



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

EXCERPT FROM THE MINUTES OF THE FORTY SIXTH (46TH) REGULAR SESSION OF THE 8TH SANGGUNIANG BAYAN OF BRAULIO E. DUJALI, DAVAO DEL NORTE AND HELD AT THE SANGGUNIANG BAYAN SESSION HALL ON NOVEMBER 27, 2017.

PRESENT:

HON. DONNA MAE B. BERNADAS, Ed.D.	- Vice Mayor & Presiding Officer
HON. GREGORIO S. FACULA, MDMG	- Sangguniang Bayan Member
HON. MELFAR C. AGUILUZ	- Sangguniang Bayan Member
HON. ATTY. YASMIN V. CAMPION, REA, REB	- Sangguniang Bayan Member
HON. ADHEM F. FUNA	- Sangguniang Bayan Member
HON. RICKY T. DELCO	- Sangguniang Bayan Member
HON. NELSON C. BAER, RA	- Sangguniang Bayan Member
HON. ANNA C. CAGULADA	- Sangguniang Bayan Member
HON. EDUARDO M. ZAPATA	- Sangguniang Bayan Member
HON. ANGELITO P. ORILLOSA	- ABC Pres/Ex-Officio Member
HON. FRANCISCO D. BUCADON	- IPMR/Ex-Officio Member

ON OFFICIAL BUSINESS: NONE

ABSENT: NONE

MUNICIPAL ORDINANCE NO. 2017-205

Author: Hon. Anna C. Cagulada

Sponsors: Hon Melfar C. Aguiluz, Hon. Gregorio S. Facula, MDMG, Hon. Atty. Yasmin V. Campion, REA, REB, Hon. Adhem F. Funa, Hon. Nelson C. Baer, RA, Hon. Ricky T. Delco, Hon. Eduardo M. Zapata, Hon. Angelito P. Orillosa and Hon. Francisco D. Bucadon

ADOPTING THE REVISED COMPREHENSIVE MUNICIPAL ECOLOGICAL SOLID WASTE MANAGEMENT PROGRAM OF THE MUNICIPALITY OF BRAULIO E. DUJALI, DAVAO DEL NORTE AND PROVIDING FOR FINES AND PENALTIES FOR VIOLATIONS THEREOF AND FOR OTHER PURPOSES"

BE IT ENACTED by the Sangguniang Bayan that:

ARTICLE I
General Provisions

Section 1. SHORT TITLE - This ordinance shall be known as the "Revised Comprehensive Municipal Ecological Solid Waste Management Program of the Municipality of Braulio E. Dujali, Davao del Norte"

Section 2. SCOPE AND COVERAGE - This Ordinance shall apply to all Households, Commercial Establishments, Recreation Centers, Restaurants, Public Markets, Department Stores, Groceries, Sari-sari store, Stalls, Vendors, Parlors, Disco and Videoke Houses, Dancing Halls, Hospitals, Clinics, Funeral Parlors, Schools, Churches, Public and Private Offices, Industrial Establishments like Slaughter Houses, Piggeries, Transportation Facilities such as Buses,

Jeepneys, Motorized Tricycles, Haulers, Truck, and all Agro-industrial business within the territorial jurisdiction of the Municipality of Braulio E. Dujali, Davao del Norte.

Section 3. DECLARATION OF POLICIES - It is hereby declared the policy of the Municipality to adopt a systematic and comprehensive ecological solid waste management program which shall;

- a. Ensure the protection of the Public health and environment;
- b. Use environmentally sound methods that maximize the utilization of valuable resources and encourage resources conservation and recovery;
- c. Set guidelines and target for solid waste volume reduction through waste minimization measures, including composting, recycling, re-use, recovery and others, before collection, treatment and disposal in appropriate and environmentally-sound waste management facilities in accordance with ecologically sustainable development principles;
- d. Ensure the proper segregation, collection, transport, storage, treatment, and disposal of solid Waste through the formulation and adoption of the environmental practices;
- e. Encourage greater private sector participation in Solid Waste management;
- f. Encourage cooperation and self-regulation among Waste generator through the application of market-based instruments;
- g. Strengthen the integration of ecological solid waste management and resource conservation in order to promote environmental awareness and action among Dujaliños;

ARTICLE II

Definition of Terms

Section 4. DEFINITION OF TERMS - For the purpose of this ordinance the following terms shall mean;

