



Republic of the Philippines
City of Roxas
Office Of The Sangguniang Panlungsod



EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION OF THE HONORABLE SANGGUNIANG PANLUNGSOD OF THE CITY OF ROXAS, HELD AT THE SP SESSION HALL ON DECEMBER 20, 2022.

PRESENT:	Hon. Teresa H. Almalbis	...	Vice Mayor I Presiding Officer
	Hon. Victor Federico B. Acepcion	...	Sanggunian Member I
	Hon. Jaime Cortes M. Altavas	...	Sanggunian Member I
	Hon. Reynaldo C. Magallanes	...	Sanggunian Member I
	Hon. Albert Gregory Y. Potato	...	Sanggunian Member I
	Hon. Earl C. Sicad	...	Sanggunian Member I
	Hon. Moreno A. Gonzaga	...	Sanggunian Member I
	Hon. Fernando Luis A. Viterbo	...	Sanggunian Member I
	Hon. Virgilio A. Santos, Jr. (ABC Rep)	...	Sanggunian Member I
	Hon. Kriza V. Fernando (SK Rep)	...	Sanggunian Member I
ABSENT:			
	Hon. John Paul J. Arcenas	...	Sanggunian Member I (Sick Leave)
	Hon. Paul Ivan R. Baticados	...	Sanggunian Member I (Vac. Leave)
	Hon. Herbert S. Chu	...	Sanggunian Member I (PTL)

ORDINANCE NO. 079 – 2022

**COMPREHENSIVE ANTI-LITTERING AND ANTI-DUMPING
ORDINANCE OF 2022**

Authored By Hon. Fernando Luis A. Viterbo
Unanimously Seconded

WHEREAS, it is the policy of the State to protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature;

WHEREAS, Section 16 of Republic Act No. 7160 otherwise known as the Local Government Code, provides that all Local Government Units shall exercise the powers granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those that are essential to the promotion of the general welfare. Within their respective territorial jurisdictions, Local Government Units shall ensure and support health and safety, the right of the people to a balanced ecology, enhance economic prosperity, and preserve the comfort and convenience of their inhabitants;

WHEREAS, Section 458 (5) (xiii) of Republic Act No. 7160 provides that the Sangguniang Panlungsod, as the legislative body of the city, shall, among others, enact and approve ordinances which shall ensure the efficient and effective delivery of the basic services and facilities as provided for under Section 17 of the same Code, and in addition, provide for an efficient and effective system of solid waste and garbage collection and disposal; prohibit littering and the placing or throwing of garbage, refuse and other filth and wastes;

WHEREAS, Section 16 of Republic Act No. 9003 otherwise known as the Ecological Solid Waste Management Act of 2000, mandates all Local Government Units to prepare a solid waste management plan to ensure the efficient management of solid waste generated within their jurisdiction by the proper segregation, collection, transport, storage, treatment, and disposal of solid waste;

WHEREAS, Section 17 (c) (1) of Republic Act No. 9003 requires that the solid waste management plan shall include the availability and provision of properly designed containers or receptacles in selected collection points for the temporary storage of solid waste while awaiting collection and transfer to processing sites or to final disposal sites;

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WHEREAS, Section 21 of Republic Act No. 9003 requires Local Government Units to promulgate regulations for the provision of a designated area and suitable containers for accumulated waste matter for residential and commercial areas;

WHEREAS, Section 48 of Republic Act No. 9003 prohibits the littering, throwing, and dumping of waste matter in public places such as roads, sidewalks, canals, esteros, or parks or the causing or permitting of the same;

WHEREAS, there is a need to provide for comprehensive measures to address environmental concerns on the proliferation of garbage, trash, and other waste materials in Roxas City;

WHEREAS, in order to strengthen the City's anti-littering campaign and ensure its effective implementation, penalties for violations thereof will be provided in accordance with section 458 (1) (iii) of Republic Act No. 7160;

SECTION 1. TITLE.

This Ordinance shall be known as the "**COMPREHENSIVE ANTI-LITTERING AND ANTI-DUMPING ORDINANCE OF 2022**".

