



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 TWENTY SECOND (22<sup>ND</sup>) REGULAR SESSION OF THE SANGGUNIANG BAYAN (TERM 2019-2022) OF BRAULIO E. DUJALI, DAVAO DEL NORTE AND HELD AT THE SANGGUNIANG BAYAN SESSION HALL, MUNICIPAL BUILDING ON JULY 27, 2020, MONDAY.

**PRESENT:**

HON. DONNA MAE BALDONADO-BERNADAS, Ed.D.	- Municipal Vice Mayor & Presiding Officer
HON. RESTIE E. TABIRAO	- Sangguniang Bayan Member
HON. ATTY. YASMIN V. CAMPION, REA, REB	- Sangguniang Bayan Member
HON. ANNA C. CAGULADA	- Sangguniang Bayan Member
HON. RICKY T. DELCO	- Sangguniang Bayan Member
HON. CONCORDIO B. MOMO, JR.	- Sangguniang Bayan Member
HON. ADHEM F. FUNA	- Sangguniang Bayan Member
HON. SAMUEL F. PACRES	- Sangguniang Bayan Member
HON. NELSON C. BAER, RA	- Sangguniang Bayan Member
HON. FRANCISCO D. BUCADON	- IPMR/Ex-Officio Member
HON. CARME LEOGY C. AGUILUZ	- ABC Pres./Ex-Officio Member
HON. KEVIN P. GENTUGAYA	- SKF Pres./Ex-Officio Member

**ON OFFICIAL BUSINESS:**

None

**ABSENT:**

None

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*Author: Hon. Nelson C. Baer, RA*

*Co-Authors: Hon. Campion, Hon. Delco, Hon. Momo Jr., Hon. Gentugaya and Hon. Aguiluz*

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**MUNICIPAL ORDINANCE NO. 2020-225**

REGULATING THE OPERATIONS OF PIGGERY IN THE MUNICIPALITY OF BRAULIO E. DUJALI,  
PROVINCE OF DAVAO DEL NORTE

BE IT ORDAINED by the Sangguniang Bayan of Braulio E. Dujali in session duly assembled that:

**SECTION 1. TITLE** – This ordinance shall be known as “Regulating the Operations of Piggery in the Municipality of Braulio E. Dujali, Province of Davao del Norte “

**SECTION 2. LEGAL BASIS** – This ordinance is in accordance by the provisions of the Presidential Decree 856 or the Sanitation Code of the Philippines, RA 9003 or the Ecological Solid Waste Management Act, RA 8749 or the Clean Air Act, RA 9275 or the Clean Water Act and RA 7160 the Local Government Code of 1991 and their Implementing Rules and Regulations.

**SECTION 3. DEFINITION OF TERMS.** As used in this ordinance, the following terms shall mean:

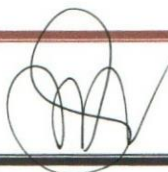
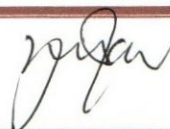
- A. BACKYARD – light residential and farm areas;
- B. BARANGAY CLEARANCE – a permit given by the Barangay where the establishment will be located;

- C. BUILT-UP AREAS – area that is full of houses, shops, offices and other buildings with very little open space;
- D. COMMERCIAL – compose of 50 swine heads and above;
- E. ENVIRONMENTAL COMPLIANCE CERTIFICATE – a document issued by the Municipal Environment and Natural Resources Office (MENRO) certifying that based on the representation of the project proponent as reviewed and validated by the appropriate agency, the proposed project or undertaking will not cause a significant negative environmental impact and the proponent has complied with all the requirements;
- F. ESTABLISHMENT – Piggery;
- G. INDIVIDUAL – person/employee working in the establishment;
- H. LIVESTOCK – includes the following but not limited to following animals: cattle, sheep, goats, swine, and equine animals;
- I. LOCATIONAL CLEARANCE – see Municipal Zoning Clearance
- J. MUNICIPAL ZONING CLEARANCE – a permit that certifies that a proposed structure and/or use of land meet all requirements of the municipal zoning code;
- K. PIGGERY FARMS – any parcel of land devoted to raising or breeding of pigs/swine;
- L. POROUS SOIL – soil where water easily passes through;
- M. PROPER WASTE DISPOSAL MANAGEMENT – an integrated system, approach or process on the generation, segregation, storage, collection, transport, processing, recycling, recovery and final disposal or containment of waste material;
- N. HIGHLAND – elevated area on natural ground or man made;
- O. RURAL AREA – a barangay that has a population less than 5,000 (NSCB Resolution No. 9, series of 2003)
- P. SANITARY PERMIT – Certificate given to business applicants who were able to comply with the standards of the Sanitation Code of the Philippines;
- Q. SEMI COMMERCIAL – compose of 5 to 49 swine heads must secure business permit;
- R. SEPTIC TANK – a sewage-disposal tank in which anaerobic bacteria decompose a continuous flow of waste material;
- S. STOCKADE – an enclosure;
- T. SWINE- any of various stout-bodied, stout-legged omnivorous artiodactyl mammals with a thick bristly skin and a long flexible snout;
- U. VERMIN – a group of insects or small animals such as flies, mosquitoes, cockroaches, lice, bedbugs, mice and rats that are vectors of diseases;
- V. Walang BAHO Technology- A technology that prevent foul odor applied in a piggery and other livestock;