- a. AGRICULTURAL WASTE – waste generated from planting or harvesting of crops, trimming or pruning of plants and waste materials from farms or fields;
- b. BULKY WASTE – waste materials with bulky size and shape;
- c. CITATION TICKET – a document printed as tickets issued by ESWM enforcer to the violators;
- d. COLLECTION – the act of collecting waste;
- e. COMPOSTING – the systematic decomposition of organic matter by microorganism, mainly bacteria and fungi, into a humus-like product;
- f. CONTROLLED DUMP – a disposal site which solid waste is deposited;
- g. DISPOSAL – the discharge, deposit, dumping, spilling, leaking, or placing of any solid waste into land;
- h. DISPOSAL SITE – a site where solid waste is finally discharged and deposited;

- i. ECOLOGICAL SOLID WASTE MANAGEMENT – a 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;
- j. GENERATION – the act or process of producing solid waste;
- k. GENERATOR – a person, natural or juridical, who last uses a material and makes it available for disposal or recycling;
- l. HAZARDOUS WASTE – Solid waste which because of its quantity, physical, and chemical characteristics becomes infectious;
- m. MATERIALS RECOVERY FACILITY – Solid waste transfer station. Sorting Station, a drop-off center, a composting facility, and a recycling facility;
- n. MUNICIPAL WASTE – wastes produced from activities within Local Government Units which include a combination of Domestic. Institutional and industrial wastes and street litters;
- o. OPEN BURNING – the thermal destruction of wastes by means of direct exposure to fire;
- p. OPEN DUMP – a disposal area wherein the solid wastes are indiscriminately thrown or disposed of without due planning and consideration for environmental and health standards;
- q. PERSON(S) – any being, natural or juridical, susceptible of rights and obligations, or being the subject of legal relations;
- r. RECEPTACLES – Individual containers used for the source separation and the collection of recyclable materials;
- s. RECOVERED MATERIALS – materials and by-products that have been recovered or diverted from solid waste for being collected, processed and used as raw materials in the manufacture of a recycled product;
- t. RECYCLABLE MATERIALS – any waste materials retrieved from the waste stream and free from contaminations that can still be converted into suitable beneficial use or for other purposes, including newspaper, ferrous scrap metal, non-ferrous scrap metal, use oil, corrugated cardboard, aluminum, glass, office paper, tin cans, plastics and other materials;
- u. RECYCLING – 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;
- v. RESOURCES CONSERVATION – reduction of the amount of solid waste that are generated;

- w. RESOURCE RECOVERY – the collection, extraction or recovery of recyclable materials from the waste stream for the purpose of recycling, generating energy or producing a product suitable for beneficial use;
- x. RE-USE – the process of recovering materials intended for the same or different purpose without the alteration of physical and chemical characteristics;
- y. SANITARY LANDFILL – a waste disposal site designed, constructed, operated and maintained in a manner that exerts engineering control over significant potential environmental impact arising from the development and operation of the facility;
- z. SEGREGATION – a solid waste management practice of separating different materials found in solid waste in order to promote recycling and re-use of resources and to reduce the volume of waste for collection and disposal;
- aa. SOLID WASTE – all discarded household, commercial waste, non-hazardous institutional, industrial waste, street sweepings, construction debris, agricultural waste, and other non-hazardous/non-toxic solid waste;
- bb. SOLID WASTE MANAGEMENT – the discipline associated with the control of generation, storage, collection, transfer and transport, processing and disposal of solid wastes in a manner that is accord with the best principles of public health, economics, engineering, conservation, aesthetics and other environmental considerations, and that is also responsive to the public attitudes;
- cc. SOLID WASTE MANAGEMENT FACILITY – 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;
- dd. SOURCE REDUCTION – the reduction of solid waste;
- ee. SOURCE SEPARATION – the sorting of solid waste into some or all-component parts at the point of generation;
- ff. SPECIAL WASTE – household hazardous wastes;
- gg. STORAGE – interim containment of solid waste after generation and before collection for ultimate recovery or disposal;
- hh. YARD WASTE – a wood, small or chipped branches, leaves, grass, garden debris, and vegetables residue that is recognizable as part of a plant or vegetable and other materials as properly identified;

ARTICLE III

The Municipal Ecological Solid Waste Management Board (MESWMB)

Section 5. The Municipal Ecological Solid Waste Management Board (MESWMB) - shall be composed of the following;

