025

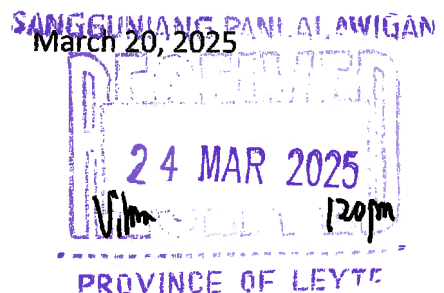
The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **Ordinance No. 2025-11 of the Municipality of Tanauan, Leyte**, entitled: **An Ordinance providing for the closure and rehabilitation of the open/controlled dumpsite in Brgy. Lapay, Tanauan, Leyte, and for other purposes.**


FLORINDA JILL S. UYVICO
Secretary to the Sanggunian



Republic of the Philippines
Province of Leyte
TANAUAN
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OFFICE OF THE SANGGUNIANG BAYAN



THE SECRETARY
Sangguniang Panlalawigan
Province of Leyte
Capitol Building
Tacloban City

Sir/Madam;

Respectfully submitting herewith 16th **SB Ordinance No. 2025-11, "An Ordinance Providing for the Closure and Rehabilitation of the Open/Controlled Dumpsite in Brgy. Lapay, Tanauan, Leyte, and for other Purposes"**, for your appropriate action.

Authored by: Hon. Mae Jane Angelie M. Morabe-Borais

Trusting that you will accord this matter with your kindest attention.

Thank you.

Truly yours,


ELEUTERIO T. LERIOS
Sangguniang Bayan Secretary

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SANGGUNIANG BAYAN

SANGGUNIANG PANALAWIGAN



EXCERPT FROM THE MINUTES OF THE 130th REGULAR SESSION OF THE 16th SANGGUNIANG BAYAN OF TANAUAN, LEYTE, HELD ON FEBRUARY 24, 2025, AT THE SB SESSION HALL, TANAUAN, TOWN HALL, TANAUAN, LEYTE.

PRESENT :

HON. ARCHIE LAWRENCE R. KAPUNAN	Municipal Vice-Mayor/Presiding
HON. JAN ELMER V. MAGDALAGA	Sangguniang Bayan Member
HON. MAE JANE ANGELIE M. MORABE – BORAI	-do-
HON. MARK EFREN E. MERILO	-do-
HON. JOSIE M. CREER	-do-
HON. QUINTIN T. OCTA, JR., D.M.D.	-do-
HON. CHERRY ANNE T. FIEL	-do-
HON. EFREN C. MERILO	-do-/Liga Fed. Pres.
HON. KYLE C. MESIAS	-do-/ SK Fed. Pres.

ABSENT :

HON. PAUL EMMANUEL R. CINCO (on leave)	Sangguniang Bayan Member
HON. ATTY. ISAGANI S. ESPADA (on leave)	-do-

ORDINANCE NO. 2025 – 11

AN ORDINANCE PROVIDING FOR THE CLOSURE AND REHABILITATION OF THE OPEN/CONTROLLED DUMPSITE IN BRGY. LAPAY, TANAUAN, LEYTE, AND FOR OTHER PURPOSES.

Author: Hon. Mae Jane Angelie M. Morabe-Borais

BE IT ENACTED BY THE SANGGUNIANG BAYAN OF TANAUAN, LEYTE IN REGULAR SESSION ASSEMBLED THAT:

WHEREAS, Republic Act No. 9003, otherwise known as the Ecological Solid Waste Management Act of 2000, mandates that Local Government Units (LGUs) establish an appropriate solid waste management program, which includes the proper closure and rehabilitation of open and controlled dumpsites in order to safeguard public health and protect the environment;

WHEREAS, Section 37 of RA 9003 explicitly prohibits the operation of open dumpsites and directs all LGUs to close and rehabilitate any existing facilities that do not meet the sanitary landfill standards established under the Act;

WHEREAS, the Department of Environment and Natural Resources (DENR), through its Administrative Orders and guidelines, provides the standards and procedures for the closure and rehabilitation of landfills to ensure environmental compliance and sustainable waste management;

