

Item No.: 26
Date: 16 2025 SEP



Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

-oOo-

Province of
Leyte
Time: 9:00
Date: 9.2.25

Sangguniang Panlalawigan
Province of Leyte

PROVINCIAL LEGAL OFFICE

RECEIVED

Date: SEP 03 2025
By: [Signature]

2nd INDORSEMENT
August 20, 2025

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 2025-01 of the Sangguniang Bayan of Albuera, Leyte.

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

- Ordinance No. 2025-01 entitled: **“An Ordinance enacting the Municipal Environment Code of Albuera, Leyte.”**

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)(1)(vi)¹ of the Local Government Code of 1991 (R.A 7160) However, upon further review, it is noted that the third offense penalty in Section 12A.02 of the proposed Ordinance runs in contravention of Section 447(a)(1)(iii)² . Hence, further review of said Ordinance is recommended.

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

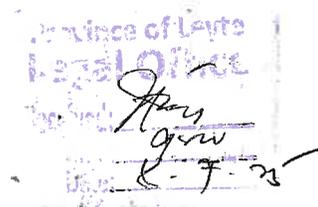
¹ (vi) Protect the environment and impose appropriate penalties for acts which endanger the environment, such as dynamite fishing and other forms of destructive fishing, illegal logging and smuggling of logs, smuggling of natural resources products and of endangered species of flora and fauna, slash and burn farming, and such other activities which result in pollution, acceleration of eutrophication of rivers and lakes, or of ecological imbalance;

² (iii) Approve ordinances imposing a fine not exceeding Two thousand five hundred pesos (P2,500.00) or an imprisonment for a period not exceeding six (6) months, or both in the discretion of the court, for the violation of a municipal ordinance;

Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte
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OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
01 August 2025



The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **Ordinance No. 2025-01** of the **Municipality of Albuera, Leyte**, entitled: **An Ordinance enacting the Municipal Environment Code of Albuera, Leyte.**


FLORINDA JILLS. DYVICO
Secretary to the Sangguniang



Republic of the Philippines
PROVINCE OF LEYTE
Municipality of Albuera

OFFICE OF THE SANGGUNIANG BAYAN SECRETARIAT

TRANSMITTAL

July 22, 2025

Hon. Leonardo Javier, Jr.
Vice-Governor
Province of Leyte
Palo, Leyte



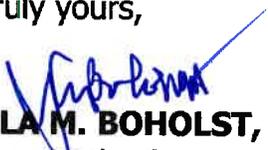
Thru: Florinda Jill S. Uyvico
Secretary to the Sanggunian
Province of Leyte

Dear Vice Governor Javier:

Respectfully transmitting herein **Municipal Ordinance No. 2025-01, "An Ordinance Enacting the MUNICIPAL ENVIRONMENT CODE OF ALBUERA, LEYTE."**

Please acknowledge receipt hereof.

Very truly yours,


PAMELA M. BOHOLST, MPA
Secretary to the Sangguniang Bayan I



Republic of the Philippines
PROVINCE OF LEYTE
Municipality of Albuera

OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATION

TO THE CONCERNED:

THIS IS TO CERTIFY that **Municipal Ordinance No. 2025-01, "An Ordinance Enacting the Municipal Environment Code of Albuera, Leyte,"** has been posted in the bulletin board of the Sangguniang Bayan of Albuera, Leyte on June 30, 2025 and shall remain posted until a period of two (2) consecutive weeks thereof.

ISSUED this 4th day of July 2025 at Albuera, Leyte, Philippines.

PAMELA M. BOHOLST, MPA
Secretary to the Sangguniang Bayan I



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF ALBUERA
OFFICE OF THE SANGGUNIANG BAYAN

Sangguniang Panlalawigan
Province of Leyte

RECEIVED

Date: JUL 22 2025

EXCERPT FROM THE MINUTES OF THE 147TH REGULAR SESSION OF THE SANGGUNIANG BAYAN
TERM 2022-2025 HELD AT THE SB SESSION HALL ON JUNE 26, 2025

MUNICIPAL ORDINANCE NO. 2025-01

**AN ORDINANCE ENACTING THE MUNICIPAL ENVIRONMENT CODE
OF ALBUERA LEYTE**

INTRODUCED BY: HON. MANUEL E. BANTASAN

WHEREAS, presented for consideration before the Sangguniang Bayan is the Municipal Environment Code of ALBUERA LEYTE;

WHEREAS, Section 16 of RA 7160 known as the General Welfare Clause explicitly provides that every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom for its efficient and effective governance, and shall ensure and support, among other things, the preservation and enrichment of culture, promote health and safety and enhance the rights of the people to a balanced ecology;

WHEREAS, this august body believes that environmental management is one of the fundamental keys towards the attainment of socio-economic progress in every locality;

WHEREAS, the enactment of this Code is a timely call to all to manifest a serious and sincere concern for our environment;

NOW, THEREFORE, BE IT ENACTED BY THE SANGGUNIANG BAYAN TERM 2022 – 2025 ON ITS 147TH REGULAR SESSION ASSEMBLED THAT:

**CHAPTER I
GENERAL PROVISIONS
ARTICLE A
TITLE**

Section 1A. 01 - Title - This Code shall be known as the “**2025 Environment Code of the MUNICIPALITY OF ALBUERA LEYTE.**”

**ARTICLE B
NATURE AND SCOPE**

Section 1B. 01 - Nature and Scope – This Code shall apply to all lands and its resources, both public and private, the forest ecosystem, including its natural resources therein, all the minerals and its by-products that can be found on lands, beds of seas, rivers, lakes, streams and creeks and bodies of water in and around the territorial waters; and, the air, the air space and elements and resources, within the territorial jurisdiction of the Albuera Leyte. It covers all general and administrative ordinances and resolutions enacted over

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S. S. Pulhin
J. S. Bantasan
M. E. Bantasan

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the years by the Sangguniang Bayan and approved by the local chief executive including provisions from executive orders and new policies, which are relevant to the protection, conservation, utilization and management of the environment as well as provisions from national environmental laws upon which implementation is devolved to the local government units

**ARTICLE C
DECLARATION OF POLICY AND PRINCIPLES**

Section 1C.01 - Declaration of Policy and Principles of the Municipality of Albueria Leyte— It shall be the policy of the municipal Government to pursue sustainable development and to protect the right of the people to a balanced ecology, as provided for, in Section 16, or the "General Welfare Clause" of RA 7160, otherwise known as, the Local Government Code of 1991.

It shall ensure the sustainable use of natural resources, by advancing development while preserving the quality of environment, thereby achieving a better quality of life, in the context of human and ecological security.

It shall likewise, be the policy of the Municipality to promote and protect the right of the people, to participate in the decision-making process, concerning development projects or activities, that may have adverse impact on the environment. This shall include the right of the affected communities, prior to public consultation and consent, as to the approval or grant of clearance by the concerned government agencies, or by the local government to any undertaking that has serious potential environmental disturbance, or otherwise effectively deprives the community of the use and enjoyment of a natural-resource-based, especially when the lives and livelihood of the greater majority of the residents are dependent on it.

To achieve this end, the Municipality shall:

1. Formulate a holistic program of environmental management that shall be implemented, through proper and effective coordination with concerned government agencies, NGOs, POs and the Private Sector.
2. Implement an integrated and participatory management approach in the utilization, exploitation and development of natural resources.
3. Promote a balance between development and environmental protection, through appropriate control systems and incentives mechanisms.
4. Adopt an integrated and comprehensive waste management program, which shall utilize environmentally sound methods or technologies.
5. Conduct general public information and education on environmental protection and conservation, to encourage active participation of the constituents.
6. Undertake appropriate management and control program for environmental pollution, brought about by urbanization, population growth, industrial development and the increasing use of motor vehicles for public health and general welfare.

Eg. S. Pulhin

**CHAPTER II
AUTHORITY, OBJECTIVES AND PURPOSES, DEFINITIONS AND RULES IN
INTERPRETING THE PROVISIONS OF THE CODE**

**ARTICLE A
AUTHORITY**

Section 2A.01 - Authority — The Constitution of the Philippines. The Constitution provides that: Article II, Section 16 "The State shall protect and advance the right of the people to a balanced and healthful ecology in accordance with the rhythm and harmony of nature". This Code is enacted pursuant to the provisions of Republic Act 7160, otherwise known as, the Local Government Code of 1991, particularly, Sections 2(a), 2(c), 3(d), 3(e), 3(f) up to 3(m), 5(a), 5(c), 16, 17, 26 and 27, 33, 34, 35, 36, 129, 186, 289, thereof, including Sections 455(b) (3)(vii), which mandates the Municipal Mayor to adopt adequate measures to safeguard and conserve land, mineral, marine, forest, and other resources of the Municipality; Section 458 (a)(1)(vi), which provides for the authority of the Sangguniang Bayan to protect the environment and impose appropriate penalties for acts, which endanger the environment, such as, dynamite fishing and other forms of destructive fishing, illegal logging and smuggling of logs, smuggling of natural resources products and of endangered species of flora and fauna, slash and burn farming and such other activities, which result in pollution, acceleration of eutrophication of rivers and lakes, or of ecological imbalance.

**ARTICLE B
OBJECTIVES**

Section 2B.01 - Objectives- This Code is enacted for the following objectives:

- a) To promote the principles of ecologically sustainable development:
1. That the use, development and protection of the environment should be managed by the Municipality in a way, and at a rate, that will enable people and communities to provide for their economic, social and physical well-being and for their health and safety while:
 - 1.1. Sustaining the potential of natural and physical resources, to meet the reasonably foreseeable needs of future generations;
 - 1.2. Safeguarding the life-supporting capacity of air, water, land and ecosystems;
 - 1.3. Avoiding, remedying or mitigating any adverse effects of activities on the environment;
 2. That proper weight should be given to both long- and short-term economic, environmental, social and equity considerations, in deciding all matters relating to environmental resource use, protection, restoration and enhancement.
- b) To ensure that all reasonable and practicable measures are taken by the Municipality to protect, restore and enhance the quality of the environment, having regards to the principles of ecologically sustainable development, and
1. To prevent, reduce, minimize and where practicable, eliminate harm to the environment;
 2. To encourage and assist action by industry, government authorities and the community aimed at pollution, prevention, clean productions and technologies, reduction, reuse and recycling of materials and natural resources and waste minimization;

**ARTICLE D
DEFINITION OF TERMS**

Section 2D.01 - Definition of Terms — As used in this Code, the following words and phrases shall be defined, as follows:

“Aquatic Resources” - Living resources of the aquatic environment including fishes, aquatic flora and fauna, corals, seals, and mangroves.

“Agricultural Lands”- lands of public domain which are neither forest, nor mineral lands and national parks and primarily used for farming or production of crops, livestock or poultry.

“Agricultural waste” - shall refer to waste generated from planting or harvesting of crops, trimming or pruning of plants and wastes or run-off materials from farms or fields;

“Air Pollutant” — any matter found in the atmosphere other than oxygen, nitrogen, water vapor, carbon dioxide, and the inert gases in their natural or normal concentrations and includes smoke, dust, soot, cinders, fly ash, solid particles of any kind, gases, fumes, mists, odors and radio-active substances.

“Air Pollution” — means any alteration of the physical, chemical and biological properties of the atmospheric air, or any discharge thereto of any liquid, gaseous or solid substances that will, or is likely to create or to render the air resources of the municipality harmful, detrimental, or injurious to public health, safety or welfare, or which will adversely affect their utilization for domestic, commercial, industrial, agricultural, recreational, or other legitimate purposes.

“Airborne Dust” - minute solid particles released into or carried into the atmosphere, by natural forces, or by any fuel-burning, combustions, or process equipment or device, or by construction works, or by mechanical or industrial processes.

“Alienation, Disposition or Concession”- any of the modes authorized by the Land Code of the Philippines for the acquisition, lease or use of the lands of the public domain other than forests, mineral lands or national parks.

“Ambient Air Quality” - the average atmospheric purity, as distinguished from discharged measurements, taken at the source of pollution. It is the general amount of pollution present in a broad area.

“Aquifers” - a water-bearing rock or a layer of permeable rock, sand, or gravel, through which ground water flows, containing enough water to supply wells and springs

“Biological Diversity” - means the variability among living organisms from all sources including terrestrial, marine and other ecosystem and the ecological complexes of which they are part; this includes diversity within species, between species and ecosystems.

“Cesspool” - refers to an underground container for waste matter, or a deep hole or pit in the ground, usually covered to receive drainage or sewage from the sinks, toilets, etc. of a house, or a covered underground tank or well for the collection of waste matter and water, especially sewage

“Chemical Wastes” - Include discarded solid, liquid or gaseous chemicals from housekeeping and disinfecting procedures.

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"Clean and Green Campaign"- deals with the massive cleaning of the municipality and the planting and maintenance of trees as well as intensive beautification drive in consonance with the national government's goals and objectives.

"Collection" - shall refer to the act of removing solid waste from the source or from a communal storage point;

"Composting" - shall refer to the controlled decomposition of organic matter by micro-organisms, mainly bacteria and fungi, into a humus-like product;

"Commercial Lands"- portion of alienable and disposable lands of the public domain classified as sustainable and intended for trading of goods and services by competent authority.

"Disposal" - shall refer to the discharge, deposit, dumping, spilling, leaking or placing of any solid waste into or in any land;

"Disposal site" - shall refer to a site where solid waste is finally discharged and deposited;

"Ecological solid waste management" - shall refer to the systematic administration of activities which provide for segregation at source, segregated transportation, storage, transfer, processing, treatment, and disposal of solid waste and all other waste management activities which do not harm the environment;

"Effluent Standards"- restrictions established to limit levels of concentration of physical, chemical and biological constituents which are discharged from point sources.

"Embankment" — refers to a portion of land on the edge of the river which is locally called "pang-pang".

"Emission"- Any measurable air contaminant, pollutant, gas stream or unwanted sound from a known source which is passed into the atmosphere.

"Environment" — refers to the quantity, quality, diversity and sustainability of renewable and non-renewable natural resources, including the ambient environment, such as the atmosphere, climate, sound and odors that are critical determinants of the quality of life. In a broad sense, it shall include the total environment of man, such as economic, social, cultural, political and historic factors.

"Environmental Compliance Certificate (ECC)" — refers to authorization, issued by the DENR or the Governor, as the case may be, pursuant to law, in favor of a proponent, the project of which have been reviewed, evaluated and finally approved, upon consideration that the project will not bring about an unacceptable environmental impact and that the proponent has complied with all the requirements of PD 1586, as well as Proclamation 2146, otherwise known as, Environmental Impact Assessment System.

"Environmentally-Critical Areas (ECA)" — refer to those socially, ecologically and geologically sensitive areas declared by law or valid proclamation as: (i) areas for natural parks, watershed reserves, wildlife preserves and sanctuaries; (ii) areas set aside as scenic/aesthetic and potential tourist spots; (iii) areas which are the habitat of endangered species; (iv) areas possessing unique historic, archeological or scientific interests; (v) areas traditionally occupied by indigenous communities; (vi) areas with critical slopes; (vii) areas frequently visited by natural calamities; (viii) prime agricultural lands; (b) recharge areas of aquifers; (x) water bodies; (xi) mangrove areas; (xii) coral reefs; (xiii)

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mossy and virgin forests, and (xiv) river banks and swamplands and marshlands. Technically, it may also validly refer to environmentally-critical projects.

“Environmental Impact” — is the alteration to any degree, of environmental conditions, or the creation of a new set of environmental conditions, adverse or beneficial, to be induced or caused by a proposed project.

“Environmental Impact Assessment (EIA)” – refers to the process of identifying, forecasting and evaluating the future state of the environment, as a consequence of a particular activity and with reference to a comparative assessment of the environment’s future state, without the activity.

“Environmental Management” – is the administration of human activities, as they affect and relate to the entire range of living and non-living factors, that influence life on earth and their interactions.

“Emission” — the act of passing into the atmosphere an air contaminant, pollutant, gas stream and unwanted sound, from a known source.

“Farm Lands”- lands intended for or actually devoted to the production of food, including plantations, except fishponds and other adjoining bodies of water.

“Fugitive Particulate” — the particulate matter which escapes and becomes airborne from unenclosed industrial operation, or that which escapes from incompletely or partially enclosed operation into the outside atmosphere, without passing or being conducted, through a flue pipe, stack or other structure.

“Hazardous Substances” - Those substances which present either: (1) short term acute hazards such as acute toxicity by ingestion, inhalation, or skin absorption, corrosive or other skin or eye contact hazard or the risk of fire explosion; or (2) long term toxicity upon repeated exposure, including carcinogenicity (which in some cases may result in acute exposure but with a long latent period), resistance to the detoxification process, or the potential to pollute underground or surface water.

“Hazardous waste”- shall refer to solid waste or combination of solid waste which because of its quantity, concentration, or physical, chemical or infectious characteristics may:

- a) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or
- b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise, managed;

“Industrial Lands”- public lands within the zone established by the Municipality for the manufacture and production of large quantities of goods and commodities.

“Infectious waste”- Surgical dressings, swabs and other contaminated waste from treatment areas; materials which have been in contact with persons or animals suffering from infectious diseases; cultures and stocks of infectious agents from laboratory works; dialysis equipment; apparatus and disposable gowns, aprons, gowns, gloves, towels, etc; waste from dialysis treatment area; waste from patients in isolation wards; all materials which may contain pathogens in sufficient concentration or quality that exposure to could result in disease.

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"Pollution" — any alteration of the physical, chemical and biological properties of any water, air and or land resources of the Philippines, or any discharge thereto of any liquid, gaseous, or solid wastes as well, or is likely to create or to render such water, air and land resources, harmful, detrimental or injurious to public health, safety or welfare, which will adversely affect their utilization for domestic, commercial, industrial, agricultural, recreational or other legitimate purposes.