Chairman: The Municipal Mayor

Municipal Ordinance No. 2017-205

Page 4 of 10 pages

Vice Chairman: The Municipal Environment and Natural Resources Officer
Members: The SB Chairman Committee on Environmental Protection
The SB Chairman Committee on Health
The ABC President
The SKF President
The Principal of the Dujali National High School
The Municipal Agriculturist
The Chief of Police
The Municipal Health Office
The Municipal Engineer
The Municipal Planning and Development Coordinator
The Municipal Assessor
The Municipal Civil Registrar
The Municipal Social Welfare & Development Officer
The District Coordinating Principal
The Municipal Local Government Operations Officer
The Local Economic Enterprise In-Charge
Representative from the Business Sector
Representative from the Cooperative Sector
Representative from the Farmers' Association
Representative from the Women's Sector
Purok Leaders Federation President

Section 6. Functions and Responsibilities of the Municipal Ecological Solid Waste Management Board – The MESWMB shall have the following functions and responsibilities:

- a. Develop a Municipal Solid Waste Management Plan which will be submitted to the Sangguniang Bayan for adoption;
- b. Provide the necessary logistics and operational support for an effective implementation of the approved Municipal Solid Waste Management Plan;
- c. Recommend measures and safeguard against pollution and for preservation of the natural ecosystem;
- d. Recommend measures to generate resources, funding and implementation of projects and activities as specified in the duly approved Solid Waste Management Plan;
- e. Identify areas within the municipality which have common solid waste management problems as basis for planning local solid waste management services;
- f. Coordinate efforts of the respective Barangays in the implementation of Municipal Solid Waste Management Plan;
- g. Develop and appropriate incentive scheme as an integral component of the Municipal Solid Waste Management Plan;
- h. Convene meetings of the Municipal Solid Waste Management Board at least quarterly for the purpose of integrating, synchronizing, monitoring and evaluating the development and implementation of the Municipal Solid Waste Management Plan;
- i. Represent the municipality and component Barangays in coordinating the resource operational requirements with agencies of the provincial and national government;
- j. Oversee the implementation of the Municipal Solid Waste Management Plan;
- k. Conduct yearly review or as needs arises, the Municipal Solid Waste Management Plan for the purpose of ensuring its sustainability, viability, effectiveness and relevance in relation to local and international developments in the field of solid waste management;
- l. Allow clustering of Barangays to solve common Municipal Solid Waste Management problems; and

- m. Call on any concerned agency or sector as it may deem necessary, for support and other appropriate action.

ARTICLE IV
Formulation of ESWM Plan

Section 6. The Municipality particularly the MESWM Board shall create a planning team task to formulate the Comprehensive Municipal Ecological Solid Waste Management Plan and to be submitted to the Sangguniang Bayan three (3) months after the approval of this Ordinance.

ARTICLE V
Responsibility of Residents and Households

Section 7. Responsibility of the Residents and Households, lessors, lessees, operators, or administrators of commercial and industrial establishment, government and non-government institutions, Owners and occupants of Household, shall be responsible for the cleanliness of their surrounding or occupied properties.

ARTICLE VI
Segregation at source, Composting, Collection and Transport of Solid Wastes

Section 8. All Barangay must strictly implement Segregation at Source (SAS).

Section 9. Solid Waste should be classified as follows:

- a. Compostable/Biodegradable Wastes
- b. Recyclable Wastes
- c. Residual Wastes
- d. Special Wastes/Toxic and Hazardous Wastes (THW)

Section 10. Waste containers must be properly labeled and colored according to its classification

Section 11. Non-segregated waste shall not be collected and the household owners and entities of non-segregated wastes shall be subjected to penalty as prescribed under the penalty provisions of this ordinance.

Section 12. Schedule of waste collection and transport. The ESWM Board in coordination with the barangay must determine designated pick-up points. Schedule of collection and transport shall be determined and must be widely disseminated. MENRO shall be responsible for the collection and transport of garbage from MRF.

Section 13. Residential Areas

- a. Resident must segregate their generated solid waste by providing separate receptacles for every kind of waste, recyclables like paper, plastic, bottles, and cans must be clean and dry. Bottoms of cans are holed to prevent water accumulation.
- b. Solid Waste shall be brought out of the household vicinity only during the schedule time and day of collection.
- c. Public thoroughfares and open spaces in front or in the vicinity of the household and establishment shall be kept clean and tidy at all times.

Section 14. Commercial establishment, Sari-sari Store, and Public market

- a. Owners and/or leaser of all commercial establishment, sari-sari store and stalls shall provide separate storage receptacles for segregated waste and shall be kept in the premises of the establishment until the collection time and day.