WHEREAS, Article II, Section 16 of the 1987 Philippine Constitution provides that "the State shall protect and advance the right of the people to a balanced and healthful ecology," which serves as a guiding principle for all government actions, including waste management and pollution control;

WHEREAS, proper closure and rehabilitation of sanitary landfills are essential steps in mitigating environmental impacts such as groundwater contamination, air pollution, and public

health risks, thus aligning with the municipality's duty to provide a safe and sustainable environment for its constituents;

WHEREAS, compliance with national laws and environmental standards will further support the municipality's efforts to promote ecological integrity and sustainable development, as well as minimize liabilities from improper landfill management practices;

WHEREAS, the **Local Government Code of 1991 (Republic Act No. 7160)** empowers LGUs to enact ordinances and take appropriate actions to promote the general welfare, which includes the management of solid waste and closure of environmental hazards within their jurisdiction;

WHEREAS, it has been determined that the continued operation of the open dumpsite/controlled dumpsite in Brgy. Lapay poses environmental and health risks to the community, necessitating its closure and rehabilitation.

SECTION 1. TITLE. This Ordinance shall be known as the "**Ordinance for the Closure and Rehabilitation of the Open/Controlled Dumpsite in Brgy. Lapay, Tanauan, Leyte.**"

SECTION 2. DECLARATION OF POLICY. It is the policy of the Municipality of Tanauan to protect the health and welfare of its residents and the environment by ensuring the proper closure and rehabilitation of the open/controlled dumpsite in Brgy. Lapay in compliance with existing laws and regulations.

SECTION 3. CLOSURE AND REHABILITATION OF THE OPEN/CONTROLLED DUMPSITE

1. The open/controlled dumpsite located in Brgy. Lapay, Tanauan, Leyte, is hereby ordered to be closed within **12 MONTHS** from the approval of the safe closure and rehabilitation plan by the Sangguniang Bayan.

2. The closure shall include the proper management of remaining waste, environmental restoration, rehabilitation efforts, and compliance with all relevant laws and regulations.

SECTION 4. SAFE CLOSURE AND REHABILITATION PLAN

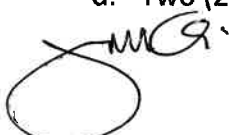
1. The **Municipal Environment and Natural Resources Office (MENRO)** shall prepare a comprehensive closure and rehabilitation plan for the dumpsite, which shall include:
 - a. Assessment of remaining waste and identification of necessary remedial actions.
 - b. Procedures for waste removal and disposal in accordance with environmental standards.
 - c. Measures to prevent environmental contamination during and after closure.
 - d. Plans for site rehabilitation, including soil restoration, vegetation planting, and any future land use considerations to ensure long-term environmental health.
2. The safe closure and rehabilitation plan shall be submitted to the Sangguniang Bayan for approval **within 30 DAYS** from the enactment of this Ordinance.

SECTION 5. IMPLEMENTING OFFICE AND CLOSURE COMMITTEE.

1. The **MENRO** shall oversee the implementation of the closure and rehabilitation plan and ensure compliance with applicable environmental laws and regulations.

2. A **closure and rehabilitation committee** shall be formed, comprising representatives from the following:

- a. **MENRO (Chairperson)**
- b. **Municipal Health Officer or any representative**
- c. **Barangay Lapay Council**
- d. **Two (2) Community representatives (CSO)**



SECTION 6. FUNDING. The Municipal Government of Tanauan shall allocate necessary funds for the closure and rehabilitation process, including waste removal, environmental restoration, monitoring activities, and post-closure land rehabilitation.

SECTION 7. MONITORING AND EVALUATION

1. **Regular monitoring** shall be conducted during and after the closure and rehabilitation process to ensure compliance with environmental standards and successful site recovery
2. The MENRO shall submit reports every end of the quarter to the Sangguniang Bayan on the progress of the closure, rehabilitation, and any issues encountered.