"Population, Resources and Environmental Balance" – a condition where there is a harmonious interaction between and among population, resources and environment towards sustainable development. This means that population factors such as size growth, age-sex structure, distribution, as well as their activities do not compromise the replenishment and conservation of resources and the preservation of the environment and vice versa.

"Population and Development Planning Approach" – the development of a mindset to look at all important socio-economic and demographic interrelationships in formulating, implementing, monitoring and evaluating plans and programs.

"Protected Areas" – identified portions of land and water set aside by reason of their unique physical and biological significance, managed to enhance biodiversity and protected against destructive human exploitation.

"Public Consultation" — refers to a stage of public participation in which information is disseminated and opinion gathered in public, in order to ensure that public concerns are fully integrated into the process of environmental impact assessment.

"Public Domain" – lands which belong to the State, province and municipality in its proprietary capacity

"RA 7160" — refers to the Local Government Code of 1991.

"RA 9003" – refers to the Ecological and Solid Waste Management Act of 2003.

"Recyclable material"- shall refer to any waste material retrieved from the waste stream and free from contamination that can still be converted into suitable beneficial use or for other purposes, including, but not limited to, newspaper, ferrous scrap metal, non-ferrous scrap metal, used oil, corrugated cardboard, aluminum, glass, office paper, tin cans and other materials;

"Recycling" - shall refer to the treating of used or waste materials through a process of making them suitable for beneficial use and for other purposes, and includes any process by which solid waste materials are transformed into new products in such a manner that the original products may lose their identity, and which may be used as raw materials for the production of other goods or services: Provided, That the collection, segregation and re-use of previously used packaging material shall be deemed recycling;

"Residential Lands" – public lands intended to or devoted to the construction and establishment of dwellings.

"Sanitary landfill" - shall refer to a waste disposal site designed, constructed, operated and maintained in a manner that exerts engineering control over significant potential environmental impacts arising from the development and operation of the facility;

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"Solid waste" - shall refer to all discarded household, commercial waste, nonhazardous institutional and industrial waste, street sweepings, construction debris, agriculture waste, and other non-hazardous/non-toxic solid waste.

"Solid Waste Management Facility" - shall refer to any resource recovery system or component thereof; any system, program, or facility for resource conservation; any facility for the collection, source separation, storage, transportation, transfer, processing, treatment, or disposal of solid waste;

"Standard or Limit" — the concentration of any air contaminant which, in order to protect public health and welfare, shall not be exceeded, at a particular region or zone and at a specified period of time; standards that are enforceable and must be complied with, by the owner or person-in-charge of an industrial operation, process or trade.

"Sustainable Development" - development that meets the needs of the present, without compromising the ability of the future generations to meet their own needs.

"Subterranean Waters" — include streams, creeks, brooks, springs and associated groundwater, not subject to private ownership and not comprised within national parks, forest lands, timberland or forest reserves, that are found beneath the terrestrial features of a municipality, irrespective of depth or breadth, but extending only up to the limits of the municipality's geographical boundaries.

"Zoning" – refers to the delineation or division of a Municipality into a functional zone where only specific land uses are allowed. It directs and regulates the use of all in the community in accordance with an approved or adopted land use plan for the municipality. It regulates land uses and prescribes limitations on structures and infrastructures thereon.

"Zoning Ordinance" – an ordinance which classifies, delineates, defines, and designates different land uses in the municipality, requiring fees and imposing penalties.

**ARTICLE E
RULES IN INTERPRETING THE PROVISIONS OF THE CODE**

Section 2E.01 – Rules in Interpreting the Provisions of the Code:

A. General Rules. All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such others, as may have acquired a peculiar and appropriate meaning.

B. Gender and Number: Singular and Plural. Every word in the Code importing the masculine gender shall extend to both female and male and every word importing the singular number shall extend and apply to several persons or things as well; and every word importing a plural number shall extend and apply to one person or thing as well.

C. Person. The word "person" shall extend and be applied to natural and juridical persons, such as firms, corporations, or voluntary associations, unless plainly inapplicable.

D. Tenses. The use of any verb in the present tense shall include the future when applicable.

E. Shall Have Been. The word "shall have been" includes past and future cases.

F. Shall and May. "Shall" is mandatory and "may" is permissive.

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G. Computation of Time. Time which an act is to be done, as provided in this code, or in any rule or legislative issues, pursuant to the provisions hereof, when expressed in days, shall be computed by excluding the first day and including the last day. If the last day falls on Sunday or Holiday, the same shall be excluded from the computation and the business day following, shall be counted the last day.

H. References. All reference to Chapters, Articles, Sections are to the Chapters, Articles, Sections of this Code unless otherwise specified.

I. Conflicting Provisions of Chapters. If the provisions of different Chapters or Articles conflict with or contravene each other, the provisions of each chapter or article shall prevail, as to all specific matters and questions involved therein.

J. Conflicting Provisions of Sections. If the provisions of different Sections in the same Chapter conflict with each other, the provision of the Section which is last in the point of reference, shall prevail.

CHAPTER III WATER RESOURCES

ARTICLE A SCOPE OF POWERS

Section 3A.01 -Scope of Powers —In addition to the powers, duties and functions of the Municipal Mayor to adopt adequate measures to safeguard and conserve land mineral, marine, forest and other resources, as provided under Section 455(b)(3)(vii), other specific powers, functions and responsibilities of the municipality, are enumerated in Section 17, RA 7160, as follows:

Provision of: (1) water and soil resource utilization and conservation projects, and inter-barangay irrigation system, (2) communal irrigation, small water impounding projects and other similar project, artesian wells, spring development, rainwater collectors and water supply systems, seawalls, dikes, drainage and sewerage, and flood control, pursuant to Section 17 (b)(2)(i) and (viii), and 17 (b)(3)(iii) of RA 7160.

ARTICLE B GOVERNING LAWS

Section 3B.01 - Governing Laws — The water resources provision under this Code shall be governed by, but not limited to, the following national laws:

- 1) RA 7160 (Local Government Code of 1991)
- 2) Presidential Decree No. 1067 (Water Code of the Philippines of 1976)
- 3) Republic Act 9275 (Philippine Clean Water Act of 2004)
- 4) DENR Administrative Order 34, series of 1990, (Revised Water Usage and Classification/Water Quality Criteria)
- 5) DENR Administrative Order No. 35, series of 1991 (Revised Effluent Regulations of 1990 Revising and Amending the Effluent Regulations of 1982)
- 6) Republic Act 6969 (Toxic Substances and Hazardous and Nuclear Waste Water Control Act of 1990)
- 7) Presidential Decree No. 984 (National Pollution Control Decree of 1976)
- 8) Presidential Decree No. 825 (Providing Penalty for Improper Disposal of Garbage and Other Forms of uncleanliness and for Other Purposes)
- 9) Presidential Decree No. 856 (Code on Sanitation of the Philippines, 1975)

**ARTICLE C
OPERATIVE PRINCIPLES**

Section 3C.01 - **Operative Principles** — Water resources in the municipality shall be managed primarily to meet the indefinite basic requirements for potable water of all residents of Albuera Leyte and for sustained agricultural production, as well as, for securing the availability of adequate supplies of water for the growing industrial, recreational and commercial development activities, through water resources, pricing, institution of local water pollution control, legislation and protection of watersheds. Further, it is hereby declared the policy of the Municipality that management of water resources shall be integrated and sustainable. Furthermore, water resources in the Municipality of Albuera shall be equitably shared and that no person shall be deprived of safe and clean water.

**ARTICLE D
COMPREHENSIVE WATER RESOURCE MANAGEMENT**

Section 3D.01 - **Comprehensive Water Resource Management Plan** - The Municipal Mayor shall initiate the preparation of a Comprehensive Water Resources Management Plan, through highly participative and multi-sectoral approaches. The plan shall contain, among others, the following:

1. Inventory and classification of water resources within the municipality's territorial jurisdiction, in accordance with Presidential Decree 1067 and DENR Administrative Order No. 34, Series of 1990, for the purpose of determining appropriate uses, protection measures needed and water quality standard to be applied. The inventory should cover rivers, streams, brooks, aquifers, lakes, lagoons, wells, springs, irrigation canals, dams and subterranean waters and all other surface waters, flowing continuously or intermittently over lands;
2. Measurement and delineation of municipal waters using resource maps;
3. A system of promoting compatibility of development activities and avoid subjecting the resources to unilateral or political spheres of influence through multi-level, multi-sectoral and community-based decision-making processes;
4. Cooperative action between the Municipal Government of Albuera Leyte and its neighboring cities/municipalities, to address environmental management issues that oftentimes transcend political boundaries;
5. The legislative measures to be implemented to improve water quality;
6. The appropriate institutional arrangements to be established for managing water resources;
7. The investment requirement, duration and revenue generating measures to be implemented; and
8. Appropriate incentives and regulations to ensure water resources are managed in a sustainable way.

SECTION 3D.02. Policy Statements on Water Utilization. In line with the provision of the Constitution and as embodied in the Water Code of the Philippines, all water belongs to the State. The ownership of water by the State means that water cannot be subjected

to acquisitive prescription, however the State allows the use and development of water by administrative concession.

The Government, through the National Water Resources Board, exercises control and regulation of the water resource pertaining to its utilization, exploitation, development, conservation and protection.

In the observance of the above-mentioned principle, the Municipality of Albuera shall ensure an equitable appropriation of water resources to its constituents consistent with the order of preference adopted by the State as follows;

- (1) Domestic and municipal use;
- (2) Irrigation;
- (3) Power generation;
- (4) Fisheries;
- (5) Livestock raising;
- (6) Industrial use;
- (7) Recreational; and
- (8) Other purposes.

SECTION 3D.03. Basis for Action. With increasing population and intensification of economic activities, the use of water has overtaken its replenishment in the direction where, in some instances, the basic needs would no longer be satisfied. Timely preventive measures shall be taken to prevent water crisis. These concerns call for appropriate actions at the Municipal level, complementing the national effort of ensuring sustainable utilization of water resources.

SECTION 3D.04. Water Sources. With the growing population and the expansion of economic activities the need of water has been increasing at a faster rate. This has brought a serious imbalance between supply and demand of potable and usable water. Cognizant of this condition it becomes imperative for the Municipal Government to provide and secure water for the current and future generations living in its territorial boundaries. To wit:

(1) It shall be the responsibility of the Municipal Government to identify existing and potential water sources for domestic and municipal use within the territory of the Municipality to ensure that there shall be sources of water to satisfy the needs of the present and future. This calls for complete inventory of river, creek, stream and spring sources along with subsurface aquifer systems. Databases shall be established for these water sources with adequate information on quantity and quality. Interim plans should be established on how these water sources shall be accessed, tapped and developed.

(2) A data inventory of the water resources to include their physical characteristics, locations and types shall be maintained and updated by the Municipality for future assessment. These data inventory shall be the basis of municipal water resource policy and water resource system analysis. These data shall be stored and collated for easy access and updating through dynamic information system.

(3) The Municipal Government shall likewise determine the contaminated water resource in the municipality such as the salt-intruded areas and chemical contaminated areas as part of the environmentally affected areas. These areas shall be restrained from utilization and exploitation and the Municipality shall provide an advisory notice to this effect. In the overall strategy, these areas shall be targeted for rehabilitation.

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(4) The Municipal Government shall regulate water consumption on a periodic basis to optimize its use. The approach shall be holistic enough to include all the major users of water and comprehensive enough to determine possible cause and effect scenario of the water utilization.

(5) The Municipal Government shall identify the watersheds within its own territorial limits and incorporate them in its zoning plans. As a water unit, the municipality shall adopt important strategies of protection, conservation, utilization and enhancement in view of sustainable development. Land uses which threaten watersheds shall be minimized by instituting measures to curb human activities that damage the pristine nature of the water resources.

(6) Apart from satisfying the immediate demand, the Municipal Government shall adopt long range planning for the water resources development to come up with adequate supply to meet increasing demand.

SECTION 3D.05. Water Consumption, Distribution and Monitoring.

(1) It shall be the responsibility of the Municipality to ensure that the quality of water shall be within the limits of the Philippine National Standard for Drinking Water (PNSDW) conforming to physical, chemical, biological and radiological requirements. The Albuera Water District and any other distribution agencies operating within Albuera Leyte may be summoned anytime should drinking water quality is in question.

(2) Water for direct consumption shall conform to acceptable requirements of bacteriological quality. To this end, the Albuera Municipal Water Supply System (AMWSS) and any other distribution agencies shall be directed to employ appropriate disinfection or chlorination or install water filtration to ensure that the water shall be free from harmful bacteria or any micro-organisms. Water sampling should be done:

SOURCE AND MODE OF SUPPLY	MINIMUM FREQUENCY OF SAMPLING
1. Level I	<ul style="list-style-type: none">• 1 sample every three (3) months
2. Level II	<ul style="list-style-type: none">• 1 sample every other month
3. Level III	<ul style="list-style-type: none">• Less than 5,000 - 2 samples monthly• 5,000 to 100,000 – 1 sample per 5,000 population + 2 additional samples monthly• More than 100,000 – 1 sample per 10,000, plus 12 additional samples monthly
4. All buildings (i.e. residential, commercial, industrial and institutional buildings)	<ul style="list-style-type: none">• Less than or equal to 600 - 1 sample every other month• More than 600 – 1 sample monthly
5. Food Establishments	<ul style="list-style-type: none">• 1 sample every other month
6. Ice Plants	<ul style="list-style-type: none">• Once a month

(3) The general public shall be notified in advance and shall be advised accordingly if water of sub-standard quality has entered the supply system. Remedial measures shall be instituted at once to correct any defect or damage in the system.

(4) Since poor distribution systems can be a prime cause of water contamination, it shall be the priority of the Municipality to direct concerned agencies to maintain and perform repairs on the distribution system given such circumstances.

(5) The Municipality shall come up with a program of monitoring wastewater in the community. Likewise, the Municipality shall institute measures to compel the private sectors to come up with treatment programs for domestic and industrial effluent before discharging to the environment.

(6) The discharge of wastewater to the environment either by land spreading, injection or dilution in natural bodies of water shall be regulated by the Municipality of Albuera.

(7) The use of nitrogenous fertilizers in farms, fields and golf courses have been pointed out as one of the sources of contamination for groundwater. In areas where important aquifers are located, the use of such fertilizers shall be limited if not prohibited by the Municipality.

(8) Important point source pollution such as gas stations and petroleum product reservoirs should be identified and their locations mapped out in relation with the existing water resource. The Municipality shall come up with monitoring program for fugitive effluents and require business operators to submit mitigating measures in the event of accidental release of chemicals.

(9) Along all natural watercourses such as streams, brooks, and rivers, the respect for easement shall be in accordance with the established easements of the National Water Resources Board (NWRB) and shall be adopted and enforced by the Municipality.

(10) Intensive efforts shall be employed to avert water crisis. In extreme cases where the said occurrence is already inevitable, the Municipality shall dictate water appropriation based on order of preference stated above.

All rules on water sanitation provided in Chapter II – “Water Supply” of the Code on Sanitation of the Philippines (P.D. 856) pertaining to water supply shall apply in this Code.

Section 3D.06. Water Demand.

(1) Water Utilization. In reference to the Water Code of the Philippines, the development of water resources shall consider the security of the state, multiple use, beneficial use, adverse effects and cost of development. The Municipality shall adhere to this provision in the utilization of water resources within the Municipality.

(2) Heavy Users of Water. Within its political boundary, the Municipality shall identify the heavy users of either surface water or groundwater and shall determine on a periodic basis the rate of extraction and utilization. In allowing water concessionaires and the user of water, the Municipality shall take the following actions:

(a) Attach water meters to water conveyance facilities and compel the concessionaires to report their water use to the Municipality.

(b) Assess the extraction of water on the basis of resource utilization and apply appropriate charges based on economic rent policy. The

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proceeds of this rent shall be used to support projects which provide adequate and safe water to the general public.

Section 3D.07. Protection of Water from Public Infrastructures- The Municipal Mayor shall ensure that engineering works and infrastructure projects within the Municipality, do not adversely impact on water quality. No person shall construct any building or introduce any improvement within 3 meters from the creek sides inside the municipal proper and residential areas and within 20 meters from riverbanks and creek sides and similar waterways in agricultural areas.

Section 3D.08 - Protection of Riverbanks, Easements and Rights-of-Way, and Greenbelts - The Municipal Mayor shall adopt appropriate measures for the establishment of clearance and greenbelts along riverbanks and sea shore areas, as prescribed by law, to recover easements, as provided for in DENR Administrative Order 05, Series of 1997 and Presidential Decree No, 1067, which provides, that banks of rivers and streams and its shores of the seas throughout their entire length and within three (3) meters in urban areas and twenty (20) meters in agricultural areas and forty (40) meters in forest areas along their margins, are subject to easement for public use, in the interest of recreation, navigation, floatage, fishing and salvage. Primarily, the Municipal Mayor shall orchestrate the conduct of community-based forestry projects along the riverbanks and designated greenbelt areas.

Section 3D.09 - Protection of Rivers—The Sangguniang Bayan shall adopt appropriate ordinances to maintain the long-term viability of all Rivers within its territorial jurisdiction, as the main water resource to include, among others, the following:

- a. Ban toxic waste-producing activities near the river
- b. Prohibit the construction of houses and other physical structures within the river banks.
- c. Prohibit the dumping and disposal of solid wastes, wastewater and other hazardous wastes into the river, and
- d. Implementation of Municipal Ordinance NO. 2021-07, entitled: "An Ordinance providing for Rules and Regulations of the Installation of Monitoring Structures/ Devices at Strategic locations along Rivers, Creeks or similar bodies of Inland Waters as reference point of the Acceptable/ Ideal Level of Riverbeds and providing penalties for violations thereof."