- b. The use of biodegradable wrapper or bags must be encouraged.
- c. The lobby and immediate grounds of the establishment must be cleaned and kept orderly at all times;
- d. It should be the responsibility of the owner/occupant to dispose all recyclable wastes either through selling, or have it voluntarily brought to the MRF for disposal to buyers, proceeds shall accrue to the Municipal, Barangay, Puroks, and/or to the operator of the MRF, as the case may be, which fund shall be used in the operations and maintenance of the MRF and all solid waste Management Programs.

Section 15. Parks, Public open spaces, Thoroughfares and transport vehicles. Where garbage receptacles are provided in the parks, open spaces and thoroughfares. It is the responsibility of the Barangay to collect all solid wastes and transport it to the MRF for final segregation and disposal. The municipal Government shall be responsible in the transport and disposal of residual and special waste.

ARTICLE VII

ESWM Program Information, Education and Communication (IEC)

Section 16. The Municipal Ecological Solid Waste Management Board shall undertake wide Information Education and Communication among the following sectors;

- a. Barangay residents and business entities through Barangay Pulong-pulong.
- b. Grade school pupils and high school students through the DEP ED.
- c. College students through the speakers bureau of the MESWM Board.
- d. In pre-marriage counseling through the speaker bureau.
- e. Other sectors through appropriate form.

Section 17. For purposes of this section, a certificate of attendance/ compliance to the IEC shall be required from each person, whether personal or juridical who would transact business with the Barangay and Municipal Government.

ARTICLE VIII

Material Recovery Facility

Section 18. Operation of Material Recovery Facility (MRF)

- a. There shall be established Material Recovery Facility (MRF) in all Barangays, Sitios, Puroks, Schools, Churches, Public Market, Households.
- b. The facility should be established in a Barangay owned or leased property, in a private land or any suitable open spaces to be determined by the Barangay through its Sanggunian;
- c. The Barangay shall be responsible for the collection, segregation recycling of biodegradable, recyclable, compostable and reused sable waste to be done in the MRF.
- d. The Barangay Solid Waste Management Board shall establish recording system to monitor the kind and volume of wastes sorted, stored and transported.
- e. The building, Land layout and equipment must be designed to allow efficient and safe external access and to accommodate internal flow.

Section 19. Composting facilities shall conform to the following setting, design and operating standards and criteria,

- a. The facility shall not be sited in areas subject to frequent flooding.

- b. Vector, odor, litter and dust control measures shall be provided.
- c. Residues shall be managed as solid waste and shall be disposed.

Section 20. Use of African earthworms and indigenous Microorganism for composting in Public and Private Establishment should be encouraged.

ARTICLE IX **ESWM Fees**

Section 21. Garbage Fees. There shall be collection of fees in solid waste management in the following manner;

- a. A payment of P10.00 shall be charged to individual household as garbage collection fee, which shall be issued by appropriate and official receipts to accrue to the Municipal Government.
- b. Forty percent of above collection shall accrue to the Barangay as its share in the collection effort;

ARTICLE X **MESWM Fund**

Section 22. The Municipal Government shall set aside 80% of all fees, fines, charges collected to Municipal Ecological Solid Waste Management Fund.

Section 23. The MESWM fund shall be deposited as Trust Fund and shall be spent solely for MESWM programs.

Section 24. The Municipal Ecological Solid Waste Management Board shall take charge in administering the MESWM Trust fund and shall recommend to the Local Chief Executive the annual programs and projects to be funded by the trust fund.

ARTICLE XI **Prohibited Acts**

Section 25. The following Acts are prohibited and must be penalized;

- a. Littering, throwing, dumping waste matter in public place, such as roads, sidewalks, canals, esteros, or parks, and establishment, or causing or permitting the same; including the non-retrieval of commercial and election posters, bunting and streamers by public and private entities used for fiestas, Araws and other occasions;
- b. Non-segregation of solid wastes.
- c. The open burning of solid wastes;
- d. Undertaking activities or operating, collecting or transporting equipment in violation of sanitation operation;
- e. Causing or permitting the collection of non-segregated or unsorted waste;
- f. Squatting in open dumps and landfill;
- g. Open dumping, burying biodegradable or non-biodegradable materials in rivers, creek, lakes and flood prone areas;
- h. Unauthorized removal of recyclable material intended for collection by authorized persons;
- i. The mixing of source-separated recyclable material with other solid waste in any vehicle, box, container or receptacles used in solid waste collection or disposal;

ARTICLE XII **Fines and Penalties**

Section 26. Any Person who violates this Ordinance shall upon conviction, be punished with fines and penalties specified below:

First Offense	-	₱200.00 and 2 hours of community service
Second Offense	-	₱300.00 and 3 hours of community service
Third and Succeeding Offenses	-	₱500.00 and 5 hours of community service

ARTICLE XIII
Citation Ticket

Section 27. A citation ticket or Notice of violation shall be issued to the violators/s by the ESWM enforcers at the Barangay level.