SECTION 8. PROHIBITED ACTS. The following acts are strictly prohibited in relation to the closure and rehabilitation of the open/controlled dumpsite in Barangay Lapay, Tanauan, Leyte:

1. **Illegal Dumping of Waste** – Disposing of any type of solid, liquid, hazardous, or biomedical waste at the closed dumpsite.
2. **Unauthorized Entry** – Entering the closed dumpsite without prior authorization from the Municipal Environment and Natural Resources Office (MENRO) or any designated municipal authority.
3. **Excavation or Disturbance of the Site** – Digging, removing, or altering the rehabilitation structures, protective coverings, or vegetation planted for the dumpsite's recovery.
4. **Construction or Establishment of Any Structure** – Building any temporary or permanent structures within the dumpsite without clearance from the Municipality of Tanauan.
5. **Dumping of Industrial, Commercial, or Agricultural Waste** – Bringing and disposing of industrial or agricultural waste in areas designated for rehabilitation.
6. **Obstruction of Rehabilitation Works** – Interfering with or preventing municipal personnel, contractors, or partner agencies from implementing rehabilitation and closure activities.
7. **Unauthorized Waste Scavenging** – Picking, sorting, or collecting waste materials from the closed dumpsite without proper authorization.

SECTION 9. PENALTIES. Any individual or entity found violating the provisions of this Ordinance shall be subject to penalties in accordance with the Local Government Code of 1991 (Republic Act No. 7160), which may include:

- 1) **First Offense:** A fine not exceeding One Thousand Five Hundred Pesos (₱1,500.00)
- 2) **Second Offense:** A fine not exceeding Two Thousand Pesos (₱2,000.00) or
- 3) **Third & Succeeding Offense:** A fine of Two Thousand Five Hundred Pesos (₱2,500.00) or imprisonment for a period not exceeding six (6) months, or both, at the discretion of the court for subsequent offenses.

SECTION 10. SEPARABILITY CLAUSE. If any provision of this Ordinance is held to be unconstitutional or invalid, the remaining provisions shall remain in full force and effect.

SECTION 11. REPEALING CLAUSE. All ordinances, resolutions, or regulations inconsistent with this Ordinance are hereby repealed or modified accordingly.

SECTION 17. EFFECTIVITY. This Ordinance shall take effect immediately upon approval.

ENACTED : 24 FEBRUARY 2025


CERTIFIED TRUE AND CORRECT:

ELEUTERIO T. LERIOS
SB Secretary

ATTESTED BY:


HON. ARCHIE LAWRENCE R. KAPUNAN
Vice Mayor/Presiding


HON. JAN ELMER V. MAGDALAGA
SB Member


HON. MAE JANE ANGELIE M. MORABE -BORAIS
SB Member


HON. MARK EFREN E. MERILO
SB Member


HON. JOSIE M. CREER
SB Member



HON. QUINTIN T. OCTA, JR., D.M.D.
SB Member


HON. CHERRY ANNE T. FIEL
SB Member


HON. EFREN C. MERILO
SB Member/Liga Fed. Pres.


HON. KYLE C. MESIAS
SB Member/SK Fed. Pres.

APPROVED BY:


HON. MA. GINA E. MERILO
Municipal Mayor
LGU – Tanauan, Leyte

Date: 03-17-2025

1 Republic of the Philippines
2 Province of Leyte
3 TANAUAN
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5 16th SANGGUNIANG BAYAN
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7 **MINUTES OF THE PUBLIC HEARING**

8 **January 10, 2025**

9 **Presidencia Lobby, Tanauan Town Hall, Tanauan, Leyte**
10

11 **I. PRELIMINARY**

12 The Public Hearing commenced at 9 o'clock in the morning with an opening prayer and
13 introduction of the proposed Ordinances.

14 In attendance were the author and co-authors of the proposed Ordinances Hon. Engr.
15 Mae Jane Angelie M. Morabe-Borais, Hon. Engr. Jan Elmer V. Magdalaga and Hon. Atty. Isagani
16 S. Espada. Also in attendance were the concerned stakeholders particularly the Chairpersons and
17 representatives from the 54 Barangays in the municipality.

18 Also present were Judge Ephrem S. Abando – Municipal Administrator; Arturo B. Perez,
19 Jr. - Municipal Planning and Development Officer; mar P. Villegas - Municipal Accountant; Mark
20 Leo Cinco- designated MENR Officer; and the sanitary inspectors from the RHU.