SECTION 3D.10. Well Drilling. No person shall commence or start drilling without clearance from the MENRO. Certificates of no objection from host barangays and appropriate permit from the National Water Resources Board or its deputized agency shall have to be secured first. Barangay officials shall take the lead to prevent well drilling without the necessary permits.

SECTION 3D.11. Measures to Mitigate Aquatic Pollution. The following precautionary measures are hereby adopted:

- (1) Establishment of monitoring and regulatory system to control effluent discharges from the point sources
- (2) Formulation of community-based anti-littering programs.
- (3) Application of safety practices in the use of fertilizers in agricultural areas.
- (4) Riverbank stabilization and establishment of riparian vegetation to control soil erosion and minimize excessive sediment discharge from development activities.

SECTION 3D.12. Buffer Strips Easement. In the utilization, development, conservation and protection of aquatic resources, the following setback and/or easement along the entire length of the banks of the rivers and creeks shall be observed:

- (1) Three (3) meter setback for all urban uses;
- (2) Twenty (20) meter easement for all agricultural uses; and

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(3) Forty (40) meter easement for all forest uses such as forest and ecological parks

The above setbacks or easements shall be subject for public use such as for recreation and other similar activities.

Section 3D.13 - **Soil and Water Conservation and Organic Farming** - The Municipal Mayor shall implement community-based forestry projects, for the purpose of instituting improved soil and water conservation techniques. Likewise, the Municipal Mayor shall advocate the application of organic farming techniques among farmers and enforce the laws, governing the use of prohibited agricultural chemicals.

SECTION 3D.14. **Discharge of Wastewater.** Wastewater from manufacturing plants, industries, community, or domestic sources shall be treated either physically, biologically or chemically prior to disposal in accordance with the rules and regulations promulgated by competent authorities. The owners or operators of facilities that discharge regulated effluents pursuant to the Clean Water Act shall be required to secure a permit to discharge.

As part of the permitting procedure, the Municipal Government shall encourage the adoption of waste minimization and waste treatment technologies when such technologies are deemed cost effective.

SECTION 3D.15. **Illegal Dumping of Solid Wastes.** The dumping or disposal of solid wastes into the rivers and creeks and any body of water in the Municipality, where the wastes are likely to be washed into the water is strictly prohibited. The offender shall be penalized according to the provisions of this Code.

Section 3D.16 - **Water Uses and Classification** — The provisions of DENR Administrative Order No. 34, Series of 1990, otherwise known as, the "Revised Water Usage and Classification," as amended are hereby adopted. Specifically, water uses may be classified for: (I) domestic consumption; (ii) municipality uses; (iii) irrigation; (iv) power generation; (v) livestock raising; (vi) industrial applications; (vii) recreational uses, and (viii) for other purposes that the Municipal Government may deem beneficial.

The Municipal Government, in permitting public uses of the municipal waters, shall observe the following general priorities, in descending order:

- a. Uses which enhance, conserve or protect the quality, habitat and ecology of the waters and coastal resources;
- b. Uses which provide the greatest, long-term benefits to the greatest number of people, particularly the local communities;
- c. Uses which enhance and increase public access to the shoreline and navigable waters, except in areas of high biological and ecological sensitivity where the influx of large numbers of people is to be controlled, in order to avoid alteration of fragile habitats and disruption of natural biological processes; and
- d. Uses which increase public recreational opportunities along the coastal strip and on navigable waters , where there is an unmet demand for such opportunities; Provided that, the resulting infrastructure build-up, as a consequence of providing for various leisure activities, such as bathing, diving, boating, fishing and tourism as a whole, will not negatively disrupt traditional fisheries, interfere with marine or aquatic life, cause adverse increases in nutrient inputs, nor eliminate important habitats. Consequently, development planning for the coastline as a whole, shall include criteria and standards to permit the concentration of such facilities and structures, within specially designated zones, consistent with local, regional and national land and water use policies.

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Section 3D.15 – Prohibited and Punishable Acts -

a. No person or entity shall develop a stream, lake, marshland or pond for recreational or commercial purposes, without first securing a clearance from Municipal Mayor and subsequently applying a permit from the National Water Resources Board. The requirement for Environmental Compliance Certificate (ECC)/ Certificate of None Coverage (CNC) from the Department of Environment and Natural Resources (DENR) shall also be strictly enforced.

b. No person, group of persons or organization, shall raise or lower, or cause the raising or lowering of the water level of a stream, river, lake, marsh or pond, nor drain the same, without the necessary government clearances.

c. Between two or more appropriators of water from the same sources of supply, priority in time of appropriation shall give the better right, except that in times of emergency the use of water for domestic and municipal purposes shall have a better right over all other uses; Provided, That where water shortage is recurrent and the appropriator for municipal use has a lower priority in time of appropriation, then it shall be his duty to find an alternative source of supply in accordance with conditions prescribed by the National Water Resources Board (NWRB).

d. The use of banks, rivers, lakes, streams and ponds throughout their entire length and within a distance of three (3) meters in urban areas, twenty (20) meters in agricultural areas and forty (40) meters in forest areas along their margins, are subjected to public easement. No person shall stay in the said zone for recreation, navigation, floatage, fishing or salvage activities, at a period longer than what is necessary. Building structures of any kind shall likewise be prohibited.

e. No person or entity shall impound water that shall prejudice downstream users.

f. No person shall drill a well without a permit. There shall be strict enforcement of the requirement for clearance from the National Water Resources Board, for all extraction of subterranean waters. The Board shall determine the allowable depth, location, spacing and the manner by which such wells may be dug.

g. No building for habitation shall be erected or maintained within a radius of 15 meters (50 ft.), from any source of drinking water to protect the latter against contamination.

h. No person shall construct or set up any structure, temporary or otherwise, that would destroy the scenic value of natural waterways, or result to the disruption of water flows that are detrimental to the overall ecological balance.

i. No person shall construct dikes, fishing traps and other paraphernalia that impede and obstruct the ebb and flow of tide and free navigation, in all rivers and creeks in the Municipality.

j. No tailings and sediments from mining operations, as well as, farm waters carrying pesticide residues, shall be dumped into rivers and waterways, without prior permission from the Municipal Government and the DENR.

k. No person shall quarry sand and gravel within seven (7) meters from the embankment of the river.

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l. No person shall dump or dispose of any solid waste or liquid waste into the sea or other bodies of water, including shorelines and river banks within the territorial jurisdiction of Albuera Leyte, where the wastes are likely to be washed into the sea. Dumping of solid waste or other materials into the sea, or any navigable waters, shall be permitted, in case of immediate or imminent danger to life and property, subject to the rules and regulations of the Philippine Coast Guard and the National Pollution Control Commission.

m. No person shall dig or construct any well or cistern from which drinking water is obtained, except under such conditions of location, depth and concreting, as the Municipal Health Officer and the Municipal Engineer may approve and issue a written permit.

n. No person shall put any water closet, privy, cesspool, or septic tank or the carcass of any dead animal, or any offal of any kind, within a radius of 30 meters (100 ft.) from any well, spring, or other sources of water supply, in such a manner, that the drainage therefrom, will flow into the source of water supply.

o. No person shall keep any horse, mule, cattle, swine, sheep or livestock of any kind, penned, corralled, or housed on, or over, or on the borders of any such stream, pond, lake or river, hereof, in the case of the springs or wells, in such a manner, that the water becomes polluted, if water is drawn therefrom, for the supply of any portion of the inhabitants of this Municipality.

p. No person shall bath, wash clothes, utensils, bedpans, urinals and others, nor shall he slaughter or dress animals, fowls, and the like, in any spring, stream, river, lake reservoir, well or other waters, which are used or intended for drinking purposes by the Municipality. For the purpose of carrying out the provisions hereof, no person shall be allowed to bath or wash clothes within 15 meters (50ft.) from any spring or well, if the drainage therefrom will flow into said spring or well.

q. Users of water resources shall secure a permit before engaging in the use of water resources within the territorial boundaries of the Municipality. In addition, certification shall be required for renewal of business permit thru the MENRO,

r. The use of centralized overhead water tanks particularly in subdivisions shall be regulated.

s. In instances when there is an impending water crisis, the local government shall designate areas in which developmental undertakings are to be suspended.

Section 3D. 16 - Administrative Provisions -

1) The utilization of subterranean or ground waters shall be subject to the control of the Municipal Government, in order to manage extraction according to sustainable limits, as determined, through scientific assessment.

2) The Municipal Government shall reserve the right to revoke or cancel any permit for the extraction of ground water, if this has been found detrimental to its sustainability or inimical to other higher priority water uses. In no case shall the Municipal Government allow extraction of groundwater, if this will result to the deterioration of critically important surface waters.

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(3) Monitor the implementation of the Municipal Comprehensive Water Resources Management Plan,

(4) Convene regular meetings for purposes of planning and coordinating the implementation of the Comprehensive Water Resources Management Plan of the respective component barangays.

(5) Oversee the implementation of Municipal Comprehensive Water Resources Management Plan

(6) Review every two (2) years or as the need arises the Municipal Comprehensive Water Resources Management Plan for purposes of ensuring its sustainability, viability, effectiveness and relevance in relation to local and international developments.

(7) Develop the specific mechanics and guidelines for the implementation of the Municipal Comprehensive Water Resources Management Plan.

(8) Recommend measures and safeguards against pollution and for the preservation of the natural ecosystem; and

(9) Coordinate the efforts of its component barangays in the implementation of the Comprehensive Water Resources Management Plan

ARTICLE E LOCAL IMPLEMENTING UNITS

SECTION 3E.01. **Municipal Mayor.** The Municipal Mayor as the chief executive of the municipal government in consonance with the local government code shall:

(1) Exercise general supervision and control over all environment and natural resources programs, projects, services, and activities of the municipality, and in this connection shall:

i. Determine the guidelines of municipal policies and be responsible to the Sangguniang Bayan for the program of government vis a vis management of the municipality's environment and natural resources

ii. Appoint a Municipal Environment and Natural Resources Officer (MENRO) as among the mandatory appointive municipal officials satisfying the minimum requirements set forth in the Local Government Code; establish as one of the regular departments in the municipality a Municipal Environment and Natural Resources Office with support staff and employees; and allocate to the said office required resources necessary to implement the code including institutional strengthening and capacity building

iii. Ensure that the MENRO, staff and employees under the office and other implementing units faithfully discharge their duties and functions as provided for by law and the Code. All actions and decisions of the Code's implementing units are subject to review *moto proprio* by the Municipal Mayor or upon appeal of any person on which the decision of the Municipal Mayor shall be final and executory.

iv. Carry out such emergency measures as may be necessary during and in the aftermath of man-made and natural disasters and calamities

(2) Enforce the code and other environmental ordinances thru the Municipal Environment and Natural Resources Officer:

i. Ensure that the acts of the municipality's barangays and of their officials and employees are within the scope of their powers, functions, duties and responsibilities as provided for by the Code and laws on environment and natural resources and corresponding rules and regulations;

ii. Issue executive orders necessary for the proper enforcement and execution of the code;

iii. To call upon the Philippine National Police and other law enforcement agencies to apprehend violators and execute other actions deemed necessary to enforce the code; and

iv. Ensure that incentives are provided to apprehending officer/s and concerned citizen/s as provided by the Code.

(3) Initiate and maximize the generation of resources and revenues and apply the same to implement the code and corresponding programs, projects, services, activities and necessary facilities and capacity building of the implementing units and relative thereto shall:

i. Ensure that the environment and natural resource taxes and revenues such as environmental protection fee, registration of hazardous waste transporter, fines and penalties among others are collected and funds are applied to include payment of expenses and settlement of obligations of the municipality to ensure environmental services in accordance with the code and other environmental ordinances;

ii. Issue licenses and permits with due regard to environmental protection, pollution prevention and conservation of natural resources and suspend or revoke the same for any violation of the conditions upon which such licenses or permits were issued; and

iii. Adopt adequate measures to safeguard and conserve the natural resources of the municipality.

(4) Ensure the delivery of environmental services and the provision of adequate facilities and equipment consistent with the local autonomy and decentralization such as:

i. Implementation of water and soil resource utilization and conservation projects

ii. Establishment of tree parks, greenbelts, and other applicable forest development projects

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iii. Provision of waste management or environmental management systems and services or facilities related to general hygiene and sanitation

iv. Construction and maintenance of infrastructure facilities funded by the municipality to serve the needs of the residents including but not limited to:

- (1) artesian wells, spring development, rainwater collectors, and water supply systems;
- (2) dikes, drainage and sewerage and flood control
- (3) waste management facilities such as ecology center, composting facilities, transfer stations, sanitary landfill, material recovery facilities, etc.

(5) exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

SECTION 3E.02 Sangguniang Bayan. The Sangguniang Bayan as the legislative body of the municipality shall enact ordinances, approve resolutions and appropriate funds to manage the municipality's environment and natural resources and relative thereto shall:

a. Maintain as a permanent committee within the Sangguniang Bayan, the Environment Committee, composed of a chairman and at least two members. The committee shall be responsible to spearhead on all matters concerning environment and natural resources management that requires action by the Sangguniang Bayan;

b. Approve ordinances and pass resolutions necessary to strengthen the implementation of the Code or when the code or portions thereof requires amendment or addendum;

c. Provide legal assistance to barangay officials, who in the performance of their official duties or on the occasion thereof to implement the Code, have to initiate judicial proceedings or defend themselves against legal actions;

d. when the finances of the municipality allow, provide for additional allowances and other benefits to national government officials stationed in or assigned to the municipality in the performance of functions and responsibilities as required by the Code such as but not limited to the Philippine National Police;

e. adopt a comprehensive land use plan and enact an integrated zoning ordinance for the municipality with utmost regard on environmental considerations such as environmental hazards, pollution, ecological balance etc...

The Sangguniang Bayan shall also initiate "Mandatory review of the Code" every three years. It shall create an Oversight Committee who shall consolidate all proposed amendments and new provisions for consideration in the mandatory review of this Code, without prejudice to individual amendments for exigency purposes. The committee shall be composed of:

Head: Chairperson, Committee on Environment Protection
Members: Chairperson, Committee on Trade and Industry

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Chairperson, Committee on Ways and Means
Chairperson, Committee on Agriculture and Cooperatives
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SECTION 3E.03. Municipal Environment and Natural Resources Officer. The MENRO shall be the Municipality's chief operations officer on all matters concerning the Municipality's environment and natural resources and will take the lead to implement the Code, and related ordinances as well as other environment and natural resources laws, rules and regulations and relative thereto shall:

- 1) take charge of the office on environment and natural resources
- 2) provide technical assistance to the mayor in carrying out measures to ensure delivery of basic services and provision of adequate facilities relative to environment and natural resources services
- 3) develop plans and strategies on environment and natural resources consistent with the provisions of the Code and implement them upon the approval of the mayor
- 4) formulate measures for the consideration of the Sangguniang Bayan necessary to strengthen the implementation of the Code or when the code or portions thereof requires amendment or addendum and all matters relative to the protection, conservation, utilization, application of appropriate technology and other matters related to environment and natural resources
- 5) provide technical assistance to the Sangguniang Bayan in enacting ordinances and passing resolutions that requires environmental considerations such as but not limited to adoption of a comprehensive land use plan and enactment of an integrated zoning ordinance for the municipality
- 6) coordinate with government agencies and NGOs in the implementation of measures to prevent and control land, air and water pollution with the assistance of the DENR
- 7) be in the frontline of the delivery of services concerning environment and natural resources, particularly in the renewal and rehabilitation of the environment during and in the aftermath of man-made and natural calamities and disasters
- 8) inspect, monitor and evaluate compliance of establishments, issue notice of non-compliance and recommend to the mayor revocation or non-renewal of their municipal permit/s and cessation of their activities on the basis of their failure to comply
- 9) exercise such other powers and perform such other duties and functions as prescribed by the law or ordinance. The Municipal Environment and Natural Resources Office (MENRO) shall allocate budget for activities envisioned in this Code.

**CHAPTER IV
LAND RESOURCE MANAGEMENT**

**Article A
General Environment**

SECTION 4A.01. Statement of Policy and Management Directions. It is the policy of the Municipality to provide a rational, orderly and efficient acquisition, utilization and management of land resources for the attainment of a better quality of life.

SECTION 4A.02 State of the Resource. The Municipality of Albuera has a total land area of 18,120 hectares. Presently, the Municipality has the following land uses:

LAND USE CATEGORY	AREA IN HECTARES	PERCENT TOTAL
A. Urban Use Area	394.5383	2.18
B. Agricultural Use Area	7,471.4192	41.23
C. Forest Use Area	6,886.7649	38.01
D. Other Category Uses	55.0122	0.30
E. Protection Zone (Land and Water)	3,313.2652	18.28

SECTION 4A.03 Comprehensive Land Use Plan and Municipal Zoning Ordinance.

The Comprehensive Land Use Plan and its accompanying Zoning Ordinance which were prepared before the enactment of this Code is hereby adopted as part of the implementing guidelines of this Code. Its publication is a separate document that does not affect its effectivity in relation to this Code. In the event of development of a new comprehensive land use plan and municipal zoning ordinance, such plan and ordinance should give utmost consideration to environmental issues and concerns at Albuera Leyte.