ARTICLE XIV
Deputation of ESWM Enforcers

Section 28. The Municipal Ecological Solid Waste Management Board shall train MESWM local enforcers.

ARTICLE XV
Incentives

Section 29. Fifty percent 50% of the fines shall be declared mandatory incentives to the enforcers who would provide information leading to arrest of violators or who apprehend violators of this ordinance. The remaining fifty-percent 50% shall accrue to the Municipal, Barangay and Purok for the operation and maintenance of their solid waste management program.

ARTICLE XVI
Miscellaneous Provisions

Section 30. For purposes of enforcing the provisions of this ordinance, or provisions of R.A. 9003, any citizen may file an appropriate civil, criminal administrative action against any person, natural or juridical and any public officer, and employee in the proper courts.

Section 31. A Municipal wide Information dissemination shall be undertaken by the Municipal through the ESWM Board and ESWM officer in the Barangay, School, Churches, and Private establishment, Cooperative, and other institutions. Applicants to marriage contract shall undergo an orientation about ESWM and certificate must be required before issuance of the marriage contract.

Section 32. A certificate of compliance shall be required to all graduating students in all levels of public and private schools, marriage applicants, Barangay certification of residency and good moral character, employment clearance, and other clearance to be issued in Barangay and municipal levels attesting to the compliance of an individual in the implementation of the ESWM program.

Section 33. Implementing Rules and Regulations. Within ninety (90) days after the effectivity of this ordinance, the office of the Municipal Mayor shall formulate the implementing rules and regulations of this ordinance.

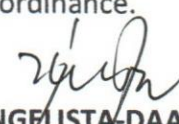

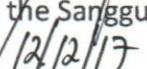
ARTICLE XVII
Appropriation

ARTICLE XVIII
Effectivity

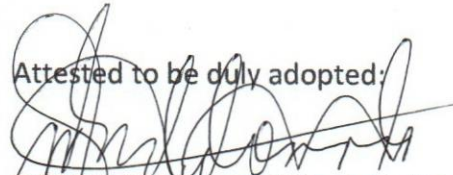
Section 35. Effectivity. This ordinance shall take effect upon approval.

ENACTED by the Sangguniang Bayan during the conduct of its 46th regular session on November 27, 2017.

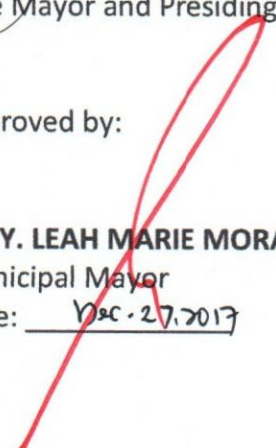
I HEREBY CERTIFY to the correctness of the foregoing municipal ordinance.


JULIET EVANGELISTA-DAANTON
Secretary to the Sanggunian 
(MGDH I) 

Attested to be duly adopted:


DONNA MAE B. BERNADAS, Ed.D.
Vice Mayor and Presiding Officer

Approved by:


ATTY. LEAH MARIE MORAL-ROMANO
Municipal Mayor
Date: Dec. 27, 2017

Republic of the Philippines
Province of Davao del Norte
Municipality of Braulio E. Dujali

-o0o-

OFFICE OF THE SECRETARY TO THE SANGGUNIAN

CERTIFICATION

This is to certify that the *Committee on Environmental Protection and Committee on Ordinances and Resolutions*, both conducted a Public hearing on Municipal Ordinance No. 2017-205; **ADOPTING THE REVISED COMPREHENSIVE MUNICIPAL ECOLOGICAL SOLID WASTE MANAGEMENT PROGRAM OF THE MUNICIPALITY OF BRAULIO E. DUJALI, DAVAO DEL NORTE AND PROVIDING FOR FINES AND PENALTIES FOR VIOLATIONS THEREOF AND FOR OTHER PURPOSES** held at the Lobby, 2nd Floor, Municipal Building, Braulio E. Dujali, Davao del Norte on **May 30, 2017 at 1:38 in the afternoon.**



TEOFISTA FACULA-BACLAAN
Senior Administrative Assistant I