SECTION 2. DEFINITION OF TERMS

For purposes of this ordinance, the following terms shall be construed in their common usage and in the following manner:

Bodily Waste – shall refer to any voluntary secretion produced by the human body including saliva, urine, feces, vomitus, and mucus;

Commercial Establishment – shall refer to any establishment operating for profit and open to the general public, regardless of class of operation and type of ownership, including but not limited to restaurants, bars, cafes, *carinderias*, eateries, grocery stores, shopping centers, commercial stores, foodcarts and itinerant vendors, carnivals and fairs, repair shops, hotels and inns, resorts, malls, and commercial buildings. For purposes of this Ordinance, the premises of these commercial establishments shall include all areas surrounding the same that are owned or over which the establishment has effective control and that are intended for the exclusive or primary use of the said establishment or its customers that are in public view such as parking spaces, alleys, easements and setbacks, sidewalks, drainage canals, and other open spaces;

Covered Area – shall refer to the areas or spaces covered by the prohibitions in this Ordinance, usually spaces owned or controlled by an establishment or residence that are open to public view;

Designated Garbage Collection Site – any area designated by the Barangay or the City of Roxas where garbage may be delivered prior to collection and transport to a Materials Recovery Facility or sanitary landfill pursuant to the Solid Waste Management Plan of the City of Roxas and in accordance with the provisions of Republic Act no. 9003 and its Implementing Rules and Regulations;

Dumping – shall refer to the act of throwing, discarding, dropping, placing, leaving, or disposing of several pieces of garbage in an area or space aside from a designated garbage collection site, regardless of whether the same is placed inside a sack, bag, or other container;

Garbage – also known as trash, refuse, rubbish, debris, scrap, and including bodily waste and shall refer to any material, object, article, item, product, or substance that has been discarded as waste material, whether made by nature or manmade, including parts or portions thereof, including all materials considered as household, commercial, industrial, agricultural, and institutional waste products and byproducts;

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Garbage Receptacle – shall refer to any movable container intended for use as a temporary storage for garbage prior to collection and transport to a designated garbage collection site, Materials Recovery Facility, or sanitary landfill. Garbage receptacles shall be designed and classified according to type of garbage in accordance with the provisions of Section 22 of Republic Act no. 9003 and its Implementing Rules and Regulations;

Hazardous or Toxic Waste - shall refer to solid waste materials that, due to their quantity, concentration, or physical, chemical, or infectious characteristics may pose a substantial hazard to human health or the environment and requires specialized handling tools or equipment;

Industrial Establishments – shall refer to any establishment engaged in manufacturing or processing and shall include but shall not be limited to factories, mills, processing plants, refineries, mines, slaughterhouses and all structures or buildings used by the same or that are necessarily attached or used in their business such as but not limited to administrative buildings, staff houses and dormitories, garages and parking areas, and machine shops.

Industrial covered areas shall pertain to all areas surrounding all structures and buildings that are owned or over which the establishment has effective control and that are intended for the exclusive or primary use of the said establishment and its workers that are in public view such as parking spaces, alleys, easements and setbacks, sidewalks, drainage canals, and other open spaces;

Institutional Establishments – shall refer to any establishment engaged in the provision of service, regardless of whether for profit or non-profit and regardless of type of ownership, including but not limited to medical facilities such as hospitals, medical clinics, diagnostic facilities, nursing homes, and birthing clinics, educational institutions such as schools, colleges, and universities, places of worship such as churches, chapels, mosques, temples, and synagogues, and national and local government offices For purposes of this Ordinance, the premises of these commercial establishments shall include all areas surrounding the same that are owned or over which the establishment has effective control and are intended for the exclusive or primary use of the said establishment or its clients that are in public view such as parking spaces, alleys, easements and setbacks, sidewalks, drainage canals, and other open spaces;

Littering – shall refer to the act of throwing, discarding, dropping, placing, leaving, or disposing of garbage on the ground or in any place aside from a proper garbage receptacle, designated garbage pickup area, or any other place or location unsuited for the disposal of garbage;

Minor – shall refer to any person who, at the time of the commission of the offense, was younger than eighteen (18) years of age. The presentation of any valid identification card or document showing the age of the violator shall be required;

Open Space – shall refer to any unenclosed parcel of land, regardless of size, shape, and ownership;

Person – shall refer to all persons, both natural and juridical;