SECTION 4A.04 Reclassification of Agricultural Lands. Albuera Leyte, being a growing town, shall limit the reclassification of agricultural lands into other uses to percent (10%). Such reclassification shall only be permitted provided that:

Section 20 of Republic Act of 7160. Reclassification of Lands. —

(a) A city or municipality may, through an ordinance passed by the sanggunian after conducting public hearings for the purpose, authorize the reclassification of agricultural lands and provide for the manner of their utilization or disposition in the following cases:

(1) when the land ceases to be economically feasible and sound for agricultural purposes as determined by the Department of Agriculture or (2) where the land shall have substantially greater economic value for residential, commercial, or industrial purposes, as determined by the sanggunian concerned: Provided, That such reclassification shall be limited to the following percentage of the total agricultural land area at the time of the passage of the ordinance:

(2) For highly urbanized and independent component cities, fifteen percent (15%);

(3) For component cities and first to the third-class municipalities, ten percent (10%); and

(4) For fourth to sixth class municipalities, five percent (5%): Provided, further, that agricultural lands distributed to agrarian reform beneficiaries pursuant to Republic Act Numbered Sixty-six hundred fifty-seven (R.A. No. 6657), otherwise known as "The Comprehensive Agrarian Reform Law", shall not be affected by the said reclassification and the conversion of such lands into other purposes shall be governed by Section 65 of said Act.

(b) The President may, when public interest so requires and upon recommendation of the National Economic and Development Authority, authorize a city or municipality to reclassify lands in excess of the limits set in the next preceding paragraph.

(c) The local government units shall, in conformity with existing laws, continue to prepare their respective comprehensive land use plans enacted through zoning ordinances which shall be the primary and dominant bases for the future use of land resources: Provided, That the requirements for food production, human settlements, and industrial expansion shall be taken into consideration in the preparation of such plans.

(d) Where approval by a national agency is required for reclassification, such approval shall not be unreasonably withheld. Failure to act on a proper and complete application for reclassification within three (3) months from receipt of the same shall be deemed as approval thereof.

(e) Nothing in this Section shall be construed as repealing, amending, or modifying in any manner the provisions of R.A. No. 6657.

- a) the subject of reclassification is not a prime agricultural land;
- b) provided that the Office of the Municipal Agriculture (OMA) issues a certification as to the agricultural marginability of the land; and
- c) the Committee on Ways and Means of the Sangguniang Bayan endorses a favourable recommendation on the matter.

SECTION 4A.05 Parks for Tourism. The Municipal Land Use and Zoning Ordinance shall designate park areas for tourism development. Measures shall be instituted to maintain the ecological asset as the basis of the tourism industry. Littering in tourism areas and any public areas shall be strictly prohibited.

SECTION 4A.06 Prohibited Acts on Parks. No person shall cause destruction upon parks (destructive acts include but are not limited to the picking of flowers, cutting of trees, vandalism and other detrimental acts) in order to preserve their aesthetic beauty and structures as well as their general serenity.

SECTION 4A.07. Inventory of Trees in the Municipality. There shall be an inventory of trees that shall be classified by species, age, location, ownership and other related data to be entrusted to the Municipal Environment and Natural Resources Office (MENRO). All trees shall be numbered and entered into the registry for monitoring and management purposes.

SECTION 4A.08. Beautification and Greening Projects/Program/Activities. All barangays shall implement beautification and greening projects/programs/activities in their respective jurisdictions to include but not limited to the planting of green grasses on street shoulders, ornamental plants along the highways and flower plants in front of residential and commercial houses.

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The Clean and Green Program shall be institutionalized and shall have the following purpose:

- a) Promoting and maintaining the good health of the people and sanitation of the community;
- b) Instilling values of sanitation, cooperation, environmental stewardship, and concern for the welfare of all;
- c) Instituting sustainable development, environmental protection and regeneration.

The Clean and Green Program shall cover regular programs such as inspection of household drainages, toilets and waste disposal system, market places, planting of vegetables and trees, and special programs on the Search for the Cleanest and Greenest Barangay. It shall be a regular year-round program. The MENRO may create other categories of competitions under the special program.

The Clean and Green Program of the Municipality of Albuera shall incorporate other matters contained in the guidelines of the national Search for Cleanest and Greenest Municipalities. Urban gardening and natural farming in coordinatin with the Office of the Municipal Agriculture (OMA) may also be considered as an alternative project.

SECTION 4A.09. Land Uses. It shall be the policy of the Municipality to restrict activities, development or establishments detrimental to the quality of the environment in the area for all land uses adopted through the Comprehensive Land Use Plan. Measures shall be taken to minimize environmental impacts of any land use in the agricultural, industrial, commercial, residential and institutional zones.

SECTION 4A.10. Green, open and other land uses for environmental enhancement. "Green Areas" shall be established as essential measures to reduce pollution, absorb excessive carbon dioxide and areas for human resource and cultural endeavors. Greenbelt areas normally designated as parks should be situated between industrial and commercial areas and human settlements in order to serve as buffer zone and as noise breaker. The Municipality of Albuera shall adhere to the National Building Code and Urban Development and Housing Act of 1992 that require proposed subdivision to reserve an area to be designated as open space. The area to be designated as open space shall be in conformity with the existing land use plan. Other land uses promoting ecological protection shall be encouraged.

**Article B
Municipal Permits**

SECTION 4B.01. Issuance of Development, Business or Mayor's Permit. The issuance of a Development Permit for any proposed project or land use shall require an Initial Environmental Examination (IEE) or Environmental Impact Assessment (EIA).It shall be the policy of the Municipal Government to require business proprietors to secure a Locational Clearance from the Zoning Officer, Certificate of No Objection from the host barangay. No business shall be allowed to operate without passing through the usual licensing procedure whereby environmental concerns through the MENRO, among others, shall be assessed and addressed prior to approval by the Municipal Mayor. Industrial estates are also required to secure business permits.

Charging of Environmental Hazard Fee as mandated in the Revised Revenue Code, Municipal Ordinance No. 2022-03 entitled, "An Ordinance authorizing the

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establishment, maintenance and operation of wharf and other structures, marines and seashore or offshore activities within the territorial limits of Albuera, Leyte", and shall continue to be enforced for all businesses operating within the Municipality.

SECTION 4B.02. Renewal of Business Permits. The inspection/audit conducted by MENRO shall serve as the basis for renewal of business permits, pending commitments/agreements required by MENRO may be used to deny renewal of business permit.

SECTION 4B.03 Revocation/Denial of Business Permit. The Mayor upon the recommendation of the MENRO may revoke or cancel a business permit should the permittee failed to comply with the requirements set forth and in the event that allowing the permittee to continue its operation may lead to adverse effect on the environment; the MHO, Zoning Officer and other local office/s implementing related functions may also recommend cancellation of a business permit should the permittee's operation poses a grave health hazard to its workers or to the general public.

Disregard of the visitorial power of the MENRO, and other offices as aforementioned, or denial of access/entry in the course of inspection regardless of prior notice shall be considered sufficient ground to revoke or deny permit application/renewal.

SECTION 4B.04 Building and Occupancy Permits. No permit of occupancy shall be issued by the Municipal Government for buildings and the like unless there are provisions for planting of trees and flowers and installation of plant boxes in the development plan duly implemented with the exemption for meritorious cases when there is no area available for such requirements.

SECTION 4B.05 Permit to Cut. Prior to any cutting of a tree with ten (10) centimeters in diameter at breast height (DBH) and higher, a permit from the MENRO shall be secured. No permit shall be issued without any replacement of 5 seedlings/saplings per tree cut.

**Article C
Special Areas of Concern**

SECTION 4C.01 Abandoned Buildings and Idle Lands. Owners or administrators of old and abandoned buildings and idle lands are required to maintain their cleanliness and free them from squatters or totally demolish them to eliminate eye sores and to safeguard against accidents and other hazards. The owners and administrators of idle lands shall be required to plant trees and vegetables in order to make these green and productive.

At a certain period after the effectivity of this Code and after inventory and proper identification of condemned buildings and structures, the same shall be demolished as per provision of the National Building Code P.D. 1096.

SECTION 4C.02 Prevention of Soil Erosion. Infrastructure support in the form of "riprapping" or the construction of creek, river, and shore protection walls shall be implemented to prevent soil erosion. For projects requiring such infrastructure support, these should be included in their development plans.

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SECTION 4C.03 Quarry Sites and Quarry Operations. One of the major thrusts of the local government in this Municipality is the implementation of environmental management programs which include, among others, the rehabilitation of denuded forests and highlands. The negative impact of rampant quarrying is quite evident in flash floods during heavy downpours and has greatly affected the local coastal areas through continued siltation which may worsen as these earthwork activities are further intensified.

Quarry operations may be allowed subject to pertinent provisions of the RA 7942 (Mining Act) of 1995 and its implementing rules and regulations.

For municipal quarry operations, the applicant shall submit to the MENRO all pertinent permits and clearances from the different government agencies such as but not limited to ECC and MGB, a quarry plan to include the total volume of materials to be quarried vis a vis the total volume of materials needed by the project and length of time or duration that the quarry shall be operated and corresponding progressive rehabilitation plan.

Only 10-wheeler dump trucks shall be allowed for hauling of quarry materials to the project site and shall have a limited load capacity not exceeding ten (10) cubic meters be registered at the MENRO and shall comply with the guidelines that will be set by the MENRO and the **Municipal Ordinance No.2021-07, entitled: "An Ordinance Providing for Rules and Regulations of the Installation of Monitoring Structures/Devices at Strategic Locations along rivers, creeks or similar bodies of inland waters as reference point of the acceptable/ideal level of riverbeds and providing penalties for violations thereof", and Municipal Ordinance No. 2021-04, entitled, "An Ordinance prescribing the procedure for the grant of Locational Clearance on Quarry or Commercial/ Industrial Sand and Gravel (SAG) permit applications in Albura, Leyte as provided in Section 74 of DENR Administrative Order 2010-21, Implementing RA 7942 and the Levying of regulatory fees relative thereto."**

SECTION 4C.04.Industrial Sand and Gravel Permit (ISGP/ Sand Mining).shall refer to the permit issued for the extraction, removal and disposition of sand and gravel and other loose or unconsolidated materials that necessitate the use of mechanical processing covering an area of not more than five (5) hectares at any one time for a term of five (5) years from date of issuance thereof, renewable for like periods, subject to field verification by the Municipal Environment and Natural Resources Office (MENRO), but not to exceed a total term of twenty-five (25) years.

SECTION 4C.05.Commercial Sand and Gravel Permit (CSGP).Shall refer to the permit issued for the extraction, removal and disposition of sand and gravel and other loose or unconsolidated materials which are used in their natural state without undergoing processing covering an area of not more than five (5) hectares for a term of one (1) year from date of issuance thereof, renewable for like period and in such quantities as may be specified in the Permit, subject to field verification by the Municipal Environment and Natural Resources Office (MENRO)

SECTION 4C.06.Special Mineral Hauling/Transport Permit – shall refer to the permit primarily granted as an exemption to the prohibited period of hauling or transport operation to a qualified person or corporation who needs to haul or transport mineral

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products for an on-going governmental or priority projects as determined by the municipal Mayor.

SECTION 4C.07.PENAL PROVISIONS.

A. PROHIBITED ACTS. The following acts are prohibited under this Ordinance:

- a. Any extraction and disposition or possession of Sand and Gravel, Quarry resources and other minerals covered by this Ordinance from its source without permit duly issued by proper authorities;
- b. Any extraction and disposition or possession of Sand and Gravel, Quarry resources and other minerals covered by this Ordinance outside the permitted area;
- c. Any extraction and disposition or possession of Sand and Gravel, Quarry resources and other minerals covered by this Ordinance in excess of the allowable quantity specified in the permit;
- d. Any extraction activities, hauling and crushing operations covered by this Ordinance done after Five in the afternoon (5:00P.M.) and before Seven in the morning (7:00A.M.);
- e. Extraction of minerals by the Permit Holder or any person working for the Permit Holder or contracted by the Permit Holder, outside of the permitted area of the Permit Holder;
- f. Having its stockpile in any part within the river bed or permitted area or outside the Permit Holder's established stockyard;
- g. Willfully obstruct and/or prevent in any way or by any means the normal course of the river and/or the normal flow of the sand and gravel and other materials in the river;
- h. Extraction or removal of materials within a distance of one (1) kilometer from the boundaries of reservoirs established for public water supply and of any public or private works or structures without prior clearance in writing of the agency or owner concerned;
- i. Selling, transferring or conveying a fake or spurious permit, knowing fully well of its falsity;
- j. Commercial disposal by the Permit Holder of minerals extracted under a gratuitous permit;
- k. Extracting by any person of sand and gravel from beaches and riverbanks;
- l. Misrepresentation made by the Applicant or Permit Holder in the application or in the supporting documents;
- m. False entries in the book of accounts of the Permit Holder which shall render the Permit Holder primarily liable;
- n. Extracting, disposing, possessing or destroying stalactites and stalagmites from caves;

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o. Willfully obstruct or harass the municipal Mayor or his duly authorized representative in the performance of the latter's duties pursuant to this Ordinance;

p. Willfully obstruct, harass or prevent the Permit Holder or his/her authorized representative from undertaking the extractive, sand and gravel, mining or quarrying operation and/or from undertaking and removal of sand and gravel and other materials pursuant to the permit without justifiable reason; and

q. Selling by the Permit Holder of his/her/its Delivery Receipts to persons extracting minerals in areas without a permit, or in permitted areas whose permit is not in the name of the person extracting, or to any other persons transporting or hauling or conveying minerals or mineral products taken from an area without a permit or covered by a permit not issued to the Permit Holder, or allowing any other persons to use and utilize his/her/its Delivery Receipts for purposes not related or connected to his/her/its permitted area.

r. Violation of any provisions of this Ordinance and other applicable laws.

B.PENAL CLAUSE. Any person found violating any provision of this Ordinance, without prejudice to his/her administrative, civil and criminal liability under applicable laws, shall be penalized as follows:

First Offense - Forfeiture and Confiscation of the materials transported (constant with the administrative fine), The violator may opt to pay an Administrative Fine of One Thousand Philippine Pesos (Php1,000.00) at the Treasurer's Office of Albuera Leyte within Three (3) Working Days from the day of confiscation.

Second Offense - Forfeiture and Confiscation of the materials transported (constant with the administrative fine), The violator may opt to pay an Administrative Fine of Two Thousand Philippine Pesos (Php2,000.00) at the Treasurer's Office of Albuera Leyte within Three (3) Working Days from the day of confiscation.

Should he/she be found liable for violation of this Ordinance for the Second time, the violator shall pay a Fine of Not Less Than Two Thousand Five Hundred Philippine Pesos (Php 2,500.00), and/or Imprisonment of Not More Than One (1) Year, at the discretion of the court, plus Forfeiture and Confiscation of the materials transported, the vehicle and/or ship including the tools and equipment used in the commission of the offense in favor of the Local Government Unit (LGU) of Albuera Leyte. Pending payment of the Administrative Fine or decision of the appropriate case filed in court, the Local Government Unit of Albuera or the Municipal Environment and Natural Resources Office (MENRO) shall impound or take possession and custody of the transported materials, the vehicle and/or ship including the tools and equipment used in the commission of the offense, and shall be released only upon order of the Municipal Mayor or the Handling Court after presentation by the violator of the Original Receipt of the payment of the Administrative Fine from the Municipal Treasurer's Office or the Order of Release coming from the Handling Judicial Court due to the dismissal of the case.

SECTION 4C.08. Municipal Canals and Drainage Systems. The canals and drainage systems within the Municipality should be properly maintained to allow efficient flow of water and effluent for sanitation purposes. The canals and drainage systems should be regularly desilted, declogged and dredged. Dumping of solid wastes and garbage is punishable. Any person causing the obstruction of flow shall be penalized.

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SECTION 4C.09. Poultry Farms.

1. All poultry farms operating within Albuera Leyte shall be subjected to the usual business permitting procedures, particularly the securing of locational clearance and environmental permits.
2. The structure of a poultry farm shall be situated with an area of good drainage system. Flood prone areas and other environmentally critical areas shall be avoided.
3. The structure of a poultry shall be at least 500 to 1000 meters away from the built-up areas and 200 meters away from major roads or highways.
4. The Office of the Mayor through the MENRO shall be in charge of fulfilling the provisions of this Section. Any poultry farm, shall be subjected to inspection by the MENRO at any time it deems necessary.
5. Install pest control facility/equipment
6. They must have a pest control officer certified by DENR

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SECTION 4C.10. Commercial – Backyard Scale Hog Farms. Existing and still to be established commercial-backyard scale piggeries/hog farms shall be required to submit mitigating measures or waste treatment options before Sanitary and Business Permits can be issued by the Municipal Health Office and the Office of the Mayor respectively, identified herein:

- (1) Backyard piggery shall be allowed only outside the 200 meters radius from residential areas. Piggery with more than 10 heads are allowed more than 1000 meters radius from residential areas. Existing piggery farm complying the prescribed distances are mandated to plant trees within the perimeter of the said lot area.
- (2) Waste water reduction/minimization such as: use of drums or storage water tanks during cleaning operation; installation of mechanical drinkers to minimize consumption and wastage of water; Feed and water trough modification;
- (3) Waste treatment options such as: installation of biogas digester, lagoon system, drying of manure, establishment of a pelleting plant (organic fertilizer) and/or common treatment facilities, aeration (micro bubbles)
- (4) Install pest control facility/equipment

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SECTION 4C.11. Industries.

