

Item No.: 41

Date: 09 2026 JUN



Republic of the Philippines  
PROVINCE OF LEYTE  
Provincial Capitol  
Tacloban City

-oOo-

PROVINCIAL LEGAL OFFICE

PROVINCE OF LEYTE  
LEGAL OFFICE  
RELEASED

Sangguniang Panlalawigan  
Province of Leyte

RECEIVED

Date: MAY 29 2026  
By: [Signature]

2<sup>nd</sup> INDORSEMENT  
May 4, 2026

By: [Signature]  
Date: 5-21-26 Time: 9:00

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Ordinance No. 6 of the Sangguniang Bayan of Dagami, Leyte.

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

- Ordinance No. 6 entitled: “**Anti Bote-bote Gasoline Ordinance of the Municipality of Dagami, Leyte.**”

**REVIEW/RECOMMENDATION/LEGAL OPINION:**

This office is of the opinion that the subject Ordinance is generally in accordance to its power under Section 447(4)(vi)<sup>1</sup> of the Local Government Code of 1991 (R.A 7160). However, it is noted that the provision on penalties exceeds that which is provided under Section 447(1)(iii)<sup>2</sup> of the same Code. Hence, further review of the Ordinance is required.

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* ✓

<sup>1</sup> (vi) Regulate the establishment and provide for the inspection of steam boilers or any heating device in buildings and the storage of inflammable and highly combustible materials within the municipality;

<sup>2</sup> (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

1<sup>st</sup> Indorsement  
27 April 2026

PROVINCE OF LEYTE  
LEGAL OFFICE  
RECEIVED

By:   
Date: 4-27-26 Time: 3:21

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **Municipal Ordinance No. 06, series of 2026 of the Municipality of Dagami, Leyte, entitled: a Municipal Ordinance prohibiting the retail sale or peddling of gasoline and other petroleum products (“bote-bote”) within the Municipality of Dagami, Leyte.**

  
**FLORINDA LIL S. UYVICO**  
Secretary to the Sanggunian



Republic of the Philippines  
 Province of Leyte  
 MUNICIPALITY OF DAGAMI

Sangguniang Panlalawigan  
 Province of Leyte  
**RECEIVED**  
 Date: 03 22 2026  
 By: [Signature]  
 BAGONG PILIPINAS

**Office of the Sangguniang Bayan**

EXCERPT FROM THE MINUTES OF THE 10<sup>TH</sup> REGULAR SESSION OF THE SANGGUNIANG BAYAN OF DAGAMI, LEYTE, HELD AT THE MUNICIPAL SESSION HALL ON 09 MARCH, 2026 AT 9:00 O'CLOCK IN THE MORNING.

Present:

- |                             |                                     |
|-----------------------------|-------------------------------------|
| Hon. Homobono U. Bardillon  | - Mun. Vice-Mayor/Presiding Officer |
| Hon. Floradima N. Bud-oy    | - Sangguniang Bayan Member          |
| Hon. Andres Bryan M. Bayona | - -do-                              |
| Hon. Susan O. Mendoza       | - -do-                              |
| Hon. Caridad B. Cabidog     | - -do-                              |
| Hon. Reynaldo U. Gerona     | - -do-                              |
| Hon. Dan Joseph D. Berino   | - -do-                              |
| Hon. Jericho O. Cabidog     | - -do-                              |
| Hon. Alvaro P. Loreno, Jr.  | - -do-                              |
| Hon. Arvin M. Delusa        | - ABC Pres./Ex-Officio Member       |

Absent:

- |                          |                                   |
|--------------------------|-----------------------------------|
| Hon. Jameson C. Madalina | - SK Fed. Pres./Ex-Officio Member |
|--------------------------|-----------------------------------|

**MUNICIPAL ORDINANCE NO. 06, SERIES OF 2026**

**A MUNICIPAL ORDINANCE PROHIBITING THE RETAIL SALE OR PEDDLING OF GASOLINE AND OTHER PETROLEUM PRODUCTS ("BOTE-BOTE") WITHIN THE MUNICIPALITY OF DAGAMI, LEYTE.**

**WHEREAS**, the Bureau of Fire Protection (Dagami Fire Station) has observed the increasing prevalence of the retail sale of gasoline and other flammable petroleum products in bottles, plastic containers, and other unsafe receptacles ("bote-bote") within the Municipality of Dagami, Leyte;

**WHEREAS**, Gasoline and similar petroleum products are highly flammable and volatile substances which, when improperly stored and sold, pose imminent fire hazards, endangering lives, properties, and the environment;

**WHEREAS**, Republic Act No. 9514 (Fire Code of the Philippines of 2008), Republic Act No. 7160 (Local Government Code of 1991), and the Implementing Rules and Regulations of the Bureau of Fire Protection and Department of Energy mandate the regulation of storage, handling, and sale of flammable and combustible substances to prevent fire hazards;

**WHEREAS**, the Sangguniang Bayan, in the exercise of its legislative powers under Section 447(a)(1)(ii) of the Local Government Code, is authorized to enact ordinances to protect public safety and promote the general welfare;

**NOW, THEREFORE, BE IT ORDAINED** by the Sangguniang Bayan of Dagami, Leyte, in session assembled, that:

**SECTION 1. TITLE.**

This ordinance shall be known as the "Anti-Bote-Bote Gasoline Ordinance of Dagami, Leyte."

