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Republic of the Philippines
Province of Aklan
MUNICIPALITY OF MALAY

Office of the Sangguniang Bayan



Development Legislation

EXCERPT FROM THE MINUTES OF THE 12TH REGULAR SESSION OF THE SANGGUNIANG BAYAN OF MALAY, AKLAN (2010-2013) HELD AT THE SB SESSION HALL, POBLACION, MALAY, AKLAN ON MARCH 27, 2012.

Present:

- SB Member Rowen T. Aguirre, Acting Presiding Officer
- SB Member Natalie C. Paderes
- SB Member Dante C. Pagsuguiro
- SB Member Paterno S. Sacapaño Jr.
- SB Member Ric P. Calvario, Liga President
- SB Member Cristina R. Daguno, SK Federation President

Absent:

- Hon. Ceciron S. Cawaling, Municipal Vice Mayor (OB)
- SB Member Wilbec M. Gelito (OB)
- SB Member Member Jonathan C. Cabrera (OB)
- SB Member Esel L. Flores (OB)
- SB Member Jupiter Aelred G. Gallenero (OB)

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MUNICIPAL ORDINANCE NO. 311
Series of 2012

AN ORDINANCE PROHIBITING LITTERING/DUMPING/THROWING OF GARBAGE, TRASH, RUBBISH, REFUSE AND OTHER WASTE MATERIALS AND PRESCRIBING PENALTIES FOR CERTAIN ACTS AND OMISSIONS INIMICAL TO CLEANLINESS AND SANITATION.

SECTION 1.- **RATIONALE.** Article 2, Section 16 of the Constitution provides that the State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature. The Local Government Code likewise mandates the protection of the environment and impose appropriate penalties for acts which endanger the environment. The Local Government of Malay firmly believes that a clean and tidy community fosters concern for the environment. To this end, there is a need to intensify the campaign on proper waste disposal to prevent ecological and environmental degradation and instill a sense of discipline, social responsibility and awareness for the environment to promote ecological justice and sustainable development.

SECTION 2.- **TITLE.** This Ordinance shall be known as the "Anti-Littering Ordinance of 2011".

SECTION 3. - **DEFINITION OF TERMS.** For purposes of this Ordinance, the following terms and/or phrases shall mean:

- a) **LITTERING** - the throwing, dumping and/or the scattering of plastics, papers, residues, waste materials, garbage, trash, rubbish and/or refuse.
- b) **REFUSE**- includes any other waste materials apart from plastics and papers.

- c) **PUBLIC PLACES** - includes the beaches, path roads, pathways, vegetation areas, streets, sidewalks, highways, parks, playgrounds, schools, government offices and any other edifices publicly used.
- d) **ENTITIES** - includes non-governmental organizations (NGOs), non-governmental agencies (NGAs), religious/sectarian organizations, non-profit organizations, and all other institutions excluding hotels, restaurants, resorts, business establishments and residences.
- e) **RECREATIONAL AREAS** - includes the sea surrounding mainland Malay and the Island of Boracay, beaches, parks, plazas, playgrounds, athletic/sports grounds and other similar places.
- f) **WATERWAYS** - includes canals, drainage, sewers, creeks, streams, rivers, swamps and the like.
- g) **IMMEDIATE SURROUNDINGS** - refers to the frontage or vicinity including up to the mid-span of the road, street, alley or avenue from the edge of the street gutter; sidewalks of residential houses, hotels, resorts, business/commercial establishments or offices whether private or public.

SECTION 4. PROHIBITED ACTS.

- a) Littering of plastics, papers, residues, waste materials, garbage, trash, rubbish and/or refuse in public places, waterways and recreational areas.
- b) Urinating, spitting and defecating in public places, waterways and recreational areas.
- c) Drawing, writing, marking, etching, scratching, inscribing, painting or spraying of words, figures or designs on walls, fences, and other surfaces in public places or private properties upon complaint of the owner (graffiti).
- d) Placing, storing or dumping of waste materials, garbage, debris, junks and any other immovable objects in any part of the road, pathway, street, or avenue or in any sidewalk which may obstruct or impede the flow of vehicular or pedestrian traffic.
- e) In the Island of Boracay, the hanging or posting of billboards, signboards, streamers, posters and other similar commercial advertisement materials on the beachfront or within the "NO BUILD AREA" or twenty five (25) meters from the established mean high water line measured landwards perpendicular to it, except to those hanged or attached on buildings, gates or entrances with prior permit from the Local Government Unit.
- f) Inscribing, hanging or posting of billboards, signboards, streamers and posters for business or commercial advertisements on government buildings, sidewalks, fences and similar places except in designated areas and with prior permit from the Local Government Unit.
- g) The owners, operators and drivers of public utility vehicles, including ferryboats and paraws plying within the Municipality of Malay are required to maintain cleanliness in their respective vehicles at all times and provide trash receptacles inside their vehicles.

SECTION 5. - RESPONSIBILITY OF ENTITIES, RESIDENTS, BUSINESS ESTABLISHMENTS, PERSONS.

- a) Entities, hotels, restaurants, resorts, business establishments and residences are obliged everyday to sweep, clean and maintain the cleanliness of their respective immediate surroundings or beachfronts. They shall be held responsible for plastics, papers and any other refuse littered within their immediate surroundings.
- b) Entities, hotels, restaurants, resorts, business establishments and residences shall observe proper segregation, storage, and disposal of solid waste materials. They shall also take responsibility over the use and care of trash receptacles that the LGU may provide them.
- c) Every person shall likewise observe proper waste segregation and disposal.