Public Area – shall refer to any area or property owned, controlled, or managed by the state or any instrumentality thereof, intended for the use, enjoyment, or benefit of the general public including but not limited to roads, streets, alleys, highways, boulevards, sidewalks, bridges, parks, plazas, courts, rivers, creeks, *esteros* and canals, public markets, public buildings, and other similar areas;

Public View – shall refer to a view of an area that can be readily seen by a person using unaided vision when viewed from a public place;

Residence – shall refer to any structure or building used primarily for residential purposes, regardless of ownership. Covered area shall pertain to all areas surrounding the residential structure or building that are for the exclusive or primary use of the household, such as parking areas, unenclosed yards and gardens facing the road, and other open areas;

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Residential Complex – shall refer to any building or group of buildings that contains two or more residential rooms, units, or spaces intended for lease or purchase including but not limited to apartments, condominiums, dormitories, and similar residential areas. For purposes of this Ordinance, the premises of a residential complex shall include all common spaces for residents and all open spaces owned or effectively controlled by the owner of the residential complex and shall include but shall not be limited to parking spaces, unenclosed yards and gardens, and other spaces open to public view;

Vacant Lot – shall refer to any unenclosed parcel of land without a structure erected thereon;

Ward - shall refer to any person who is older than eighteen (18) years of age but considered mentally or psychologically incapacitated and whose mental age is equivalent to that of a minor and requires the supervision of a parent or guardian. If such incapacity is not apparent, a medical certificate issued by a licensed psychiatrist or a Person with Disability card showing the mental or psychological disability shall be required;

SECTION 3. PROHIBITED ACTS

A. *Littering* – it shall be unlawful for any person to litter within the premises of all private and public institutional establishments, commercial establishments, public areas, and the covered areas of industrial establishments and residences;

B. *Bodily Waste* – it shall be unlawful for any person to voluntarily excrete any form of bodily waste inside or outside all private and public institutional establishments, commercial establishments, public areas, and the covered areas of industrial establishments and residences;

C. *Garbage Disposal* - all garbage shall be placed and stored only in proper garbage receptacles or in designated garbage collection sites. Garbage thrown, dropped, placed, left, or discarded in any place aside from those allowed shall be strictly prohibited;

D. *Dumping* – it shall be unlawful for any person to dump garbage in any open area, vacant lot, or public area or to hang the same on a fence, wall, post, or any place in these areas;

E. *Dumping by Establishments* - It shall be unlawful for any commercial, institutional, and industrial establishment to dump or allow the dumping of garbage within its premises that are open to public view. In the absence of proof to the contrary, it shall be presumed that the establishment that owns or has effective control over the area or space where the garbage was dumped committed the act or allowed the commission of the same;

F. *Dumping at Private Residences* – it shall be unlawful for any person to dump or allow the dumping of garbage in the covered areas of private residences. In the absence of proof to the contrary, it shall be presumed that the head of the household of the residence nearest to the area or space where the garbage was dumped committed the act or allowed the commission of the same. If the dumping is committed within the premises of a residential complex, it shall be presumed that the manager or, if there is none, the owner of the residential complex allowed the commission of the same;

G. *Dumping at Designated Garbage Collection Sites* – only garbage properly segregated in accordance with the provisions of Republic Act no. 9003 and shall be placed inside durable and impermeable containers shall be allowed to be stored at designated garbage collection sites. It shall be unlawful for any person to dump garbage at any designated garbage collection site that is not properly placed inside a durable and impermeable container;

H. *Scattering* – it shall be unlawful for any person to scatter, strew, remove, fling, toss, or otherwise remove garbage already placed in proper garbage receptacles or containers in designated garbage collection sites;

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- I. *Obstruction of Public Areas* – objects, products, merchandise, and other commercial items placed along public roads, streets, sidewalks, or in other public areas not intended for their storage, display, or placement and that obstruct or impede the flow of vehicular or foot traffic shall be considered as garbage unless the same has been issued a proper permit by the Barangay or the City of Roxas;

SECTION 4. GARBAGE RECEPTACLES

A. *Establishments and Residential Complexes* - all commercial, industrial, and institutional establishments and residential complexes shall be required to place garbage receptacles in strategic locations for the use of its residents, lessees, occupants, workers, employees, staff, customers, and clients where garbage shall be deposited or placed inside prior to collection and transport to a designated garbage collection site or Materials Recovery Facility.