HON. HOMOBONO U. BARDILLON  
 Mun. Vice-Mayor/Presiding Officer

[Signature]  
 FLOR C. YAP  
 Secretary to the Sanggunian

[Signature]  
 HON. FLORADIMA N. BUD-OY  
 SB Member

[Signature]  
 HON. ANDRES BRYAN M. BAYONA  
 SB Member

[Signature]  
 HON. SUSAN O. MENDOZA  
 SB Member

[Signature]  
 HON. CARIDAD B. CABIDOG  
 SB Member

[Signature]  
 HON. REYNALDO U. GERONA  
 SB Member

[Signature]  
 HON. DAN JOSEPH D. BERINO  
 SB Member

[Signature]  
 HON. JERICHO O. CABIDOG  
 SB Member

[Signature]  
 HON. ALVARO P. LORENO, JR.  
 SB Member

[Signature]  
 HON. ARVIN M. DELUSA  
 ABC Pres./Ex-Officio Member

(Cont. Approved Municipal Ordinance No. 06, Series of 2026 of SB, 10<sup>th</sup> Regular Session, dated March 09, 2026, etc.)

**SECTION 2. POLICY STATEMENT.**

It is hereby declared the policy of the Municipality of Dagami to prioritize fire prevention and public safety by prohibiting the unregulated retail sale or peddling of gasoline and other petroleum products in improvised containers.

**SECTION 3. OBJECTIVES.**

This ordinance aims to:

1. Prevent fire incidents, explosions, and related emergencies caused by improper gasoline storage and sale;
2. Reduce fire risks in residential areas, commercial establishments, and public spaces;
3. Strengthen local fire prevention and enforcement mechanisms;
4. Promote compliance with national fire safety and energy regulations.

**SECTION 4. PROHIBITED ACTS.**

The following acts are hereby prohibited within the Municipality of Dagami:

- Retail sale or peddling of gasoline and other flammable petroleum products in bottles, plastic containers, or any unauthorized receptacles;
- Storage or display of gasoline intended for retail sale in residential houses, sari-sari stores, sidewalks, or roadside stalls without proper fire safety clearance and permits;
- Any act involving gasoline or similar flammable substances that poses a fire hazard to the public.

**SECTION 5. PENALTIES.**

Violators shall be penalized as follows:

***For Peddling:***

- First Offense: Fine of not less than ₱1,000.00 and confiscation of gasoline and containers;
- Second Offense: Fine of not less than ₱2,500.00 and confiscation of gasoline and containers;
- Third and Succeeding Offenses: Fine of not less than ₱5,000.00 and confiscation of gasoline and containers.

***For Impounded Vehicles:***

- First Offense: Fine of not less than ₱1,000.00 and confiscation of gasoline and containers;
- Second Offense: Fine of not less than ₱2,500.00 and confiscation of gasoline and containers;
- Third and Succeeding Offenses: Fine of not less than ₱5,000.00 and confiscation of gasoline and containers.

Business permits, if any, may be suspended or revoked upon recommendation of the enforcing agencies.

**SECTION 6. IMPLEMENTING AND ENFORCING AGENCIES.**

The enforcement of this ordinance shall be undertaken by the Bureau of Fire Protection (Dagami Fire Station), Philippine National Police (PNP), barangay officials, and other concerned municipal offices.

HON. HONORABLE U. BARDILLON  
Mun. Vice-Mayor/Presiding Officer

FLOR G. YAP  
Secretary to the Sanggunian

HON. FLORAMIA N. BUD-OY  
SB Member

HON. ANDRES BRYANT M. BAYONA  
SB Member

HON. SUSAN O. MENDOZA  
SB Member

HON. CARIDAD B. CABIDOG  
SB Member

HON. REYNALDO U. GERONA  
SB Member

HON. JUAN JOSE H. D. BERINO  
SB Member

HON. JERONIMO R. CABIDOG  
SB Member

HON. ALVARO P. JORINIO, JR.  
SB Member

HON. ARVIN M. DELUSA  
ABC Pres./Ex-Officio Member

(Cont. Approved Municipal Ordinance No. 06, Series of 2026 of SB, 10<sup>th</sup> Regular Session, dated March 09, 2026, etc.)

**SECTION 7. SEPARABILITY CLAUSE.**

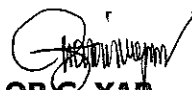
If any provision of this ordinance is declared invalid, the remaining provisions shall not be affected thereby.

**SECTION 8. EFFECTIVITY.**

This ordinance shall take effect immediately upon approval and compliance with posting requirements under the Local Government Code.

**ENACTED** by the Sangguniang Bayan of Dagami, Leyte, this 9<sup>th</sup> day of March, 2026.

**CERTIFIED CORRECT:**



**FLOR G. YAP**

*Secretary to the Sanggunian*

**ATTESTED:**



**HON. HOMOBONO U. BARDILLON**

*Municipal Vice-Mayor/Presiding Officer*

**HON. FLORADIMA N. BUD-OY**

*SB Member*

**HON. ANDRES BRYAN M. BAYONA**

*SB Member*

**HON. SUSAN O. MENDOZA**

*SB Member*

**HON. CARIDAD B. CABIDOG**

*SB Member*

**HON. REYNALDO U. GERONA**

*SB Member*

**HON. DAN JOSEPH D. BERINO**

*SB Member*

**HON. JERICO O. CABIDOG**

*SB Member*

**HON. ALVARO P. LORENO, JR.**

*SB Member*

**HON. ARVIN M. DELUSA**

*ABC Pres./Ex-Officio Member*

**APPROVED:**



**HON. JOSE JINGLE N. SUDARIO**

*Municipal Mayor*