Existing and still to be established Industries shall be required to submit mitigating measures or waste treatment options before Sanitary and Business Permits can be issued by the Municipal Health Office and the Office of the Mayor respectively, identified herein:

- (1) Waste water reduction/minimization such as: use of drums or storage water tanks during cleaning operation; installation of mechanical drinkers to minimize consumption and wastage of water; Feed and water trough modification;

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(2) Waste treatment options such as: installation of biogas digester, lagoon system, drying of manure, establishment of a pelleting plant (organic fertilizer) and/or common treatment facilities. aeration (micro bubbles)

(3) Install pest control facility/equipment

(4) Industries must have a pest control officer certified by DENR

SECTION 4C.12. Tree Planting.

1) The months from May to September shall be declared as Tree Planting Months. All commercial, industrial, institutional establishments and residential subdivisions including the barangays shall have a yearly tree planting activity in areas either inside or outside their jurisdiction as approved by the MENRO and shall submit a monitoring report of surviving trees/plants to the same office.

2) The planting of timber and fruit-bearing trees shall be encouraged to get returns on investment.

3) In order to promote and conserve the beauty of objects of scenic and ornamental value along public places and help preserve a cool, fresh and healthy climate, it is the policy of the government to cherish, protect, and conserve planted or growing trees, flowering plants and shrubs, or plants of ornamental value along public roads, in plazas, parks, school premises, or in any other public ground, including street islands as well as shoulders of all roads or streets in the town proper, barangays, subdivisions, compounds. These areas shall be planted with shade or ornamental trees in a manner that is scientifically and agriculturally acceptable, or at intervals sufficient to provide the healthy growth of such flora.

4) No development permit or any favorable endorsement shall be issued by the Municipality for subdivisions or housing projects and business establishments unless there are provisions for the planting of trees in their development plan.

5) An "Adopt a Tree" campaign shall be undertaken to preserve and maintain the aesthetic outlook of trees in all public lands drawing participation from the private sector. The MENRO shall formulate appropriate guidelines for sectoral participation in adopting the trees.

6) All commercial, industrial and residential areas shall be required to plant and adopt the trees and plants drawn from the urban architectural design. Such design will consider existing trees and plants stably standing along major roads and highways.

7) All graduating elementary, high school and college students in all schools shall be required to donate, plant and adopt a tree or shrub at least three (3) months before graduation as directed by their respective school administrators.

SECTION 4C.13. Prohibition on the Unauthorized Cutting, Gathering or Removing of Trees for Firewood and Charcoal Making and for Other Purposes within the Territorial Jurisdiction of the Municipality.

1) In consonance with the program and thrust of the National Government, it shall be the policy of the Municipal Government of Albuera, Leyte to preserve

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and protect the trees, forest land, watershed areas, alienable and disposable lands, and private lands to ensure the prevention of floods, drought, hot weather condition, drying up of water sources and control of pollution.

2) The Municipality, through the MENRO, shall have the power to implement the rules and regulations issued by the Director of Parks and Wildlife under the provisions of R.A. 3571, an Act which, "prohibit the cutting, destroying or injuring of planted or growing trees, flowering plants and shrubs or plants of scenic value along public roads, in plazas, parks, school premises or in any other public ground" and DENR Administrative Order No. 79-90, "Prescribing Rules on the Deregulation of Tree Harvesting, Transporting and Sale of Firewood, Pulpwood or Timber Planted in Private Lands".

3) No cutting, destroying, or injuring or planted or growing trees, flowering plants and shrubs, or plants of scenic value along public roads, in plazas, parks, school premises, or in any other public ground shall be permitted save when the cutting, destroying, or injuring of same is necessary for public safety, or such pruning of same is necessary to enhance its beauty and only upon the recommendation of the MENRO and the Engineering Office. A Permit to Cut, Destroy or Injure Trees shall be issued by the CENRO prior to the activity, only after an inspection was made.

4) Any person who shall cut, gather or remove trees from any forest land, watershed areas, alienable and disposable lands, without any authority under a license agreement, lease, license or permit, shall be guilty of qualified theft as defined and punished under article 309 and 310 of the Revised Penal Code.

5) Any person who shall engage in cutting, gathering or removing of trees from his own land, for firewood and charcoal making, and other purposes for sale shall secure permit from the office of the Mayor through the MENRO before applying for permit from the Department of Environment and Natural Resources.

6) For purposes of personal and household consumption, member or members of the same household may be allowed to cut, gather and remove trees from his or their own land without the necessity of the permit; provided that the same shall not be sold or bartered.

7) Firewood or charcoal obtained in violation of the above provisions shall be confiscated in favor of the government.

8) Any person given the authority to cut, destroy or injure a tree shall plant no less than five (5) tree seedlings for every single tree cut, destroyed or injured in a watershed or area designated.

SECTION 4C.14. Height Regulation of Trees, Palms and related plants.

(a) Trees planted near residential houses or other habitable structures shall periodically be pruned/trimmed to ensure the safety of lives and property of residents.

(b) Planted coconut palms shall be controlled in such a manner that its height shall not exceed the ridge of the roof of the adjacent house or dwelling unit. Existing coconut palms exceeding the prescribed height must be cut after securing the cutting permit from appropriate authorities.

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SECTION 4C.15. INFORMATION, EDUCATION AND COMMUNICATION (IEC) CAMPAIGN. The MENRO shall formulate IEC activities, in coordination with barangay officials, to ensure a municipal-wide information among residents including the appropriate sanctions.

Within 180 days after approval of this ordinance, the MENRO shall formulate specific plan of activities for its implementation among concerned households.

SECTION 4C.16. INDEMNITY IN CASE OF ACCIDENTS. In case an accident happens due to negligence or failure of concerned household head to comply the afore-stated provision, the negligent party shall indemnify the injured party for actual damages, without prejudice to the latter's filing of an appropriate legal action in court.

SECTION 4C.17. PENAL CLAUSE. Violation of any provisions of this article shall be punished by a fine of:

First Offense	P 1,000.00
Second Offense	P 2,500.00
Third Offense	or an imprisonment of not less than three (3) months nor more than six (6) months, or both fine and imprisonment, at the discretion of the Court

**CHAPTER V
SOLID WASTE MANAGEMENT**

**Article A
General Provisions
- Solid Waste Management Bodies -**

SECTION 5A.01. Solid Waste Management Section (SWMS) -

A. Creation of the Solid Waste Management Section (SWMS)

There is hereby created the Solid Waste Management Section, for the purpose of undertaking all solid waste management initiatives and responsibilities, pursuant to R.A. 9003, otherwise known as, the Ecological Solid Waste Management Act of 2000.

B. Purpose - This Office is created for the purpose of undertaking all solid waste management related initiatives, as mandated by Republic Act 9003. It shall be responsible for the delivery of the municipality's services on solid waste management, as well as, the operation of facilities, related to sanitation and solid waste management to include;

1. Segregated solid waste collection, recovery of recyclables and final disposal
2. Information, Education & Communication (IEC) campaign
3. Implementation of solid waste management plan, laws and ordinances regarding physical cleanliness of the municipality; and

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4. Participation in other special programs and activities of the municipal government

C. **Functions:** The Solid Waste Management Section shall specifically perform and exercise the following functions:

a. Facilitate training and education in integrated ecological solid waste management, in coordination or collaboration with other government agencies and/or non-government organizations, through the following:

1. Formulation of training program for the Local Government of Albueria Leyte, the government and schools, within the territorial jurisdiction of the Albueria, Leyte and other private sectors, on the proper management of the solid wastes;
2. Development of training program on the technical operation of solid waste management facilities;
3. Formulation of training program for deputized enforcers and implementors;
4. Development of accreditation and certification system for the conduct and holding of training programs on solid waste management; and
5. In collaboration with the Department of Education, particularly in the municipal, provincial and regional level, develop an education program that shall promote an effective solid waste management system. For this purpose, seminars and trainings shall be conducted for the various sectors of society, like the academe, NGOs, PO's, religious and civic organizations and the media, that shall promote an effective solid waste management system.

b. Establish and manage a comprehensive solid waste management information data base and dissemination system focusing, among others, on the following areas:

1. In collaboration with technically responsible government and private agencies relative to solid waste generation and management access techniques, as well as, the management, technical and operational approaches to resource recovery;
2. In collaboration with processors/recyclers, access the list of materials, being recycled or bought by them and their respective prices; and
3. In coordination with the National Government Agencies and other technically responsible government and private agencies, access information on cleaner production/cleaner technologies, that promote efficient solid waste management.

c. Promote the development of a recycling market, through the establishment of a recycling network, that will enhance the opportunity of recycling;

d. Act as the hub for networking of other local government units and barangays (especially within the province), non-government organizations and

industry on voluntary compliance of the pertinent provisions of Republic Act No. 9003, as well as, this ordinance;

e. Provide, facilitate technical assistance in pilot modeling of solid waste management facilities, including technologies and techniques, for effective solid waste management;

f. Develop, test and disseminate model waste minimization and reduction auditing procedures for evaluation options; and

g. Prepare, distribute or disseminate information, education and communication materials on solid waste management preferably with the use of the social media and tri-media, i.e. print, radio and television;

h. Recommend policies to eliminate barriers to waste reduction programs;

i. Maintain, service and operate the Ecological Center and all facilities within it and those attached to its operation, such as, the garbage collection, the Materials Recovery Facility (MRF), the Residuals Processing Facility, the Sanitary Landfill, the Receiving Area and Sorting Area and other facilities and equipment within the facility. This is also to include the temporary storage and processing of household hazardous wastes, such as, but not limited to, fluorescent bulbs, toy and appliance batteries, paints, till its final purchase or disposal by a qualified specialist.

D. Organization and Composition: There is hereby directed the implementation of the partial reorganization in the plantilla of personnel of the municipal Government of Albuera Leyte, in pursuance to Section 76 of RA 7160 and RA 6758, by creating the Solid Waste Management Section (SWMS), which shall be a division to be under the direct supervision of MENRO:

1. **CREATION of Position Titles:** In addition to the existing organization structure of the MENRO the following position titles are hereby created, in conformity with the qualification standards set by the Civil Service Commission and its Index of Occupational Services, Position Titles and Salary Grade for local government units:

Title of Position	Grade/Step
(1) MENRO	24
(1) Sr. Environmental Management Specialist	18
(1) Environmental Management Specialist I	11
(1) Administrative Aide III	03

E. Appropriation: The municipality shall appropriate funds needed to cover personnel, administration and operations of the Solid Waste Management Section.

F. Functions and Responsibilities of the Sanitation & Environmental Protection Program Under the MENRO:

The Local Government Unit of Albuera, Leyte hereby assigns to the MENRO the power and authority to perform the functions and responsibilities, relative to garbage collection and operation of final disposal facility, including the transfer of records, equipments and personnel, corresponding to the devolved powers.

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G. Legislative Tracking Clause: The Solid Waste Management Section herein created, in coordination with the Legislative Tracking Committee, with the endorsement of the Municipal Mayor, shall make a periodic report to the Sangguniang Bayan on its initiatives and activities, as herein prescribed.

SECTION 5A.02 Municipal Ecological Solid Waste Management Board. The Municipal Government shall create a Municipal Ecological Solid Waste Management Board (MESWMB) that shall prepare, submit and implement a plan for the safe and sanitary management of solid waste generated within the territorial jurisdiction of the Municipality of Albuera.

The MESWMB shall be composed of the Municipal Mayor as head with the following as members:

1. The Municipal Environment and Natural Resources Officer
2. One (1) representative of the Sangguniang Bayan, preferably chairperson of the Committee on Environment, who will be designated by the presiding officer;
3. President of the Liga ng mga Barangay in the municipality;
4. SK Federation President
5. Municipal Planning & Development Coordinator;
6. Municipal Treasury Office
7. Municipal Engineer's Office
8. Office of the Municipal Agriculture
9. Philippine National Police
10. Barangay Solid Waste Management Council
11. DILG, Municipal Local Government Operations Officer
12. A representative from the Business sector;
13. A representative of each concerned government agency possessing relevant technical and marketing expertise as may be determined by the Board.

The MESWMB may, from time to time, call for a meeting on any concerned agencies or sectors as it may deem necessary.

SECTION 5A.03. Duties and Responsibilities of the MESWMB. The MESWMB shall have the following duties and responsibilities:

- (1) Formulate the Municipal Ecological Solid Waste Management Plan that shall ensure the long-term management of solid waste, as well as integrate the various solid waste management programs and strategies of the barangays in each area of jurisdiction. In the preparation of the Ecological Solid Waste Management Plan, it shall conduct consultations with the various sectors of the community.
- (2) Adopt a workable means to promote and ensure the viability of effective implementation of solid waste management programs in its component barangays.
- (3) Monitor the implementation of the Municipal or Municipal Ecological Solid Waste Management Plan through its various political subdivisions and in cooperation with the private sector and the NGOs.
- (4) Institute specific revenue-generating measures to promote the viability of its Ecological Solid Waste Management Plan.

(5) Convene regular meetings for purposes of planning and coordinating the implementation of the solid waste management programs of the respective component barangays.

(6) Oversee the implementation of Municipal Ecological Solid Waste Management Plan

(7) Review every two (2) years or as the need arises the Municipal Ecological Solid Waste Management Plan for purposes of ensuring its sustainability, viability, effectiveness and relevance in relation to local and international developments in the field of solid waste management.

(8) Develop the specific mechanics and guidelines for the implementation of the Municipal Ecological Solid Waste Management Plan.

(9) Recommend to appropriate local government authority's specific measure or proposals for franchise or build-operate-transfer agreements with duly recognized institutions, pursuant to RA 6967, to provide either exclusive or non-exclusive authority for the collection, transfer, storage, processing, recycling or disposal of municipal solid waste. The proposals shall take into consideration appropriate government rules and regulations or contracts, franchises and build-operate-transfer agreements.

(10) Recommend measures and safeguards against pollution and for the preservation of the natural ecosystem; and

(11) Coordinate the efforts of its component barangays in the implementation of the Municipal Ecological Solid Waste Management Plan.

It shall be the duty of the MESWMB to assist the barangays in their solid waste management, where the barangay cannot financially or adequately manage all waste segregation, sorting, recovery, recycling and composting, conducted at the MRF.

The Municipal Ecological Solid Waste Management Board may, from time to time, call on any concerned agencies or sectors as it may deem necessary. Representatives from the NGOs, recycling and manufacturing or packaging industries shall be selected through a process designed by themselves and shall be endorsed by the government agency representatives of the board.

SECTION 5A.04 Barangay Ecological Solid Waste Management Committees.

The Barangay Ecological Solid Waste Management Committee shall have the following functions and responsibilities:

1. Formulate Solid Waste Management Program consistent with the Municipal Ecological Solid Waste Management Plan
2. Segregate and collect biodegradable, compostable, reusable wastes
3. Establish a Materials Recovery Facility (MRF)

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4. Allocate barangay funds, devise other options for other sources of funds Organize core coordinators

5. Submit BESWM monthly reports

SECTION 5A.05 Junk Shop Owners and Entrepreneurs

Provide market for segregated wastes from households and from all barangays.

SECTION 5A.06. Non-Government Organizations and Cooperatives

Attend trainings and meeting conducted by the LGU in the MESWM plan implementation. Initiate in organizing and mobilizing citizens in embarking into productive activities and trash into cash by utilizing waste into wealth, refuse into resource.

SECTION 5A.07. Citizens

Attend meetings and trainings conducted by the LGU in the MESWM plan implementation. Undertake actual waste segregation and cooperate with the LGU and other stakeholders in the implementation of the said program.

SECTION 5A.06 Ecological Solid Waste Management Plan. The Municipal Government through its Ecological Solid Waste Management Board shall prepare its 10-year solid waste management plan consistent with the national solid waste management framework and components of which are provided in R.A. 9003. The waste management plan shall be for re-use, recycling, and composting of wastes, generated in the municipality. The solid waste management plan shall place primary emphasis on implementation of all feasible re-use, recycling and composting while identifying the amount of landfill and transformation capacity that will be needed for solid waste which cannot be re-used, recycled, or composted. The ecological solid waste management plan shall be reviewed and updated every year by the MESWMB.

SECTION 5A.07 Institutional Roles in Solid Waste Management. Pursuant to the relevant provisions of R.A. 7160, otherwise known as the Local Government Code of 1991, the LGUs shall be primarily responsible for the implementation and enforcement of the provisions of R.A. 9003 and this Code within their respective jurisdictions. Specifically, cooperation from the following institutions shall be encouraged in undertaking certain roles:

(1) The church shall be coordinated as venue for their participation on public campaigns focusing on moral obligations to protect the ecological assets of their respective communities;

(2) The schools shall be required to devote at least thirty minutes (30 minutes) each week to touch-base on the concepts of Ecological Waste Management through various strategies such as inclusion in the local curricula, setting-up of material recovery facilities for practical applications to the learning process and implementing school-wide waste recycling program.

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(3) The MENRO, through the MESWMS, shall devote at least one day in a week to conduct public campaigns on waste segregation in various forms such as focused-group discussions, sectoral consultations, site visitations and other organized for until such time that compliance to segregation reaches substantial level of at least 80%.

(4.) The non-government organizations shall be mobilized to participate in partnership programs with either the barangay or municipal government in the implementation of ecological waste management.

Article B.

Implementation

SECTION 5B.01 Mandatory Segregation of Solid Wastes. Mandatory segregation of wastes shall primarily be conducted at the source, to include household, institutional, industrial, commercial and agricultural sources. The following shall be the minimum standard for segregation and storage of solid waste pending collection:

(1) There shall be a separate container for each type of waste from all sources. In the case of bulky waste, it will be collected and placed in a separate and designated area; and

(2) The solid waste container depending on its use shall be properly marked or identified for on-site collection as "compostable", "recyclable", "nonrecyclable", or "special waste", or any other classification as may be determined by the MESWMB.

The MESWMB shall recommend strategies and explore means to facilitate segregation at source, e.g. scheduled collection of each type of waste, color-coded collection, etc.

