



Republic of the Philippines
Province of Davao del Norte
Municipality of Braulio E. Dujali
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BEFORE THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE 5th REGULAR SESSION OF THE SANGGUNIANG BAYAN OF BRAULIO E. DUJALI, DAVAO DEL NORTE HELD AT THE SB SESSION HALL ON FEBRUARY 14, 2013, THURSDAY.

PRESENT:

HON. SAMUEL F. PACRES	Municipal Vice Mayor/Presiding Officer
HON. DONNA MAE B. BERNADAS	Sangguniang Bayan Member
HON. RESTIE E. TABIRAO	Sangguniang Bayan Member
HON. DANIEL G. HILARIO	Sangguniang Bayan Member
HON. ALLAN S. PARAGUYA	Sangguniang Bayan Member
HON. JOELITO B. JURIANA	Sangguniang Bayan Member
HON. JULIAN J. DUJALI, JR.	Sangguniang Bayan Member
HON. RAMON D. MAGTULIS, III	Sangguniang Bayan Member
HON. MARCELINO O. FACULA	SKF Pres./ Ex-Officio Member

ABSENT:

HON. ROMULO S. ESMINO, JR.	Sangguniang Bayan Member
HON. EDUARDO M. ZAPATA	Sangguniang Bayan Member

MUNICIPAL ORDINANCE NO. **2013-160**

Sponsor: Hon. Allan S. Paraguya

AN ORDINANCE TO PROHIBIT SMOKING, USING MOBILE PHONES, RUNNING THE ENGINE, STRADDLING ON MOTORBIKES WHILE REFUELLING AND FILLING UNAPPROVED PLASTIC CONTAINERS WITH PETROL AT ANY GASOLINE STATION IN THIS MUNICIPALITY, AND TO PRESCRIBE PENALTIES FOR VIOLATORS.

BE IT ENACTED, by the Sangguniang Bayan of Braulio E. Dujali, Davao del Norte in session that:

SECTION 1. TITLE OF THE ORDINANCE. This Municipal Ordinance shall be known as "An Ordinance to Prohibit Smoking, Using mobile phones, running the engine, straddling on motorbikes while refueling and filling unapproved plastic containers with petrol at any Gasoline Stations in this Municipality and to prescribe penalties for violators.

SECTION 2. DECLARATION OF POLICY. It is hereby declared to be the policy of the Municipality of Braulio E. Dujali, Davao del Norte to provide protection to gasoline establishments, customers, residents and visitors from any casualties, damage to life and property because of UNSAFE CUSTOMER ACTS observed among gasoline stations.

SECTION 3. OBJECTIVES: The objectives of this ordinance are as follows:
To build awareness in order to eradicate unsafe customer acts and to introduce safety policies to customers so that they can properly and religiously put it into practice.

To make the public recognize, by education and information, the hazardous consequences of doing the prohibited acts stated herein as fire and explosion and more fatal consequences may happen.

To minimize unsafe customer acts observed among gasoline stations.

To ensure safety, protection and zero casualties due to mistakes in the gasoline stations, customers, residents and visitors of the Municipality of Braulio E. Dujali, Davao del Norte.

SECTION 4. DEFINITION OF TERMS

The terms as used in this ordinance shall mean

- Customers - Buyers, clienteles, purchasers, shoppers
- Engine – On - gadget-on, machine-on, devices-on, instrument-on
- Explosion - Blast, eruption, backfire bomb bursting
- Forecourt - driveway within the gasoline station
- Fire - Blaze, burning, conflagration flame
- Gasoline - Motor Fuel, Petroleum, Gas
- Gasoline Stations - Establishments selling petroleum products
- Ignition - The act of exploding the charge of gases in the cylinder of an internal-combustion engine

- Unapproved containers – Light containers that are used only for drinking water, cellophane, glass, bottles and light plastic containers, and those that are not approved for highly flammable fuel storage.

- Smoking - fumes from burning, exhaust gas, cigarette smoke
- Mobile Phones - mobile spectacle, cellular phones

- Straddling Motorbikes- sit on top of

- Unsafe Customer Acts- improper acts in refueling

- Petroleum Products - An oily liquid mixture of numerous hydrocarbons, chiefly of the paraffin series, found in many widely scattered subterranean deposits, and extensively used for heat and light such as petroleum ether gasoline, naphtha, benzene, kerosene, paraffin, etc.

- Refueling - To supply with or take fuel

SECTION 5. The safety measure as profound by the petroleum companies are hereby enacted for the protection of the motorists and the general public. It is considered a violation or infringement of this ordinance, the following acts.

- Smoking while in Forecourt
- Use of cellphone while refueling or within the forecourt area of the gasoline stations
- Fueling while customers are still seated on their motorcycle/straddling on motorbikes
- Refueling vehicles while engines are still running and
- Use of unauthorized plastic containers for purchasing gasoline. For the meantime that the approved containers are not available in the gasoline stations. Any plastic containers except those that easily melt may be used provided there is a drop pipe or improvised funnel made of G. I pipe to be used before nozzle.

SECTION 6. ADMINISTRATIVE PROVISIONS

The Bureau of Fire Protection, Braulio E. Dujali Fire Station, through its Municipal Fire Marshal or his deputized agent shall oversee the implementation:

SECTION 7. THE OWNER/DEALER/ADMINISTRATOR of Gasoline Establishment is obliged to introduce safety awareness to customers and gasoline station employees and staff.

SECTION 8. It is the responsibility of the owner/dealer/administrator to ensure zero mistake/errors/casualties/at the gasoline station.

SECTION 9. The Fire Marshal or any of the deputized agents shall issue citation ticket to violators. Citation ticket shall come from the Municipal Treasurers Office.

SECTION 10. PENALTY – Any Person who violates willfully any of the provisions of this ordinance shall be subject to the following penalties:

	CONSUMER	DEALER
A-1 st Offense -	Warning	P 500.00
B-2 nd -	P 250.00	1,000.00
C-3 rd Offense -	P 500.00 + subsequent violations	2,500.00 + subsequent
	Shall be penalized with the maximum	violators shall be penalized
	Imprisonment of sixty (60) days.	with the maximum
		imprisonment of sixty (60) days

Failure on the part of the offender to comply the stipulated penalty shall constitute a ground for the filing of proper charges before the court.

SECTION 11. SEPARABILITY CLAUSE- In the event that any section, paragraph, sentence, clause or word of this Ordinance is declared invalid by court shall not affect or invalidate other provisions stipulated herein, and any ordinance in conflict herewith shall be amended or repealed accordingly.

SECTION 12. EFFECTIVITY- This Ordinance shall take effect the following day after twenty-on (21) days of posting in conspicuous place of the government center and at conspicuous places of the gasoline station.

CERTIFIED TO BE ENACTED by the Sangguniang Bayan during the conduct of its 5th regular session on February 14, 2013.

JULIET E. DAANTON
Secretary to the Sanggunian

Attested to be duly adopted:

SAMUEL F. PACRES
Vice Mayor & Presiding Officer

Approved:

LOLITA A. MORAL
Municipal Mayor