**SECTION 4.** Piggery operating in the Municipality of Braulio E. Dujali shall be required to secure Locational Clearance or Municipal Zoning Clearance or Environmental Clearance Certificate as required. For Commercial, the Barangay shall issue a Barangay Clearance upon the recommendation of the Barangay Sanitary Inspector before operating the same.

**SECTION 5.** Piggery shall conform to the following locational requirements:

- A. Shall preferably be located in rural areas;
- B. Shall preferably on elevated location and privately owned areas;
- C. Flood prone areas and other environmentally critical areas like watershed, government owned dikes and source of water supply shall be prohibited;
- D. Site should be planted with trees and vegetable crops to serve as buffer;
- E. Shall be at least 500 meters away from build-up areas (residential, commercial, institutional and industrial) and major roads and/or highways (for semi-commercial and commercial);
- F. Shall be away from the path of immediate urban expansion;
- G. Waters from the septic tank is prohibited to flow to the canals, creeks and rivers;

**SECTION 6.** Existing piggery in commercial quantities, within the residential/build-up areas shall be given six (6) months upon effectivity of this Ordinance to close or relocate in an area deemed to be suitable for the purpose as delimited under the preceding section.

**SECTION 7.** Establishment of backyard piggery is prohibited within Built-up and nearly residential areas. However, backyard piggery shall be established in a light residential and farm areas provided that requirements shall be strictly followed.

**SECTION 8.** A backyard and commercial piggery should require a septic tank or otherwise proper waste disposal management or applying Walang BAHO Technology as certified by the Municipal Agriculture's Office must be hygienically observed and implemented.

**SECTION 9.** No animal stockade for livestock industry shall be maintained and operated within the town proper of the Municipality of Braulio E. Dujali. The keeping of any kind of livestock animal intended for butchering in any premises within the town proper for more than five (5) days shall constitute a violation of this section.

**SECTION 10.** Stockade of livestock for trade and/or for breeding shall be allowed only upon securing the necessary sanitary permit and provided that proper sanitary standards are maintained.

**SECTION 11.** Documentary requirements in establishing a piggery.

**BACKYARD**

1. Purok Clearance
2. Barangay Clearance
3. Certificate of Training attendance on "Walanag Baho Technology from MAGRO
4. MENRO Certification
5. Health Certification/Sanitary Certificate

**SEMI-COMMERCIAL**

1. Purok Clearance
2. Barangay Clearance
3. Municipal Clearance
  - Zoning Clearance
  - MAGRO Certification
  - Health Certification/Sanitary Certificate
  - Business Permit

**COMMERCIAL**

1. Purok Clearance
2. Barangay Clearance
3. Municipal Clearance
  - Zoning Clearance
  - MAGRO Certification
  - Health Certification/Sanitary Certificate
  - Business Permit
4. DENR – ECC Certification

**SECTION 12.** These penalties shall be imposed for any violation of this Ordinance:

COMMERCIAL/SEMI-COMMERCIAL

First Offense:	Fine of P1,000.00 and attend seminar to be conducted by the MAGRO, MENRO, Sanitary Inspector and Housing Officer
Second Offense:	Fine of P2,000.00
Third and Succeeding Offenses:	Confiscation of Animal

**BACKYARD**

First Offense:	Fine of P500.00 and attend seminar to be conducted by the MAGRO, MENRO, Sanitary Inspector and Housing Officer
Second Offense:	Fine of P1,000.00
Third and Succeeding Offenses:	Confiscation of Animal

Failure to comply the penalties shall be ground to the revocation of license and permits for its operation.

The confiscated animal shall be subject for public auction and the proceeds shall be 50% to General Fund and 50% to Trust Fund for the operation and maintenance.

**SECTION 13.** Any person who shall interfere, hinder or oppose any officer or member of the Rural Health Unit of the Municipality of Braulio E. Dujali in the performance of their duty in the implementation of this Ordinance, or shall tear down, mutilate, deface or alter any billboard, streamer, poster or similar notices affixed to the premises in the enforcement of this Ordinance shall be guilty of misdemeanor and is punishable, upon conviction, by imprisonment of not more than six (6) months, or a fine of not less than Two Thousand Five Hundred Pesos (P2,500.00), or both upon the discretion of the court.