Intensive campaign shall be undertaken to promote segregation-at-source. The "no segregation, no collection" policy shall be enforced.

SECTION 5B.02. Collection of Biodegradable and Recyclable Wastes. The barangay governments shall be mainly responsible for implementing the mandatory segregation of solid wastes, particularly the biodegradable and recyclables. Initiatives shall be taken to seek technical assistance from the MENRO for the implementation of this provision.

In cooperation with non-government organizations, the barangay government shall implement a waste recycling program intended to:

- (1) Reduce the volume of garbage for disposal;
- (2) Prevent health and environmental risks associated with uncollected mixed wastes; and
- (3) Enable interested groups to pursue a waste business venture.

Barangay Monitoring Teams shall be set-up to provide a Feedback Mechanism on the program. The said Team will undergo the necessary training to be conducted by the MENRO. Feedback centers will be set-up in each barangay hall and/or barangay health center focusing on social pressure for non-compliant sectors.

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SECTION 5B.03. Collection and Transport of Residual Wastes. The collection of non-recyclable materials/residual wastes and special wastes shall be the responsibility of the Municipal Government. Complaints of any uncollected garbage may be reported to the MENRO for appropriate action. Garbage intended for collection and disposal by municipal garbage trucks shall follow these conditions.

1) There shall be a scheduled collection of trash to be prepared by the MENRO and no person shall bring such trash outside his establishment except on the day designated for the collection. This collection schedule may be changed with prior notice depending on certain circumstances. Under uncontrollable circumstances, the MENRO shall be directed to give at least one-day notice of interruption in collection schedule to the barangay officials for proper information dissemination.

2) The use of separate collection schedules and/or separate trucks or haulers shall be required for specific types of wastes. Otherwise, vehicles used for the collection and transport of solid wastes shall have the appropriate compartments to facilitate efficient storing of sorted wastes while in transit.

3) Wastes shall be placed inside plastic bags or sacks. These bags or sacks shall be brought out in front of the gates of the residential houses and commercial establishments thirty (30) minutes before the collection schedule. Households in the interior should deposit their wastes along the main streets accessible to municipal garbage trucks thirty minutes (30min.) before the collection schedule. Under no circumstance will uncontained and scattered wastes be collected.

4) Trees, shrubs and grass cuttings should not be mixed with the above cited wastes. They should be placed inside a separate plastic bag or sack.

For premises containing three (3) or more residential units, the local government unit shall promulgate regulations requiring the owner or person in charge of such premises to:

a. Provide for the residents a designated area and containers in which to accumulate source separated wastes to be collected by the barangay, municipality or private groups; and

b. Notify the occupants of such buildings of the requirements of this Code and the regulations promulgated pursuant thereto.

SECTION 5B.03. Responsibilities of Solid Waste Personnel. The solid waste personnel shall include the street sweepers, garbage collectors and transporters, and segregators/ workers at the Integrated Solid Waste Management Facility under the supervision of the MENRO. These personnel shall ensure that:

(1) Collection of solid waste shall be done in a manner which prevents damage to the container and spillage or scattering of solid waste within the collection vicinity.

(2) Proper segregation of solid wastes is done at the source;

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(3) The workplaces or area of assignments are kept sanitary as possible.

SECTION 5B.04. Health Care of Solid Waste Personnel. All personnel directly dealing with collection of solid waste shall be equipped with personal protective equipment to protect them from the hazards of handling solid waste. Necessary training shall be given to the collectors and personnel to ensure that the solid wastes are handled properly. These personnel shall be subjected to periodical medical tests.

SECTION 5B.05. Transport of Wastes. In order to prevent any health and environmental hazards on the community, the garbage trucks shall undergo deodorization and disinfection in a wash bay area to be set-up in the transfer station and waste disposal facility. These processes shall be done before and after filling up the trucks with garbage both during collection and transferring to the bigger dump trucks intended for disposal.

The waste compartment of transport vehicles shall have a durable cover to ensure the containment of solid wastes while in transit. Vehicles shall be designed to consider road size, condition and capacity to ensure the safe and efficient collection and transport of solid wastes.

SECTION 5B.06. Establishment of Material Recovery Facilities. There shall be established Material Recovery Facilities (MRFs) in every barangay or cluster of barangays or areas deemed suitable within the municipality. The MRFs shall be located in areas approved by the barangay government or heads of homeowner's associations and institutions. The MRF shall be designed to receive collected reusable wastes for final sorting, processing, storage, and selling recyclable material efficiently and in an environmentally sound manner. It is the responsibility of the association or group managing the MRF to maintain its sanitary condition.

SECTION 5B.07. Composting. Composting of agricultural wastes and other compostable materials including but not limited to garden wastes, shall be encouraged. Residential houses with available yards shall be required to make their compost pits within their lots for biodegradable wastes. Households with no spaces available for the above-cited pits shall deposit such wastes in covered leak-proof containers for pick-up and transport to a designated area for such type of wastes.

SECTION 5B.08. Guidelines for Compost Quality. The compost products shall conform-with the standards for organic fertilizers set by the DA. The DA shall assist the compost producers to ensure that the compost products conform to such standards. The compost products shall be either used to grow organic crops by the municipal or barangay governments or sold to farmers and horticulture enthusiasts.

SECTION 5B.09. Destination of Collected Wastes. There shall be facilities set-up for the different types of wastes collected. A waste stream or flow duly approved by the MESWMB shall be strictly followed:

a. Biodegradable wastes shall be brought to a composting facility to be set-up within the Integrated Solid Waste Management Facility. These wastes shall be processed to produce organic fertilizers.

b. Recyclable wastes shall be brought either to the Centralized Material Recovery Facility (MRF) at the different MRF's installed in different areas within the municipality.

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c. Non-recyclable wastes or residual wastes shall be picked up by municipal garbage trucks and brought to the transfer station for second handling and transferred to bigger dump trucks which will, in turn, dump the same to a designated controlled or sanitary landfill.

SECTION 5B.10. Illegal Dumping and Throwing of Wastes. Dumping or throwing or placing of wastes in areas not designated for such purpose is strictly prohibited. For illegal dumping on water bodies, the household/s, lot owner or operator of a business establishment adjacent or nearest to the dump waste shall be held liable for illegal dumping.

SECTION 5B.11. Garbage Fees. Garbage fees shall be charged for all residential, commercial, industrial and institutional establishments. The garbage fees shall be placed in a trust/special fund.

SECTION 5B.12. Method of Collection of Garbage Fees. The Municipal Treasury Office shall commission persons to act as garbage fee collectors. The sticker system shall be designed by the MENRO as guide in fee collection. This system shall be subjected to the approval of the MESWMB.

SECTION 5B.13. Appropriation of Garbage Fees. Certain percentage of the garbage fees collected shall be appropriated for barangay SWM operations. The remaining percentage shall be used for waste transport and operation of the transfer station and Integrated Solid Waste Management Facility. Such appropriation shall be subjected to the approval of the MESWMB.

SECTION 5B.14. Guidelines for Solid Waste Disposal. The collection and disposal of non recyclable materials and special wastes shall be the responsibility of the Municipal Government of Albuera. In undertaking these tasks, the following conditions shall be taken into consideration:

- 1) No open or controlled dump facility shall be established and operated within the municipality whether private or public in compliance to RA 9003,
- 2) Prior to commencing operation, including site preparation and construction of a new solid waste management facility or the expansion of an existing facility, the LGU of Albuera shall first secure an Environmental Compliance Certificate from the Department of Environment and Natural Resources (DENR) pursuant to P.D. 1586 and other permits and clearances from concerned agencies.
- 3) There shall be an Integrated Solid Waste Management Facility (ISWMF) to be established which shall basically include a composting facility, a material recovery facility, a livelihood center, and a sanitary landfill for deposition of residual wastes.
- 4) The design of the ISWMF, particularly the sanitary landfill shall not detrimentally affect environmentally sensitive resources such as aquifer, groundwater reservoir or watershed area. The important components of a sanitary landfill must be present in the design, to wit: liners, leachate collection and treatment system, gas control recovery system, groundwater monitoring well system, cover consisting of soil and geosynthetic materials, daily cover, and final cover or cap over a completed landfill.

5) The ISWMF and its operation shall be designed to accommodate the municipality's waste for a minimum period of ten (10) years.

(6) If possible, there shall be a separate containment area in the ISWMF for household and clinical hazardous wastes.

7) Proper closure and post-closure care procedure shall be prepared to ensure post-use sanitary condition and minimal environmental and health risks.

8.) The minimum operating requirements for the operation of a sanitary landfill pursuant to Section 42 of R.A. 9003 shall be strictly followed.

SECTION 5B.15. Handling of Industrial Wastes. All manufacturing and industrial establishments and similar business firms and institutions shall install acceptable solid waste storage facilities prior to collection and disposal in accordance with national standards. Such facilities shall be inspected by the MENRO to ensure compliance to sanitary and hygiene rules. Special wastes shall be required special storage, handling and transport. The containers for such special waste shall be properly and appropriately labeled.

SECTION 5B.16. Prohibited Acts on Solid Waste Management. – The following acts are prohibited:

(1) Littering, throwing, dumping of waste matters in public places, such as roads, sidewalks, canals, esteros or parks, and establishment, or causing or permitting the same;

(2) Undertaking activities or operating, collecting or transporting equipment in violation of sanitation operation and other requirements or permits set forth in or established pursuant to R.A.9003;

(3) The open burning of solid waste;

(4) Causing or permitting the collection of non-segregated or unsorted waste;

(5) Squatting in landfills;

(6) Open dumping, burying of biodegradable or non-biodegradable materials in flood-prone areas;

(7) Unauthorized removal of recyclable material intended for collection by authorized persons;

(8) The mixing of source-separated recyclable material with other solid waste in any vehicle, box, container or receptacle used in solid waste collection or disposal;

(9) The construction of any establishment within two hundred (200) meters from sanitary landfills; and

(10) The construction or operation of landfills or any waste disposal facility on any aquifer, groundwater reservoir or watershed area and or any portions thereof;

SECTION 5B.17. Fines and Penalties on Prohibited Acts in Solid Waste Management.

Corresponding fines and penalties shall be charged based on Sec. 49 of the penal provisions of R.A. 9003.

SECTION 5B.18. Alternative Technologies. The MENRO may adopt alternative technologies to address the solid waste of Albuera, Leyte in coordination with the National Solid Waste Management Commission and provided that such technologies are verified

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by the Department of Science and Technology. The MENRO in cooperation with academic and technology providers may also explore emerging technologies that may be suitable to the needs of municipality.

CHAPTER VI ECO-TOURISM

Section 6A.01 **Statement of Policy and Management Direction.** The municipality's rich historical; and cultural heritage serves as a link of the Albueranos with the past, help them to appreciate the present and shapes their future as a nation.

Recognizing the competitive advantage of the municipality in tourism, the municipal government shall adopt ecological tourism and support tourism industry in this municipality not only as an economic undertaking but also as major strategy for the conservation of biological diversity, preservation and promotion of the historic-cultural heritage of the constituents.

Towards this end, the municipal government shall ensure the development, preservation, protection and safeguarding of the municipality's ecotourism areas, historical sites, shrines, monuments, structures, landmarks, artifacts, documents, objects, memorials and statues and priceless trees. It shall establish a system of local community-entrepreneurship for the operation and management of ecotourism sites and encourage every Albuerano to participate in the preservation of the ecological, historical and cultural resources and heritage of the municipality.

The municipal government shall likewise undertake necessary measures and activities as follows:

- a. Ecotourism and historical sites and their surrounding areas shall be protected against damage of all kinds, particularly the unnecessary addition, modification and misguided, careless or insensitive changes that will impair their authenticity or originality, and from damage due to any form of pollution.
- b. Activities shall also cover protection of these sites and their surroundings from vandalism, and improper use such as using these as places for herding animals, dumping areas for garbage, gambling dens and as venue for illicit activities and other forms of desecration.
- c. Conserve and protect wildlife species and their habitats to promote ecological balance and enhance biological diversity.
- d. Allocate the necessary funds for the undertaking of programs and projects relative to the development, preservation and protection of ecotourism and historical sites. Sourcing out funds and assistance from the non-government organizations and private sectors shall also be enjoyed.

Section 6A.02. **Eco-tourism Areas and Tourist Spots.** This municipality is one of the tourist destinations in the province. Travelers to this municipality are treated to ecotourism sites and other tourist attractions that depict the historic past and rich culture and traditions of the municipality.

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The municipal government shall thereof develop, conserve and protect the following ecotourism sites and tourist attractions in this municipality.

Identified eco-tourism areas shall be properly declared by the Sangguniang Bayan in consultation with the Department of Environment and Natural Resources (DENR). Such areas include tree parks necessary to maintain the quality of watershed areas and improve water recharging potential of underground aquifers.

Designated areas for tourism development shall become part of the land use plan and zoning ordinance of the Municipality. In developing these areas, a policy of ecological awareness and maintenance of ecological assets shall be promulgated by the Municipality of Albura. It shall vigorously enforce the anti-littering policy.

Section 6A.03. Classification and Declaration of Historical Structure and Sites. The different historical structures and sites, at least 50 years of age, which include private residence/s, buildings and edifices, monuments and bridges, shall be classified and declared by this Sangguniang Bayan as follows:

a. Municipal Heritage Treasures are those structures, edifices or places that are of national historical and cultural significance, strongly associated with important historical events and illustrious Filipino/s, or those owners have achieved a peculiar and enduring contribution toward the enrichment of Filipino cultural heritage, where structures, edifices and places declared and protected by the National Commission for Culture and the Arts, the National Historical Institute, the National Museum, or any other pertinent national body, are automatically declared as Municipal Heritage Treasures;

b. Municipal Historical Sites are those structures, edifices or places that are of municipal or provincial historical and cultural significance, strongly associated with important historical events, or those whose owners have achieved a peculiar and enduring contribution toward the enrichment of Albueranos' cultural heritage or properties which were the sites of first establishment in this municipality or the Province of Leyte, such as the site where the first theater was built, first school, first commercial house, among others;

c. Municipal Heritage Edifices are those structures of architectural and social significance, including those that bear strong foreign architectural influences such as American or Spanish, among others, that stand out as monument to the artistry, craftsmanship and industry of Filipino artisans and laborers who were responsible for their construction which portray the heroic spirit of our forefathers; and

d. other structures such as:

1. Modern Heritage Edifices is a structure or edifice that follow the architectural prevalence during the Spanish and American colonial periods and also represent the creative achievement of our famous ancestors; and

2. Non-Conforming Structure is a structure that is of no architectural, cultural, historical and cultural significance to this municipality.

Section 6A.04. Tax Relief and Other Incentives. The municipal government shall provide real estate tax relief and exemptions for structures classified as A, B and C under Section 6A.03 of this Code as a form of incentive for the preservation of the various historical structures within this municipality.

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Section 6A.05. Formulation of municipal Ecotourism Development Framework Plan. Within 1 year from the effectivity of this Code, the Municipal Tourism Office, and the MPDO are tasked to prepare the Municipal Ecotourism Development Framework Plan to:

- A. Regulate and control the growth of ecotourism activities in the municipality through the formulation and implementation of framework plans.
- B. Identify and prioritize tourism zones and areas for development in consideration of the ecology, market potential, infrastructure investment requirement, and economic viability, strategic position for expansion and community participation. Determination of these tourism zones and areas shall be subject to the recommendation of the Sangguniang Bayan, after consultation with the affected barangay/s, and approval of the Mayor, who shall issue the directive for the purpose.
- C. Preserve places, sites areas of archeological, cultural or historical value or importance.
- C. Develop, rehabilitate, conserve and monitor operations of sanctuary parks for migratory or indigenous birds and the native flora and fauna.
- D. Elicit people and community participation in the tourism industry through conduct of public hearings and consultations prior to the approval of any tourism-related facility and activity.
- E. Establish a government-friendly tourism business atmosphere to further encourage tourism investments such as, but not limited to, granting of fiscal incentives, awards for delivery of excellent hospitality services, and encouragement or subsidy for small-scale enterprise in support of ecotourism.
- F. Encourage educational awareness as to the importance of ecology and sustainable development vis-à-vis tourism development and undertaking through information drives and study tours.
- G. Establish and maintain Visitors Information and Assistance Center.
- H. Encourage holding of tourism activities provided that said activities shall be environment-friendly and economically sustainable.
- I. Encourage use of indigenous materials and Philippine architectural design to harmonize design of exterior buildings or edifices with the architectural style of site and enhance natural asset and ambience.

Section 6A.06. Environmental Standards. The Municipal Mayor shall issue the appropriate circular establishing the environmental standards for ecotourism in accordance with law. These standards shall consider:

- a. Standards on water and air quality, noise, operating and efficiency, and sanitation in accordance with this Code and other National Laws.
- b. Environmental aspects critical to the sustainable operation of ecotourism projects such as waste management, energy and water

Section 6A.12. **Possession of Wildlife.** No person shall be allowed to possess wildlife unless he has the financial, technical capability and facility to maintain it provided that the source was not obtained in violation of national laws of this Code.

Section 6A.13. **Collection or Possession of By-Products and Derivatives.** By-products and derivatives may be collected or possessed provided that the source was not obtained in violation of national laws or this Code.

Section 6A.14. **Local Transport of Wildlife, By-products and Derivatives.** Local transport of wildlife, by-products and derivatives collected or possessed through any other means shall be authorized unless the same is prejudicial to the wildlife and public health.

Section 6A.15. **Exportation or Importation of Wildlife.** Wildlife species may be exported or imported from another country as may be authorized by RA 9147 provided that the recipient of the wildlife is technically and financially capable to maintain it.

