



EXTRACT FROM THE JOURNAL-MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN,
BONTOC, MOUNTAIN PROVINCE, HELD AT ITS SESSION HALL ON MAY 15, 2017

PRESENT:	HON. EUSEBIO S. KABLUYEN,	Vice Mayor and Presiding Officer
	HON. VIOLA P. OKKO,	Member
	HON. ALSANNYSTER F. PATINGAN	Member
	HON. ROBERT B. DACYON,	Member
	HON. ESTEBAN O. NGUDDO,	Member
	HON. ALEXANDER N. FANA-ANG,	ABC President, Member
	HON. THOMAS LONGATAN,	IPMR, Member
ABSENT:	HON. ALEXANDRE C. CLAVER,	Member
	HON. ALFREDO A. AWICHEN,	Member
	HON. JULIAN F. CHUMACOG,	Member

ORDINANCE NO. 285, S. 2017
(Hon. Alsannyster F. Patingan)

AN ORDINANCE PROHIBITING AND PENALIZING THE UNAUTHORIZED TRANSPORT OF GARBAGE IN THE MUNICIPALITY OF BONTOC, MOUNTAIN PROVINCE.

Whereas, and despite the garbage collection schedules and best efforts being implemented by personnel of this Municipality, it has come to this body's knowledge that indiscriminate dumping of garbage is being undertaken by unknown persons along the roadsides, ravines, riverbanks and riverbeds of this Municipality, particularly, near the roads and rivers at the immediate outskirts of the Municipality;

Whereas, despite the efforts of the authorities these persons who actually dump these garbage remain unknown and the dumping still undeterred;

Whereas, this Body is of the notion that these activities can only happen when garbage is transported by vehicles to the places where they are eventually dumped;

Whereas, and if only to address this issue, this Body is of the observation that it only takes split seconds for a person transporting garbage to throw it outside the vehicle, however he has to be in possession of the garbage while he is in the act of transporting it to the intended dumping place; and

Whereas, it is hoped that the criminalizing and penalizing the act of unauthorized transporting of garbage will effectively put a stop to these indiscriminate dumping of garbage on the outskirts of the Municipality.

WHEREFORE, this Body now hereto decrees the following-

Section 1. POLICY- For purposes of proper disposition of garbage it is hereto made the policy of this Municipality that only the personnel of this Municipality are authorized to collect garbage and transport the same to the waste disposal facilities/sites. The transport of garbage shall be through the vehicles of the Municipality intended for garbage collection, transport and disposal, *except*, where other vehicles are actually procured or hired by the Municipality to supplement/augment these regular garbage trucks. The private individuals/households/establishments' only actions are to sort/segregate garbage and bring them to the designated collection points on the proper collection dates and times.

Section 2. JURISDICTION- This Ordinance shall be enforced where applicable within the territorial jurisdiction of the Municipality of Bontoc, Mountain Province.

Section 3. DEFINITION OF TERMS- For purposes of this Ordinance, the following terms shall be construed as follows-

3a. "Transporting"- shall refer to the act of bringing garbage to another location instead of bringing the same to the identified garbage collection point.

3b. "Proper personnel"- when used in this ordinance shall pertain to the personnel of the Municipality whose primary duty is to collect garbage and transport the same to the waste collection facilities. The term shall include their immediate head or supervisors.

3c. "Motor Vehicle"- shall refer to all kinds of motorized vehicles (trucks, vans, cars, tricycles, motorcycles, etc..) whether public or private.

3d. "Garbage"- shall refer to all discarded household, commercial waste, non-hazardous institutional and industrial waste, street sweepings, construction debris, agriculture waste, and other non-hazardous/non-toxic solid wastes. *Exempt* from this definition are biodegradable wastes intended and actually used as organic fertilizers for ricelands and farms (pig manure, chicken manure, dried plants, etc.) or as feed for animals (i.e. leftovers from food establishments, "arasaw").

Section 4. PROHIBITED ACTS- Except when done by proper personnel of this Municipality or under their direction/supervision, or upon permission by the Honorable Chief Executive, any act of transporting garbage without proper authority to do so by any individual or individuals, is hereto made criminal and punishable. Further, the act of loading garbage onto a motor vehicle without proper authority will give rise to the presumption of intent to transport garbage. This act of loading garbage onto a motor vehicle is hereto made criminal and punishable.