**SECTION 14.** The amount collected from penalties shall be divided, Thirty percent (30%) to the apprehending officer, Thirty Percent (30%) for the Barangay concern and the remaining forty percent (40%) to the Municipal.

For the purpose of monitoring the compliance of provision of this ordinance, the Municipal Sanitary Inspector and Barangay Sanitary Inspector shall conduct a regular monitoring in every barangay twice a month.

**SECTION 15. IMPLEMENTING AUTHORITY**

The MAGRO, MENRO and the Municipal Sanitary Inspector together with the Barangay Sanitary Inspector of each respective barangays is hereby mandated as the lead agency tasked to implement and enforce this Ordinance. For this purpose, it may enlist the support of the Business Permit and Licensing Section, Municipal Treasurer's Office, Philippine National Police and any other government agency. As it may deem necessary.

For purpose of monitoring the compliance of the provisions of this ordinance the MSI/BSI shall conduct a regular monitoring in every barangay twice a month.

**SECTION 16.** No local government employee shall be allowed to transact directly with any establishment for the facilitation of issuance of Health Certificate and Business Permits.

**SECTION 17. APPLICABILITY OF SANITATION CODE OF THE PHILIPPINES AND OTHER LAWS.**

The Sanitation Code of the Philippines, the Ecological Solid Waste Management Act, the Clean Air Act and the Clean Water Act and their Implementing Rules and Regulations and other laws shall apply to all matters not provided in this Ordinance.

**SECTION 18. NO CONTEST PROVISION**

Any person, individual or entity, who is apprehended or cited for violation, and who does not wish to contest the violation and is willing to pay voluntarily the fine imposed upon him/her prior to the filing of formal charges with the proper court shall be allowed to pay said fine to the Municipal Treasurer to avoid being criminally prosecuted within seventy-two (72) hours from apprehension, otherwise the case shall be prosecuted.

**SECTION 19. SEPARABILITY CLAUSE.**

If for any purpose, any part or provision of this Ordinance shall be held unconstitutional or invalid, other parts or provisions thereof not affected shall continue to be in full and effect.

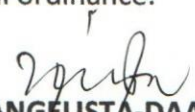
**SECTION 20. REPEALING CLAUSE.**

All Ordinances and Administrative circulars and executive orders, or part thereof that are found to be inconsistent with the provisions of this Ordinance are hereby repealed or amended accordingly.

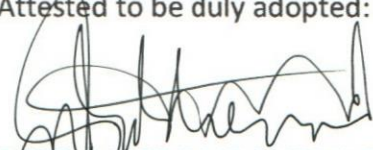
**Section 21. EFFECTIVITY CLAUSE.**

This Ordinance shall take effect in full and immediately upon approval and publication in local circulation unless otherwise suspended by the proper authorities.

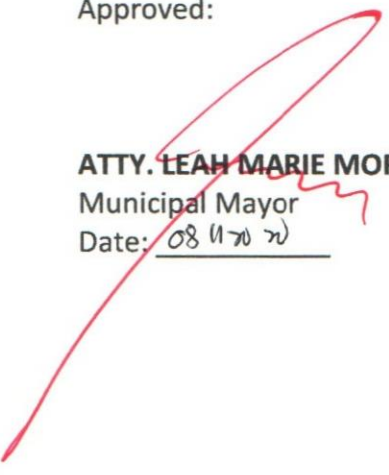
I HEREBY CERTIFY to the correctness of the foregoing municipal ordinance.

  
**JULIET EVANGELISTA-DAANTON**  
Secretary to the Sanggunian  
(MGDH I) 7/29/2020

Attested to be duly adopted:

  
**DONNA MAE BALDONADO-BERNADAS, Ed.D.**  
Municipal Vice Mayor & Presiding Officer

Approved:

  
**ATTY. LEAH MARIE MORAL-ROMANO**  
Municipal Mayor  
Date: 08 11 20 20

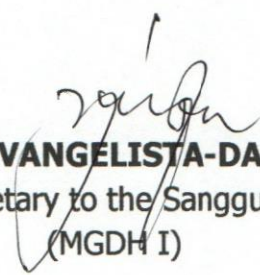
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**OFFICE OF THE SECRETARY TO THE SANGGUNIAN**

**CERTIFICATION**

This is to certify that the Sangguniang Bayan has conducted a Public hearing on Municipal Ordinance No. 2020-225; **REGULATING THE OPERATIONS OF PIGGERY IN THE MUNICIPALITY OF BRAULIO E. DUJALI, PROVINCE OF DAVAO DEL NORTE** held at Lobby, 2<sup>nd</sup> Floor, Municipal Building, Braulio E. Dujali, Davao del Norte on **February 11, 2020.**

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