Section 6A.16. **Introduction, Reintroduction or Restocking of Endemic Species or Indigenous Wildlife.** The introduction, reintroduction and restocking of endemic species and indigenous wildlife shall be allowed only for population enhancement pursuant to the provision of national laws or this Code.

Section 6A.17. **Registration of Wildlife to the Possession of the Private Individuals.** No private individual or entity shall be allowed possession of wildlife unless they can prove that they have the financial capability and facility to maintain said wildlife. However, when the threatened species are needed for breeding, propagation or research purposes, the municipal government may acquire the wildlife through a mutually acceptable arrangement.

Failure on the part of the possessor of wildlife to register and acquire a Certificate of Registration from the Office of the MENRO, said wildlife shall be confiscated in favor of the government, subject to penalties herein provided.

Any person who violates any provision of this Section shall be imposed:

- First offense - a fine of P500.00 or imprisonment of 10 days, or both, or upon the discretion of the Court;
- Second offense - a fine of P1,000.00 or imprisonment of 20 days, or both, or upon the discretion of the Court;
- Third and subsequent offenses - a fine of P2,500.00 or imprisonment of one (1) month, or both, or upon the discretion of the Court.

These penalties shall be imposed without prejudice to the imposition of a higher penalty imposed by national laws, rules and regulations for the same act herein mentioned.

Section 6A.18. **Prohibited Acts and Penalty.** The acts prohibited and punishable under this chapter shall include, but not limited, to the following:

- a. Picking of flowers, destroying any part of plants or trees, littering or performing vandalism or any other detrimental act that can cause destruction of aesthetic beauty and structure of the public parks, nature sanctuaries, mini-forest.
- b. Destroying, defacing or desecrating objects of natural beauty, burial grounds, objects of interest to religions and cultural groups of communities, any historical

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monument or landmark or any objects or artifacts of archaeological importance situated within the jurisdiction of this municipality.

- c. Modification, alteration, repair or destruction of the original features of any designated and classified historic edifice without the written permission from the Chairman of the National Historical Institute.
- d. Construction or expansion of facilities or infrastructure and holding of activities in non-designated or preserved areas that will destroy, alter or expose to danger fragile habitats of flora and fauna due to human encroachment.
- e. Entering or visiting preserved areas or those to which human access is prohibited, except for access or activities which are conducted in the pursuit of scientific or legal study or research.
- f. Taking, or transporting-exporting endangered flora or fauna from its natural habitat, including introduction of species harmful to the area, except those which are taken, transported or introduced for scientific purposes or legal causes.
- g. Hunting or trading any species of migratory birds, rare birds, including maya, and other wildlife species found in this municipality.
- h. Trading in this municipality any species of migratory, rare birds and wildlife species that were hunted or captured in other areas of the country.
- i. Hunting, destroying, removing, or mere possession of any plant, animal, or other products, both living and non-living, derived from protected areas of this municipality such as nature reserves or sanctuaries, resource reserves and municipal/barangay/s parks.
- j. Developing a team, marshland, pond, or river within the jurisdiction of this municipality for tourism, recreational or commercial purposes without first obtaining a Mayor's permit and an Environmental Compliance Certificate issues by the DENR in accordance with existing law and the endorsement from the Punong Barangay of the barangay where the project is to be implemented.
- k. Dumping or disposing of any waste or garbage within tourist zones and protected areas, except in designated places or areas.
- l. Squatting in any protected area or tourist site.

The penalty for violation of any act prohibited under this Section is a fine of not exceeding P2,500.00 or imprisonment of one (1) month to one (1) year, or both, in the discretion of the Court, without prejudice to the imposition of a higher penalty under any other national law, rules and regulations for the same acts mentioned herein.

**CHAPTER VII
HAZARDOUS AND TOXIC MATERIALS**

**Article A.
Regulated Acts**

SECTION 7A.01. Operation of Motor Repair Shops, Public Utility Vehicle Terminals, Car Wash Centers and Gasoline Stations.

1) All business establishments under this classification in the Municipality of Albuera shall install oil and water separation facility including facilities in the storage of used oil and grease into sealed receptacles. These are mandatory pre-conditions for the initial issuance and renewal of business permits by the Municipal Government.

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2) Gasoline stations shall ensure that their underground storage tanks are always in good condition by undertaking periodic maintenance and monitoring of leakages which include effluents.

3) All operators of these businesses shall ensure safety from fire and explosion hazards of their respective facilities by installing appropriate signages for the general public and by attaching proper gadgets and devices to prevent gaseous or fume emissions.

4) They shall provide for an easement or buffer zone of at least fifty meters (50m) from actual or potential ground water resources, banks of rivers or other bodies of water traversing or adjoining their gasoline stations.

5) Adequate drainage system should be provided for liquid run-off.

6) Shrubs and trees should be planted around the site, on open space and on buffer strip to preserve ecological balance.

7) They shall not adversely affect the appropriate or profitable uses of the other properties in the area.

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SECTION 7A.02. Fuel Gas Retail Operation. The owner of the fuel gas retail stall shall provide safe storage for flammable substances for sale. No retailing shall be allowed in congested areas.

SECTION 7A.03. Toxic Substances and Hazardous Waste Control. The Municipal Government shall require all persons and entities dealing with toxic substances and hazardous materials to comply with full disclosure procedures in the following manner:

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(1) Manufacturers are required to present material fact sheet, which should explain or describe the quantity, toxicity, ignitability, flammability and leaching potentials of the chemicals manufactured.

(2) Transporters are required to submit to the Municipal Government ahead of time a manifest, which will contain the material fact sheet, the origin and destination of the material in transport, the transit time and the route where the hazardous or toxic material will traverse.

(3) Primary users are required to present to the Municipal Government and maintain for periodic inspection by competent authorities, a disclosure document which will contain the quantity of the chemicals, type of use, storage facilities and safety measures.

(4) Secondary users shall likewise be required to submit to the Municipal Government and maintain for periodic inspection by competent authorities, a disclosure document similar to that required of the primary users.

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SECTION 7A.04. Manufacturer of Toxic and Other Chemical Substances. All industrial establishments engaged in the manufacture, processing, and utilization of chemical substances shall submit to Municipal authorities a comprehensive occupational safety and hazard mitigation program, which consider conditions within its complex and immediate vicinities. The Municipal Government through the Municipal Environment and

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Natural Resources Office shall promulgate the necessary procedural guidelines and regulations in chemical handling within the Municipality.

SECTION 7A.05. Ban on Extremely Toxic Chemicals. It shall ban the employment or utilization of extremely toxic and dangerous chemicals in any operational phase of factories, processing plants and agro-chemical establishments including transport or trans-shipment within the border of the Municipality taking into account the provisions of R.A. 6969 otherwise known as the Toxic Substances and Hazardous and Nuclear Waste Control Act of 1990 and its implementing rules.

SECTION 7A.06. Quarterly Inspection of Entities Engaged in Chemical Manufacturing. All businesses engaged in chemical use and manufacturing shall be subjected to a quarterly inspection by the Municipal Environment and Natural Resources Office to ensure compliance of safety measures and appropriate procedures. However, if public safety so requires, the Municipal authorities shall conduct unscheduled inspection.

SECTION 7A.07. Fire Extinguisher. The manufacture, sale, refilling and repair, and distribution of yellow fire extinguishers containing halon are banned in the municipality. The municipality hereby encourages the use of environment friendly fire extinguisher such as those which use dry powder of CO2.

SECTION 7A.08. Pyrotechnics. The sale, manufacture, distribution and use of pyrotechnics in the Municipality of Albura shall be regulated in accordance with existing Municipal Ordinance No. 2021- 03 entitled, "An Ordinance prohibiting the manufacture, sale, distribution/ possession or use of firecrackers or other similar devices within the territorial jurisdiction of Albura, Leyte." Only pyrotechnic devices, as enumerated in the above-mentioned ordinance, which does not explode or burn to produce noise or sound, shall be allowed.

SECTION 7A.09 Disposal of Clinical Wastes. All hospitals and clinics, both private and public, and other health establishments shall dispose their clinical wastes in accordance with the duly approved practices and technologies by the Department of Health. Appropriate registration as hazardous waste handlers shall be made with the DENR.

SECTION 7A.10. Limitation of Production Capacity. All industrial, manufacturing and similar business establishments shall operate only within the capacity limits of their respective waste treatment facilities in order to maintain the quality of the environment within the standards required by the Municipal Government.

SECTION 7A.11. Use of Farm Chemicals. All users of fertilizers, pesticides and other farm chemicals in the farms, plantations and other places shall observe precautionary measure in handling, applying, storage and disposal as well as safety practices as indicated in the labels of the chemicals and instructions for farm technicians.

SECTION 7A.12. Sewerage and Septage Disposal. No untreated sewer waste or septage dangerous to the public health safety and general welfare shall be discharged into any drainage channel or inland. There shall be appropriate septic tanks to process such waste prior to pumping out for acceptable disposal methods. A minimum of three

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chambered septic tanks shall be imposed, without any of which for leaching shall be allowed. It shall be siphoned every 5 years or earlier as designed.

SECTION 7A.13. **Sludge and Effluent Disposal.** All industrial sludges shall be handled and treated as special wastes and all industrial effluents shall undergo proper treatment until such time that these conforms with the new water standards set by the Department of Environment and Natural Resources (DENR). Proper disposal of sludge and discharge of treated effluent shall be done accordingly. Indiscriminate dumping of sludge in any area not designated for such type of wastes shall be punishable. Discharge of untreated effluent shall likewise be punishable.

**CHAPTER VIII.
OTHER HEALTH AND SANITATION RELATED PROVISIONS**

**Article A.
Regulated Acts**

SECTION 8A.01. **Public Markets.** The Municipal Government of Albuera shall maintain the cleanliness and sanitation of the public market. A set of guidelines shall be formulated to support the sanitation drive within the premises of this establishment.

SECTION 8A.02. **Operation of Slaughterhouse and Poultry Dressing Plant.** Slaughterhouses shall be equipped with appropriate and adequate treatment and disposal facilities for solid discards and wastewater, as well as, disinfection system for the maintenance of hygienic conditions within the premises. There shall be a separate area for holding pens and slaughtering operations as well as separate entry for live animals and exit of carcass and must have a pest control equipment and program.

The Municipal Government of Albuera , pursuant to the provisions of Republic Act 7160 otherwise known as the Local Government Code and Executive Order No. 137, shall regulate the construction, management and operation of slaughterhouses, meat inspection, meat transport and post-abattoir control, monitor and evaluate and collect fees and charges in accordance with the national policies, procedures, guidelines, rules and regulations and quality and safety standards as promulgated in R.A. 9296 or the "Meat Inspection Code".

In the absence of a municipal slaughterhouse and for purposes of effective monitoring, there shall be a centralized privately-operated slaughterhouse whose franchise shall be granted by the Sangguniang Bayan based on recommendations by the National Meat Inspection Service.

The guidelines for operating a poultry dressing plant shall likewise follow the national standards. There shall also be a centralized poultry dressing plant whose franchise shall be granted by the Sangguniang Bayan based on rules set by the national government.

SECTION 8A.03. **Operation of Funeral Parlors.** All funeral parlors performing embalming shall follow these guidelines:

- (1)The parlors should be constructed with concrete or semi-concrete materials

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- with sufficient space to accommodate more than one body at one time;
- (2) The floors and walls should be made of concrete or other durable impervious materials;
- (3) Ventilation and lighting should be adequately provided;
- (4) Embalming shall be performed on a table made of a single marble slab or other equally impervious materials. It shall be constructed in such a way that all washings and body fluids shall flow to a drain connected to the waste piping system of the building;
- (5) Embalmers and assistants shall observe proper occupational hygiene such as use of rubber gloves when working;
- (6) Washing facilities with soaps, detergents and germicidal solutions shall be provided for the use of the working personnel.
- (7) Clinical wastes resulting from the embalming process shall be disposed properly to the respective septic vault.

SECTION 8A.04. Cemeteries and Memorial Parks. The public cemetery/memorial park is one of the basic facilities to be established for the general welfare of the communities in Albuera and the inhabitants thereof. The following guidelines shall be followed in establishing and operating this facility:

- (1) Adequate drainage system should be provided for liquid run off from decaying or degrading matter;
- (2) Pesticide and germicide control measures should be applied to prevent contamination of burial grounds and the surrounding areas.
- (3) Shrubs and trees shall be planted around the site and on an open space as buffer strip to preserve ecological balance.
- (4) Sanitary requirements of the Sanitation Code and other existing laws, particularly those referring to final procedures in case of the incidence of epidemic/pandemic or communicable disease should be complied with.
- (5) It shall be unlawful for any person to bury remains in places other than those legally authorized
- (6) A burial ground shall be at least 25 meters distant from any dwelling house and no house shall be constructed within the same distance from any burial ground.
- (7) No burial ground shall be located within 50 meters from either side of a river or within 50 meters from any source of water supply.
- (8) They shall comply with other sanitary requirements prescribed by existing laws.

**CHAPTER IX.
AIR & NOISE QUALITY MANAGEMENT**

**Article A.
General Provisions**

SECTION 9A.01. Policy Statement. The basic intention of the Municipal Government of Albuera is to undertake the necessary precautionary and preventive measures to ensure the prevalence of ambient quality air. Given the complexity of clean air management and the insufficient technology and resource available for the conduct of atmospheric monitoring and evaluation, the Municipal Government of Albuera shall prevent to the

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greatest extent permissible, the continued degradation of air quality within its territorial jurisdiction.

As a general approach, the Municipal's effort shall be guided by Ambient Air Quality Guideline Values and Standards set under the Clean Air Act and the air quality indices set under DENR Administrative Order No. 14 and shall undertake the necessary precautionary and preventive measures to ensure that the maintenance of said indices are pursued. Any provision of the Clean Air Act of 1999 which is applicable to the Municipality of Albuera shall form part of this code.

SECTION 9A.02. Role of LGUs in Air Quality Management. The Municipal Government of Albuera shall share the responsibility in the management and improvement of air quality within its territorial jurisdiction. Among other functions and responsibilities of the LGU:

(1) It shall actively participate in the Governing Board of the airshed it rightfully belongs to ensure the protection of health and welfare of the residents within potentially polluted areas. It shall implement air quality standards set by the Board which shall not exceed the maximum permissible standards set by national laws in areas within their jurisdiction.

(2) It shall prepare and develop an action plan consistent with the Integrated Air Quality Improvement Framework to attain and maintain the ambient air quality standards within the airshed.

(3) It shall prepare a compliance scheme in accordance with the Air Quality Management Area Plan subject to review and approval of the governing board.

(4) It shall also prepare and implement contingency plans and other measures including relocation when necessary.

(5) It shall develop and submit to the DENR a procedure for carrying out the action plan for their jurisdiction. A multi-sectoral monitoring team from the Municipality of Albuera with broad public representation shall be convened by the DENR to conduct periodic inspections of air pollution sources to assess compliance with emission limitations contained in their permits.

Article B.

Implementation

SECTION 9B.01. Industrial Location. No industries or factories shall be constructed within 1 km radius from the town proper. Industrial location shall be governed by the existing ordinance on Comprehensive Land Use and Zoning Ordinance. For industries already established prior to this Code, strict compliance monitoring shall be undertaken.

SECTION 9B.02. Industrial Air Pollution. The levels of air quality for suspended particulates, sulfur dioxide, photochemical oxidants or ozone, and carbon monoxide, any other foul odor and the indices to compare whether such atmospheric parameters are within acceptable levels have been established by the DENR, (Administrative Order

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No. 14) for all areas. It shall be the duty of the Municipality of Albuera to ensure compliance to these standards by:

(1) Coordinating with the DENR to conduct inspection of all industrial facilities, including all equipment emitting potentials air pollutants, to ensure that such establishments are complying with established standards.

(2) Requiring all holders of business permit using fossil fuel on any part of their business operations to submit environmental compliance certificate and permit to operate issued by DENR – EMB as pre-requisite for the renewal of their business license permits.

(3) Informing all other establishments of the Municipality's policy in adhering to the air quality standards.

(4) Enforcing or implementing the environmental inspection, control and banning as may be appropriate, the erection, use, installation or operation of any article, machinery, or any contrivance which will release air pollutants into the atmosphere which, together with the concentrations of existing air pollutants in the Municipality, will result to ambient air concentration greater than the quality standards set by the DENR. To enforce such regulation, the Local Government shall periodically seek the assistance of the DENR in conducting emission tests for all such devices, equipments or plants.

SECTION 9B.03. Fugitive Particles. No person shall allow the emission of fugitive particulate from any source whatsoever, including, but not limited to, vehicular movement, transportation of materials, construction, alteration, demolition or wrecking, or industry-related activities such as loading, storing or handling without taking reasonable precautions to prevent such emissions. In line with such precautions, the following are hereby adopted:

(1) Covering of open loaded trucks transporting materials likely to give rise to airborne dust, odor and other fugitive particles.

(2) Treatment or removal of all air pollutants e.g., dust, fumes, gases, mists, odorous matters or vapors or any combination thereof prior to discharge into the open air.

(3) In case of building construction or demolition, quarrying operations or clearing of land, precautions shall be carried out to ensure that fugitive dusts remain within the premises of the activity conducted.

(4) The emission of dust, dirt or fly ash from any source or activity which shall pollute the air and render it unclean, detrimental, unhealthful or hazardous or cause visibility to be impaired, shall not be permitted.

SECTION 9B.04. Reduction of Emissions of Carbon Dioxide (CO2) and Other Greenhouse Gases. The Municipal Government of Albuera shall exert major efforts to contribute towards the minimization of global warming. As such, in coordination with the Environmental Management Bureau (EMB) of the DENR, the Municipal Government shall regulate the use of chemical fertilizers and burning of fossil fuels and crop residues within its territorial limits.