The following acts of transporting shall not be considered as covered under the prohibited acts:

- a. Transport of garbage from establishments *going to the designated garbage collection points, provided the same is undertaken within the proper collection schedule.*
- b. Transport by junk shop owners/operators/employees of collected recyclable wastes *to their respective shops* or by buyers of these recyclables wastes transporting the same *to the recycling factories*; and
- c. Transport of bulky construction debris undertaken by the owner of the construction being undertaken.
- d. Transport of wastes from POSO NEGRO/SEPTIC TANKS undertaken by persons duly accredited for such undertakings.

Section 5. PERSONS LIABLE- The driver/actual operator of the motor vehicle and any other person who caused the loading and transportation of the garbage.

Section 6. PENALTIES- Upon conviction for the first time, the penalty of ONE (1) MONTH imprisonment and a fine of TWO THOUSAND FIVE HUNDRED PESOS (PHP2,500.00) shall be imposed by the Honorable Court on the persons so found liable.

For any and all succeeding convictions, the penalty of SIX (6) MONTHS imprisonment and a fine of TWO THOUSAND FIVE HUNDRED PESOS (PHP2,500.00) shall be imposed by the Honorable Court on these repeat offenders.

Section 7. ADMINISTRATIVE PENALTIES- Where applicable, the Municipality shall revoke/cancel any franchise and/or permits it had issued to the motor vehicle used in the commission of the prohibited acts upon conviction. Further, the person/s so found liable shall be disqualified from applying for any franchise or permit to operate a motorized tricycle. Franchise or permit likewise shall be denied by the Municipality if it shall be for the motorized vehicle used in the commission of the prohibited acts.

(Handwritten signatures and initials)

Section 8. IMPOUND OF OFFENDING VEHICLE- While the case is under investigation up to the termination of any case filed in court, the vehicle shall remain in police impound for evidentiary purposes, *unless*, the Municipality consents to its release from impound after an amicable settlement is executed.

Section 9. NO CONTEST SETTLEMENTS- Any person who does not wish to contest the charges of violation of this Ordinance before the Honorable Courts may enter into an amicable settlement with the Municipality under the terms that said offender shall pay a fine of ONE THOUSAND PESOS (PHP1,000.00) for the first time, FIVE THOUSAND PESOS (PHP5,000.00) for the second time; and TEN THOUSAND PESOS (PHP10,000.00) for the third and all other succeeding violations.



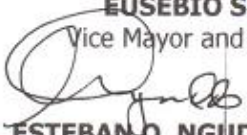
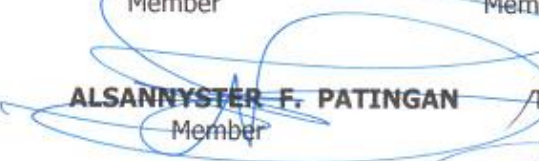



Section 10. AUTHORIZATION- For purposes of this Ordinance, the Local chief Executive and/or the Municipal Legal Officer are hereto authorized to initiate the cases and actively prosecute the same before the Honorable Court for violations of this Ordinance up to its termination. The Local Chief Executive is authorized to enter into any settlements for and in behalf of the Municipality and to sign any and all documents relative to the same. The Municipal Treasurer is hereto authorized to receive the fines tendered for and in behalf of the Municipality and issued receipts therefore.

Section 11. SEPARABILITY- Should any provision of this Ordinance be declared unconstitutional/illegal/unenforceable by proper authorities, the other provisions no so affected shall continue to be in effect.

Section 12. REPEALS/AMENDMENTS- All other Municipal Ordinances, Resolutions, Issuances in conflict with the provisions of this Ordinance are hereto considered repealed, amended or modified accordingly.

Section 13. EFFECTIVITY- This Ordinance shall take effect within fifteen (15) days after publication and posting which will be undertaken only after it has passed the review process with the Sangguniang Panlalawigan.

ENACTED this 15th day of May, 2017 at Bontoc, Mountain Province.

	 EUSEBIO S. KABLUYEN Vice Mayor and Presiding Officer	
 VIOLA P. OKKO Member	 ESTEBAN O. NGUDDO Member	_____ Member
 ALSANNYSTER F. PATINGAN Member	 ROBERT B. DACYON Member	_____ Member
_____ Member	 ALEXANDER N. FANA-ANG ABC President Member	 THOMAS F. LONGATAN IPMR, Member

ATTENDANCE ATTESTED:


JO ANN C. SAGANDOY
Acting Secretary for the Day

APPROVED:


FRANKLIN C. ODSEY
Municipal Mayor