21
22 **II. AGENDA**

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24 The main author – Hon. Engr. Mae Jane Angelie M. Morabe-Borais, presented the
25 rationale and provisions of the proposed Ordinances as follows:
26

27 **1. A Proposed Ordinance Providing the Closure and Rehabilitation of the Open/Controlled**
28 **Dumpsite in Brgy. Lapay, Tanauan, Leyte.**

29
30 **Author: Hon. Mae Jane Angelie M. Morabe-Borais**

31
32 **2. A Proposed Ordinance Regulating the Subdivision Approval and Permitting in the**
33 **Municipality of Tanauan, Leyte.**

34
35 **Author: Hon. Mae Jane Angelie M. Morabe Borais**

36 **Co-Authors: Hon. Archie Lawrence R. Kapunan**
37 **Hon. Jan Elmer V. Magdalaga**
38

39 **III. COMMENTS/DISCUSSION**
40

41
42 The Municipal Administrator Judge Ephrem S. Abando commented that the
43 proposed Ordinance providing for the closure of the open dumpsite at Brgy. Lapay is still
44 premature considering that the sanitary landfill at Brgy. Cabuynan is not yet functional.
45 The main author on the other hand manifested that it is not deemed premature since the
46 LGU has been receiving already even during the previous administration, a cease and
47 deceased order from the DENR.
48

49 The representative from the MENRO, Mr. Glenn Gil, also explained that they have
50 been receiving such notices from the DENR however, their office cannot fully implement



the closure of the open dumpsite without the being fully equipped with the necessary basis, budget and such other considerations. He further requested to extend a little longer the period set by the proposed Ordinance for their Office to implement the said Ordinance once approved considering that they will rely as to when the sanitary land fill will be operational.

The representative from Brgy, Lapay where the open dumpsite is located also manifested that there BLGU is willing to cooperate with the municipality in the closure of the said dumpsite since a lot from the nearby constituents are already complaining also.

As to the second proposed Ordinance, the Municipal Planning Development Coordinator – Arturo B. Perez, Jr. manifested that the provisions in the proposed ordinance has been compare and were found to be in consonance with the provisions of the CLUP which is currently being finalized and only waiting for endorsement for review by the Provincial Land Use Committee.

The Chairperson of Brgy. Atipolo raised his concerns about the pending construction of the farm to market road in their Barangay if the same is covered by the ordinance on subdivision permitting since the said project did not push through due to some lacking documents particularly the Deed of Donation from the affected private owners. The Municipal Planning Coordinator then explained that the same is not covered and that if the lacking document is the conveyance, the same constitute as a requirement before government infrastructure projects will proceed as a form of social safeguard.

IV. ADJOURNMENT

After a thorough discussion and there having no more matters included in the agenda for the said public hearing, the same was adjourned at 12:25 in the afternoon.

x-----x

I HEREBY CERTIFY to the correctness of the foregoing MINUTES of the Public Hearing of the 16th Sangguniang Bayan of this municipality held on the date and at the place above-stated.

ATTY. MIAMOR D. NATIVIDAD
Local Legislative Officer IV



Republic of the Philippines
Province of Leyte
Municipality of Tanauan
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OFFICE OF THE SANGGUNIANG BAYAN

PUBLIC HEARING

1. PROPOSED ORDINANCE: AN ORDINANCE PROVIDING FOR THE CLOSURE AND REHABILITATION OF THE OPEN/CONTROLLED DUMPSITE IN BRGY. LAPAY, TANAUAN, LEYTE, AND FOR OTHER PURPOSES