SECTION 9B.05. Reduction of Emissions of Substances That Depletes the Ozone Layer. The depletion of the ozone layer (in the earth's atmosphere) caused by the

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use of chlorofluorocarbon (CFC) halon and other hydro chlorofluorocarbons poses extreme health hazards to mankind such as exposure to harmful ultraviolet rays of the sun.

Pursuant to the Montreal Protocol where the Philippines is a signatory, the Municipality of Albuera hereby adopts some of its relevant provisions:

- (1) All citizens in the Municipality are discouraged to use aerosols with CFC content e.g., spray nets, pesticides, fertilizers, etc.
- (2) Refrigeration and air-conditioning shops, including factories and manufacturing entities shall be required to institute measures to avoid the release of CFC's directly into the atmosphere.
- (3) The use of yellow fire extinguishers containing halons will not be allowed in the Municipality of Albuera.

SECTION 9B.06. Odors & Gases. The emission of foul odors and gases harmful to public health, safety and general welfare shall not be permitted.

SECTION 9B.07. Smoke Belching. It shall be the policy of the state to ensure that precautions are undertaken to prevent the emission of excessive carbon monoxide, particulates and sulfur dioxide from motor vehicles. Some primary considerations are the enforcement of the Anti-Smoke Belching Program, the intensification of coordination among concerned agencies on the use of unleaded gasoline and reduced number of vehicles to ensure the smooth flow of vehicles and the promotion of mass transport system.

A periodical road-side (on-site) anti-smoke belching test shall be conducted in cooperation with the Land Transportation Office. Exhaust emission limits shall be based on the provisions of the Clean Air Act. Fines and penalties thereof shall be determined by the Sangguniang Bayan through a separate revenue ordinance.

SECTION 9B.08. No Smoking. It is strictly prohibited for any person to smoke in all public places, enclosed and air-conditioned rooms in all public buildings and offices, public transport vehicles including buses, passenger jeeps, vans and tricycles or in any enclosed area outside of one's private residence or private place of work in the Municipality of Albuera, Leyte.

SECTION 9B.09. Open Burning. Open burning adds to global warming and poses hazards to health, properties and natural resources. Therefore, no person shall ignite, cause to be ignited or build any open fires except on the following activities:

- i. open fire cooking of food for human consumption;
- ii. fires for recreational or ceremonial purposes;
- iii. fires for the prevention and control of diseases and pests;
- iv. fires for training personnel in the methods of firefighting; and
- v. fires expressly approved by the DENR and this municipality.

The prohibition on open burning shall not apply to traditional small-scale method of community/neighborhood sanitation.

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SECTION 9B.10. **Glare and Heat.** Glare and heat from any operation or activity shall not be allowed to be radiated, seen or felt at any point beyond limit of the property.

SECTION 9B.11. **Noise and Vibration.** To protect public health and welfare against nuisance caused by excessive noise, the Municipality of Albuera in coordination with the DENR and various sectors within the Municipal Government shall set standards for noise reduction at the sources which include but not limited to:

1. Construction;
2. Vehicles, mufflers, stereo system;
3. Pub houses, restaurants and karaoke bars; and
4. Public gatherings such as concerts, rallies, etc.

All noise and vibration-producing machineries shall be enclosed by a building and shall be provided with effective noise-absorbing materials, noise silencers and mufflers and an open yard of not less than twenty (20) meters from the nearest adjoining property planted to dense trees as buffers. To minimize vibrations, machineries should be mounted on shock-absorbing materials.

SECTION 9B.12. **Tolerable Decibel Levels.** The Municipal Government shall limit sound within its territorial jurisdiction to only up to 60 decibels or as prescribed in the clean air act.

SECTION 9B.13. **Loudness Level Emanating from Motorcycles.** Any driver of a motorcycle, motorbike or motorized tricycle operating within the territorial jurisdiction of this municipality is prohibited to produce loud sounds coming from his motor vehicle to an intensity loudness level of over 60 decibels.

The Municipal Disaster Risk and Management Office (MDRRMO) in cooperation with the Philippine National Police (PNP) are hereby tasked to enforce the provision of this Section by inspecting and regular tests on mufflers or exhaust systems of these motor vehicles.

The penalty to be imposed on any person who violates this provision shall be:

First offense, a fine of P1,000.00;

Second offense, a fine of P1,500.00; and

Third and subsequent offenses, a fine of P2,500.00 plus confiscation of the driver's license by the LTO and revocation of MTOP by the municipal government, if the vehicle is motorized for hire.

SECTION 9B.14. **Noise-making Revelries.** Noise-making revelries in all subdivisions and private houses throughout this municipality are regulated as follows:

A. Audio-amplified machines such as stereos, karaokes, videokes, sound systems, cassettes, radio players, television sets and combos, bands and business establishments with musical or entertaining instruments are prohibited to produce loud sounds beyond 10:00 o'clock in the evening except during public meetings, graduation exercises, stage shows, programs, weddings, birthday parties, anniversaries or any other

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kind of celebration, provided that a special permit thereof was secured from the Office of the Mayor. The penalty of fine to be imposed for violation of the provision of this Section is as follows:

	For Household	For Owners of Business Establishment
First offense	P500.00	P1,000.00
Second offense	1,000.00	1,500.00
Third and subsequent offense	2,000.00	2,500.00

B. The homeowners and neighborhood associations of subdivision and communities shall formulate necessary guidelines and policies that will for noise reduction measures governing the conduct of any revelry within their respective areas.

SECTION 9B.15. Prohibited Acts and Penalties. The acts prohibited and punishable under this Chapter shall include, but not limited, to the following:

A. Driving or operating any motor vehicle which did not pass through the smoke belching or gas emission test. The driver and operator of the apprehended vehicle found to have exceeded the emission standards shall be penalized as follows:

For First offense, a fine in the amount of P1,000.00.

For Second offense, a fine in the amount of P1,500.00; and

For Third offense, a fine of P2,500.00 and the offender shall undergo a seminar on pollution control and management conducted by the DOTC/LTO.

B. Absence of appropriate covering over the materials being transported by open loading trucks, or other heavy vehicles passing through or operating in this municipality.

C. Burning of rubber tires in any private and public places.

D. Using or selling aerosols and other products with Chloro Floro Carbon (CFC), halon and other chemicals that cause the depletion of the ozone layer.

E. Burying of hazardous substances and wastes shall be penalized by imprisonment for a period of 3 years and 1 day to 4 years in accordance with the provision of Section 1 of Rule XXV, IRR of Republic Act No. 8749.

F. Burying of bio-medical waste shall be punished by imprisonment in accordance with the provision of Rule XXV, IRR Republic Act No. 8749.

G. Manufacturing, importing, selling, offering for sale, introducing into commerce, conveying of otherwise disposal of, in any manner, engines or engine components which require the use of leaded gasoline shall be punished under the provision set forth by existing national laws.

H. Discharging from any source whatsoever such quantities of air contaminants or other material which constitute nuisance as defined under Articles 694 to 707 of Republic Act No. 385, otherwise known as the Civil Code of the Philippines.

The penalty to be imposed to any violator of the provisions of Section 126 (B,C,D and I) is a fine of not exceeding P2,500.00 or imprisonment for a period of not more than one (1) year, or both, in the discretion of the Court, without prejudice to the imposition of a higher penalty under existing national law, rules and regulations for the same acts mentioned herein.

**Chapter X
CONTINUING COMMUNITY EDUCATION**

SECTION 10A.01. Management Direction. The municipal government shall develop and strengthen its citizen's awareness and concern for the environment and ecological conscience. This could be done by the conduct of a continuing community education that will ensure the cultivation of environment-friendly lifestyle and concretizes sustainable use practices among individuals. Community education enables the people to critically understand the environment problems and mobilizes united effort toward the function of a goal-oriented ecological balance.

SECTION 10A.02. Liaison with Educational Institutions. The municipal government, through the MENRO, shall coordinate with public and private educational institutions to gain their support of including environment-friendly activities in their curriculum and make available to the municipal government research on the environment.

SECTION 10A.03. Community Assemblies. Community assemblies in every barangay shall be conducted by the Barangay Ecological Solid Waste Management Committee (BESWMC) at least twice a year purposely for environmental management awareness.

The BESWMC shall endeavor to institutionalize multi-sectoral consultation to address environmental issues and concerns of the people.

SECTION 10A.04. Multi-Media Interventions. The municipal government shall tap the tri-media to sustain environmental awareness and to harness maximum participation of the community. The municipal shall continuously conduct public addresses for its battle cry, jingles, slogans, advertisements, streamers and similar environment advocacy projects.

SECTION 10A.05. Linkage with scientific Institutions. The municipal government shall establish linkage with government and non-government research and scientific institutions to avail of technologies and expertise or research and scientific institutions to avail of technologies and expertise or research studies on protecting and caring for the environment. It shall maintain linkages with national government scientific institutions such as the DA, DOST, DENR, DOTC, DOH and others to ensure updates and technical assistance on environmental concerns.

SECTION 10A.06. Barangay-Based Environmental Education. The barangay officials, in coordination with NGOs operating thereat shall institute trainings and seminars in the barangay. They shall install their respective environmental educational tools and operational measures on environmental initiatives.

Environmental education motives the people to place their developed capacities in the service of the Supreme Being, nature, society, and sustainable development.

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**Chapter XI
MISCELLANEOUS PROVISIONS**

SECTION 11A.01. Municipal Environmental Master Plan. The Local Environment Code of Albuera shall be translated into an action plan through the Albuera Environmental Master Plan that will lay the ground work for the appropriate agencies to execute the provisions defined hereof.

SECTION 11A.02. Restatement of Municipal Ordinances. The provisions and regulatory measures contained in various municipal ordinances are hereby restated, amplified and made part of this code.

SECTION 11A.03. Rights and Obligations Prior to Effectivity of This Code. Rights and obligations existing on the date of effectivity of this Code and arising of contracts shall be governed by the original terms and conditions of said contracts or the law in force at the time such rights were vested.

SECTION 11A.04. Financial Support to Task Forces and Boards. The Mayor shall issue administrative or executive orders authorizing the payment of per diems to non-government personnel while attending meetings of the Task Forces and various boards and meal allowances to government personnel while in field operations, subject to the usual accounting and auditing rules and regulations.

SECTION 11A.05. Budgetary Allocation. The municipal government shall allocate funds for the training and advocacy activities envisioned in this Code.

SECTION 11A.06. Conflict Resolution. In the resolution of controversies that may arise as a result of the implementation of this Code where no legal or codal provision or jurisprudence applies, resort may be had to the mediation principles under the Katarungang Pambarangay Law if applicable or to the traditions in the place where the controversies take place.

SECTION 11A.07. Liberal Interpretation of Code. Any provision of this Code shall be liberally interpreted in favor of the Municipality in the exercise of devolved powers and the general welfare clause under Section 16 of the Local Government Code.

SECTION 11A.08. Barangay Environment Codes. All barangays shall be required to formulate their respective barangay environment codes consistent with the provisions of this Code and other laws pertaining to the protection, conservation, maintenance of the environment. In that respect, barangays may group themselves, consolidate or coordinate their efforts, services and resources for purposes commonly beneficial to them. Further, the Municipality shall extend more adequate technical and material assistance to less developed and deserving barangays.

SECTION 11A.08. Rules and Regulations. Whenever necessary, the Municipal Mayor may create an Implementing Rules and Regulations (IRR) Committee, in consultation with the Sangguniang Bayan and upon recommendation of the MENR Officer, to promulgate rules and regulations to implement more effectively certain provisions of the Code. Absence of rules and regulations should not in any case cause delay in implementing the code or portions thereof.

SECTION 11A.09. Role of Non-Government Organizations. To decentralize responsibility for environmental protection and conservation and ultimately empower

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communities without using the coercive power of the State, the strategic partnership with NGOs and POs and similar community associations shall be considered by the municipal government to strengthen its capacity to immediately reshape local programs, policies and activities as a sharing exercise in maintaining ecological balance.

NGOs and Private Organization (POs) shall participate in public consultations called for by the municipality government in accordance with the provisions of the Local Government Code of 1991.

SECTION 11A.10. Role of National Government Agencies. The municipal government shall avail of the technical assistance and expertise and resources support of national government agencies in the planning and implementation of programs and projects involving environmental initiatives. These national government agencies include, but not limited to, the DENR, DA, DOH, DOTC, DILG, DPWH, and DOST.

SECTION 11A.11. Environmental assessment policies. The Municipal Government shall adopt policies that will promote environment-friendly activities of business, industry, and settlements in the urban areas and suburbs insofar as infrastructure and social services are concerned.

The municipal government, through the MENRO, shall conduct a yearly inspection business sites and premises to determine the preservation of its physical environment. Any degradation, destruction or violation of the environment shall be meted with appropriate and immediate action.

SECTION 11A.12. Annual Environmental Assessment. The operations, premises, facilities and systems of all industrial, manufacturing, commercial, service and similar business establishments shall be subject to an annual environmental assessment that will be conducted by the municipal offices concerned and Task Forces organized for that purpose. Their findings shall be used as basis in the formulation of environmental policies or remedial measures to be recommended to the Sangguniang Bayan for appropriate legislative action. The assessment results shall be an integral part of the municipality's planning process and shall serve as one of the planning tools for informed and effective public participation.

SECTION 11A.13. Environment Audit. In the exercise of the regulatory power of the municipal government, the Committee on Environment Protection of the Sangguniang Bayan shall conduct once in every two (2) years an environmental audit to determine the changes in land use resources, state of water uses, biodiversity, demographic dynamics and other important aspects of environmental management and ultimately establish the causes and effects of such changes, if any, on the life of the people.

SECTION 11A.14. Municipal Commitment. The municipal government hereby commits its manpower, fiscal and technical resources to attain its objectives and mandate in the efficient and effective implementation of this Code.

**CHAPTER XII
PENALTIES AND SANCTIONS**

SECTION 12A.01. Clean-Up Operations. It shall be the responsibility of the polluter and every person privy to cause pollution to land, air, water and to people be it solid, liquid, toxic or hazardous material or waste to contain, remove and clean-up the affected areas at his own expense to restore said area to condition prior to the incident or better.

In the event of the polluter's failure to undertake the emergency clean-up operations, the Municipal Government shall undertake containment, removal and clean-up operations

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and expenses incurred in said operations shall be charged against the persons and/or entities responsible for such pollution.

SECTION 12A.02. Common Penalties. Any person who fails to comply with any of the provisions or who violates any of the prohibited acts provided in this Code shall be subject to the following penalty/fine:

1st Offense- a penalty of Php. 2,500.00 or imprisonment for a period of not more than 3 months, or both, at the discretion of the Court

2nd Offense- a penalty of Php. 2,500.00 or imprisonment for a period of not more than 6 months, or both, at the discretion of the Court

3rd Offense - a penalty of Php. 2,500 or imprisonment for a period of not more than one (1) year, or both, at the discretion of the Court.

Any violations committed by the permittee or any representative or employee of his/her firm after the 3rd offense shall be sufficient ground for the LGU to recommend for the revocation and cancellation of the permit to the issuing authority.

SECTION 12A.03. Sanction. If found guilty of any violation hereof in the official performance as President, Chairman, Executive Officer or duly authorized representative of any business enterprise operating under a Mayor's permit, the Mayor, in addition to the fines and penalties imposed, may suspend or revoke the permit to be granted.

SECTION 12A.04. Legal Enforcement. In case, if necessity that a legal action should be undertaken to enforce any of the provisions of this Code, the Chief of Police or his deputy shall institute the appropriate proceedings.

SECTION 12A.05. Separability Clause. If a court of competent jurisdiction shall declare any part of this Code as invalid or unconstitutional, the remaining parts not so affected by such declaration shall remain in full force and effect.

SECTION 12A.06. Repealing Clause. All ordinances, rules, and regulations or parts thereof in conflict or inconsistent with any provision of this Code, are hereby repealed or modified accordingly.

SECTION 12A.07. Effectivity. This Code shall take effect after 15 days from the date of its approval and the satisfaction of the requirement of publication in a newspaper of general circulation and the posting of the same in conspicuous places of the Municipality of Albuera Leyte.

APPROVED.

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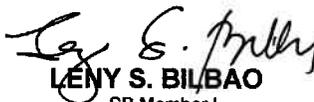
ENACTED BY THE SANGGUNIANG BAYAN TERM 2022-2025 OF ALBUERA LEYTE
this 26th day of June 2025 during its 147th Regular Session held at the SB Session Hall.

ATTESTED AND CERTIFIED CORRECT TO BE DULY ADOPTED:


MARY JANE B. CAGULA
SB Member I


ANTHONY V. BARTE
SB Member I


MARJUN P. MAGNO
SB Member I


LENY S. BILBAO
SB Member I


PROTACIO RIZALITO M. CENIZA
SB Member I

Absent
ANA LIZA E. DELA VICTORIA
SB Member


MANUEL E. BANTASAN
SB Member I

Official Business
ALBERTO C. SUMALJAG
LnB President/Ex-Officio Member


BERNARD JOEY D. MESTULA
PPSK President/Ex-Officio Member

I HEREBY CERTIFY that this is a true and accurate copy of the Ordinance duly enacted by the Sanggunian Bayan of Albueria, Leyte on its 147th Regular Session on June 26, 2025.


PAMELA M. BOHOLST, MPA
Secretary to the Sangguniang Bayan I


ROXANNE R. ZALDIVAR
SB Member I/Temporary Presiding Officer

APPROVED:


SIXTO B. DELA VICTORIA

Municipal Mayor
Date: JUN 30 2025