SECTION 6. - SIGNAGE. Entities, hotels, restaurants, resorts, business establishments except for residences shall provide or post a "NO LITTERING" signage within and outside the premises of their edifices/buildings or in any other conspicuous area of their respective properties.

SECTION 7. - FINES AND PENALTIES.

- a) Any person, found violating Section 4 and paragraph (c) of Section 5 hereof shall suffer the following fines and penalties:

FIRST OFFENSE : ONE THOUSAND PESOS (Php1,000.00) or imprisonment of not less than ten (10) days nor more than thirty (30) days or both, at the discretion of the Court.

SECOND OFFENSE : ONE THOUSAND FIVE HUNDRED PESOS (Php1,500.00) or imprisonment of not less than twenty (20) days nor more than thirty (30) days or both, at the discretion of the Court.

THIRD AND SUBSEQUENT OFFENSES : TWO THOUSAND FIVE HUNDRED PESOS (Php2,500.00) or imprisonment of not less than one (1) month nor more than six (6) months or both, at the discretion of the Court.

- b) Failure to observe paragraphs (a) and (b) of Section 5 hereof shall subject the president, manager, administrator, owner or proprietor to the following fines and penalties:

FIRST OFFENSE : ONE THOUSAND FIVE HUNDRED PESOS (Php1,500.00) or imprisonment of not less than ten (10) days nor more than thirty (30) days or both, at the discretion of the Court.

SECOND OFFENSE : TWO THOUSAND PESOS (Php2,000.00) or imprisonment of not less than twenty (20) days nor more than thirty (30) days or both, at the discretion of the Court.

THIRD AND SUBSEQUENT OFFENSES : TWO THOUSAND FIVE HUNDRED PESOS (Php2,500.00) or imprisonment of not less than one (1) month nor more than six (6) months or both, at the discretion of the Court and The Municipal Mayor may order the revocation of Business Permit or Cancellation of Accreditation whenever warranted.

c) In addition to the fines and penalties, the Municipal Mayor may order the sweeping or cleaning of the premises or beachfront at the expense of entities, hotels, restaurants, resorts, business establishments and residences.

SECTION 8.- PUBLIC INFORMATION AND AWARENESS CAMPAIGN. The Local Government through the Solid Waste Management Unit, Environmental Services Unit, Municipal Tourism Office and in coordination with Ecological/Environmental Advocacy Groups, NGOs, NGAs, Media Organizations and the like shall carry out a massive information dissemination of this Ordinance and shall regularly conduct awareness campaign on proper waste management, segregation and disposal.

SECTION 9. - MONITORING/INSPECTION/IMPLEMENTATION. The strict implementation and monitoring of this Ordinance shall be undertaken by the Office of the Mayor and its deputized representatives or the Malay Auxiliary Police (MAP) with the assistance of the Philippine National Police (PNP) and other law enforcement agencies.

A regular inspection of entities, hotels, restaurants, resorts, business establishments and residences shall be conducted in order that this Ordinance is strictly observed and followed.

SECTION 10. - SEGREGATION/COLLECTION. The Municipal Solid Waste Management is hereby tasked to procure trash bins or receptacles, painted with a uniform design by the LGU to be distributed to establishments with a corresponding Memorandum of Agreement as to the use and care of the receptacles. Further, the MSWM shall provide and put up trash receptacles in streets and pathways ranging from 15 to 30 meters apart or at such distance as the MSWM may deem appropriate.

The Municipal Solid Waste Management shall implement the provisions of R.A. 9003 (Ecological Solid Waste Management Act of 2000) and shall be responsible for the timely and proper collection of solid wastes within the Municipality. It shall publicize its collection dates on all areas concerned and coordinate with the Barangays as to their waste problems.

SECTION 11.- SEPARABILITY CLAUSE. If for any reason or reasons, any part or provision of this ordinance shall be declared unconstitutional or invalid, other parts or provisions thereof not affected shall continue to be in full force and effect.

The provisions of R.A. 9003 (Ecological Solid Waste Management Act of 2000) shall be suppletory in character to fully implement this Ordinance.

SECTION 12. - **REPEALING CLAUSE.** *Municipal Ordinance No. 100, series of 1996 (An Ordinance Prescribing and Penalizing Certain Acts and Omissions Inimical to Cleanliness and Sanitation)* is hereby repealed. Any other ordinance, orders, rules and regulations or any part thereof which are inconsistent with this ordinance are hereby repealed and modified accordingly.

SECTION 13.- **EFFECTIVITY.** This ordinance shall take effect upon its approval and proper publication.

ENACTED. OCTOBER 11, 2011.

APPROVED. MARCH 27, 2012.

APPROVED: SP RESOLUTION NO. 2012-136, dtd. 5-23-12

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I HEREBY CERTIFY to the correctness of the afore-quoted Municipal Ordinance.

ATTESTED:


ROWEN T. AGUIREE
SB Member
Acting Presiding Officer


CONCORDIA S. ALCANTARA
Secretary to the Sangguniang Bayan

APPROVED:


JOHN P. YAP
Municipal Mayor