AUTHOR: HON. MAE JANE ANGELIE M. MORABE-BORAIS

2. PROPOSED ORDINANCE: AN ORDINANCE REGULATING SUBDIVISION APPROVAL AND PERMITTING IN THE MUNICIPALITY OF TANAUAN, LEYTE

AUTHOR: HON. MAE JANE ANGELIE M. MORABE-BORAIS

CO-AUTHOR: HON. ARCHIE LAWRENCE R. KAPUNAN

HON. JAN ELMER V. MAGDALAGA

HON. ATTY. ISAGANI S. ESPADA

Date: January 10, 2025

Time: 9:00 AM

Venue: Presidencia Lobby, Tanauan Town Hall, Tanauan, Leyte

ATTENDANCE

NO.	NAME	DESIGNATION	SIGNATURE
1	JOSUE N. DUL	KAGAWAD	
2	JOHN C. MEZILG	ABC. VICE PRES	
3	JOSHUA ROMERO	KAGAWAD	
4	PAUL SOLIVE	PRO	
5	MARICOR R. BALANO	BRGY. KAGAWAD	
6	ELIZABETH K. MAGTAMAS JR	PROV. KAGAWAD	
7	JOHN RYAN AVILA	PROV. KAGAWAD	
8	DR. KELLY MAE FORTUON	KAGAWAD	
9	Erasto P. Espadas Jr.	B. KAGAWAD	
10	ALAN C. LUMINOR	B. KAGAWAD	
11	RAMEL C. GARA	B/KAGAWAD	
12	MAE JANE MORABE-BORAIS	SB MEMBER	
13	Arnulfo Peling Casilan	B KAGAWAD	
14	GLEN M. GIL	MEMBER STATE	
15	MELBECIO C. RAKAWAD	B KAGAWAD	

Sangguniang Bayan Office
Tanauan, Leyte

ATTY. MIAMOR D. MANTIDAD
SANGGUNIANG BAYAN
TANAUAN, LEYTE

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Province of Leyte
Municipality of Tanauan
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OFFICE OF THE SANGGUNIANG BAYAN

NO.	NAME	DESIGNATION	SIGNATURE
16	BELLA P. SANIPA	DRGY H. GARCIA	LUY
17	DARREN M. ALBANO	DRGY KAGAWAD	Darwin
18	EDUARDO M. MARCAO JR.	"	
19	DANIEL T. CHEN	"	
20	LUCKY JOY M. MACHICA	" SECRETARY	
21	Travis A. Boco	" Secretary	
22	LEMBERG S. COBACIA	DRGY. KAGAWAD	
23	Emmanuel C. Pambellano	"	
24	Cherry Rose de Paz	DRGY. KAGAWAD	
25	Rommel C. VERGARA	P.B.	
26	GABRIEL M. MOTIN	"	
27	LEON P. MACEDA	P.B.	
28	Rodrigue A. Munda	P.B.	
29	Glen Carlo Tuli	P.B.	
30	SEXYTOUR BOCO	P.B.	
31	REYNOLD O. LEGINA	P.B.	
32	POMPEO F. COSTIMIANO	P.B.	
33	JOSEPH M. P. P. P.	P.B.	
34	Ruel P. P.	P.B.	
35	CARLOS C. TULIBY	P.B.	
36	EMMA M. TORRES	P.B.	
37	G.L. P.	P.B.	
38	EMANUEL L. LACRUZ	P.B.	
39	ANTHONY T. TIANC	P.B.	
40	JOSE C. PETA	P.B.	
41	FRANCIS TULI	P.B.	
42	REYNOLD A. GARCIA	P.B.	
43	JOEL F. LOGRONIO	P.B.	
44	JAMES C. MENDOZA	P.B.	
45	JOHN T. TULI	P.B.	
46	MARIA CORASON B. MENDOZA	SB STAFF	
47	MICHAEL C. SORIANO	SB STAFF	
48	CHRISTIAN BENEDICT A. ABELLA	SB STAFF	
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Sangguniang Bayan Office
Tanauan, Leyte
ATTY. MIANZ B. NATIVIDAD
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OFFICE OF THE SANGGUNIAN BAYAN

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

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that SB ORDINANCE NO. 2025-11, "AN ORDINANCE PROVIDING FOR THE CLOSURE AND REHABILITATION OF THE OPEN/CONTROLLED DUMPSITE IN BRGY. LAPAY, TANAUAN, LEYTE, AND FOR OTHER PURPOSES", have been posted in the bulletin boards at the following: Entrance of the Municipal Hall, Office of the Sangguniang Bayan and Public Market beginning March 18, 2025 and shall remain posted for a minimum of three consecutive weeks.

This certification is issued in compliance with the pertinent provisions of R.A. 7160.

Issued: March 18, 2025


ELEUTERIO T. LERIOS
Sangguniang Bayan Secretary