These garbage receptacles shall be of sufficient size and number to avoid overflowing based on the number of persons usually making use of the premises of the establishment or residential complex;

B. *Ambulatory Stalls and Carts* – all ambulatory or temporary stores, stalls, carts, and vendors shall be required to provide a container where garbage shall be temporarily stored. Garbage found within a radius of two (2) meter from the stores, stall, or cart consisting of items discarded from the merchandise being sold from the same shall be presumed to have been littered by the person manning the store, stall, or cart;

SECTION 5. HAZARDOUS WASTE

Disposal – Hazardous and toxic waste materials shall be immediately reported to the Barangay where the commercial establishment is located or to the City Environment and Natural Resources Office for proper handling and disposal;

SECTION 6. APPREHENSION

A. *Citation Ticket* - all persons caught in violation of the provisions of this Ordinance shall be immediately issued a Citation Ticket. Citation tickets shall be issued by the City Environment and Natural Resources Office, consecutively numbered and issued only to duly deputized persons who shall be held accountable for the same;

B. *Minors and Wards* – if the person apprehended is a minor or a ward, the citation ticket shall be issued in the name of the parent or guardian of the minor or ward, who shall be held liable for violation of this Ordinance;

C. *Juridical Persons* – in cases of dumping or the allowance thereof, a citation ticket shall be issued in the manner herein provided and given to any responsible personnel present at the commercial, industrial, or institutional establishment;

D. *Cleaning* – immediately upon apprehension, all persons caught littering or dumping shall be required to collect the garbage and deposit the same into a garbage receptacle or at a designated garbage collection site;

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SECTION 7. AUTHORITY TO ISSUE CITATION TICKETS

A. *City Environment and Natural Resources Office* - shall be the main office authorized to implement and enforce the provisions of this Ordinance and issue Citation Tickets to violators with the power to deputize and authorize other offices, units, departments, and instrumentalities of the local and national government as the need arises;

B. *Traffic Management Unit* - duly appointed and designated personnel of the Traffic Management Unit shall be deputized and granted the authority to implement and enforce the provisions of this Ordinance within the territorial jurisdiction of the City of Roxas and issue Citation Tickets;

C. *Barangay Task Force* - all barangays within the jurisdiction of the City of Roxas are enjoined to create a Task Force for the implementation and enforcement of this Ordinance, whose personnel shall be deputized and authorized to implement and enforce this Ordinance and shall be granted the authority to apprehend and issue Citation Tickets within the territorial jurisdiction of their respective barangays;

Control and Supervision - All deputies shall act under the supervision and control of the City Environment and Natural Resources Office and in accordance with the specific instructions and guidelines set by the same. All deputies shall be issued Citation Ticket booklets and Mission Orders duly numbered and assigned to each deputy. Mission Orders shall be carried at all times while on duty and shall be shown to violators upon apprehension;

SECTION 8. JURIDICAL PERSONS

A. *Private Corporation* - where the violator is a private corporation, the Citation Ticket shall be issued in the name of the corporation and in the names of the manager of the local establishment and the President or Chief Executive Officer of the private corporation, with the latter two being held personally and solidarily liable for the violation;

B. *Public Corporation* - where the violator is a public corporation or an instrumentality of the national or local government, the Citation Ticket shall be issued in the name of the public corporation and the highest-ranking official holding office in the local establishment, who shall be held personally liable for the violation;

C. *Foreign Corporation* - where the violator is a local branch of a foreign corporation, the Citation Ticket shall be issued in the name of the foreign corporation and the manager of the local branch of the said foreign corporation, who shall be held personally liable for the violation;

D. *Partnerships* - where the violator is a partnership, the Citation Ticket shall be issued in the name of the partnership and the majority partner thereof and if there is a person in charge or manager the said person, (to be discussed in the committee level and in the making of IRR), shall be held personally liable for the violation;

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Section 9. **PENALTIES**

A. Littering— Individual persons or Households caught violating the provisions of:

- a. Section 3 A. Littering
- b. Section 3 B. Bodily Waste
- c. Section 3 C. Garbage Disposal
- d. Section 3 D. Dumping
- e. Section 3 F. Dumping at Private Residences
- f. Section 3 G. Dumping at Designated Garbage Collection Sites
- g. Section 3 H. Scattering
- h. Section 3 I. Obstruction of Public Areas

hereof shall be meted the following:

First Offense : P1,000.00
Second Offense : P2,000.00
Third Offense : P3,000.00
Fourth Offense : P5,000.00 or an imprisonment for a period not exceeding one (1) year, or both subject to the discretion of the court,

A. Dumping - Establishments caught violating the provisions of:

- a. Section 3 E. Dumping by Establishments
- b. Section 3 G. Dumping at Designated Garbage Collection Sites
- c. Section 3 I. Obstruction of Public Areas

hereof shall be meted the following:

First Offense : Written Warning
Second Offense : P2,500.00
Third Offense : P5,000.00
Fourth Offense : Suspension of Business Permit for not less than 15 days but not longer than 30 days
Fifth Offense : Closure of Establishment

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Payment of Fines – all fines shall be paid to the Office of the City Treasurer only and shall be issued official receipts. No payment shall be demanded or accepted by any apprehending officer or deputy;

Unpaid and Unserved Fines and Penalties – fines shall be paid within a period of no longer than thirty (30) days from the date of issuance of the Citation Ticket. In case of non-payment or non-compliance, the appropriate case for a violation of a City Ordinance shall be filed with the appropriate court;

Contests – apprehensions may be contested by the person apprehended, or his authorized representative, by means of a written letter addressed to and filed with the City Environment and Natural Resources Office stating therein the date and place of apprehension, the Citation Ticket number issued, and the grounds for the contest, attaching thereto such exhibits in support of the contest. Filing of the contest suspends the periods stated in Article 30 hereof;

Resolution of Contests – all contests shall be summarily decided and resolved within a period of not more than fifteen (15) days from receipt thereof by the City Environment and Natural Resources Office. All notices and decisions shall be furnished the person apprehended and the apprehending officer;

SECTION 10. REPORTORIAL REQUIREMENTS

Reports – all deputized offices shall submit a monthly report to the City Environment and Natural Resources Office stating the number of apprehensions for the month and the names of persons and establishments apprehended, attaching thereto the duplicate copies of all Citation Tickets issued

Recording – the names of persons apprehended shall be recorded in a database to be maintained by the City Environment and Natural Resources Office for the purpose of showing the number of violations of each person apprehended;

Data Privacy – the database of apprehensions shall contain only the name of the person apprehended, the Citation Ticket number, the name of the apprehending officer, the jurisdiction of the apprehending officer, and the date and place where the person was apprehended. No other data of a personal or confidential nature shall be contained in the database. The data collected shall be held in strict confidence and shall not be accessed or allowed to be accessed by any person except the Local Chief Executive, the head of the City Environment and Natural Resources Office, the encoding officer, and the person apprehended, the latter only with regard to his own data;

Sharing – fines collected from apprehensions made the Barangay Task Forces created pursuant to this Ordinance shall be shared equally (50/50) with the City of Roxas and shall be remitted to the Barangay concerned;

SECTION 11. SEPARABILITY CLAUSE

If for any reason, any part of this Ordinance is declared illegal or invalid by a competent court, other parts or provisions hereof that are not affected thereby shall remain valid and in full force and effect

SECTION 12. REPEALING CLAUSE

All previous ordinances are deemed repealed accordingly

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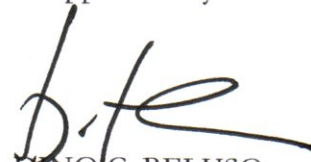
SECTION 13. EFFECTIVITY CLAUSE

This Ordinance shall take effect after 15 days of publication in a newspaper of general circulation and posting in three (3) conspicuous places within Roxas City


Unanimously Approved.

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I hereby certify that this Ordinance was duly passed and approved by the Sangguniang Panlungsod of Roxas City on the date herein stated.


DINO C. BELUSO
SP Secretary

ATTESTED:


TERESA H. ALMALBIS
Vice Mayor I
Presiding Officer

APPROVED:----- 13 JAN 2023 -----


RONNIE T. DADIVAS
City Mayor

ATTESTED:


LORIE BELLE O. USISON
General Services Officer
Acting City Administrator

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