Republic of the Philippines
QUEZON CITY COUNCIL
Quezon City
18th City Council

PO2011-154

46th Regular Session

ORDINANCE NO. SP- 2122 *, S-2011*

AN ORDINANCE PROHIBITING THE OPEN BURNING OF GARBAGE, TRASH OR ANY OTHER REFUSE MATERIALS WITHIN THE TERRITORIAL JURISDICTION OF QUEZON CITY AND FOR OTHER PURPOSES.

Introduced by Councilors ANTHONY PETER D. CRISOLOGO GIAN CARLO G. SOTTO, FRANCISCO A. CALALAY, JR., DOROTHY A. DELARMENTE, RICARDO T. BELMONTE, JR., JOSEPH P. JUICO, ALEXIS R. HERRERA, PRECIOUS HIPOLITO CASTELO, ALFREDO D. VARGAS III, EDEN "Candy A. MEDINA, JULIENNE ALYSON RAE V. MEDALLA, RODERICK M. PAULATE, GODOFREDO T. LIBAN II, JULIAM ML. COSETENG, ALLAN BENEDICT S. REYES, JAIME F. BORRES, JOSE MARIO DON S. DE LEON, EUFEMIO C. LAGUMBAY, EDCEL B. LAGMAN, JR., JESUS MANUEL C. SUNTAY, JESSICA CASTELO DAZA, RAQUEL S. MALANGEN, VINCENT DG. BELMONTE, MARVIN C. RILLO, RANULFO Z. LUDOVICA and JOHN ANSELL R. DE GUZMAN.

WHEREAS, Section 15 of the 1987 Constitution states 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";

WHEREAS, Section 2 of Republic Act No. 8749, otherwise known as the Philippine Clean Air Act of 1999, states that "the State shall promote and protect the global environment to attain sustainable development while recognizing the primary responsibility of local government units to deal with environmental problems". In Section 3 (c) states that "it shall be the policy of the State to focus primarily on pollution prevention rather than on control, and to provide for a comprehensive management program for air pollution";

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WHEREAS, Section 2 of Republic Act No. 9729, otherwise known as the Climate Change Act of 2009, states that "the State adopts the principle of protecting the climate system for the benefit of humankind, on the basis of climate justice or common but differentiated responsibilities and the Precautionary Principle to guide decision-making in climate risk management;

WHEREAS, Section 458 (a) (1) (vi) of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, states that "the Sangguniang Panlungsod is empowered to pass ordinances and resolutions to protect the environment and impose appropriate penalties for acts which endanger the environment xxx which result in pollution"; Section 458 (a) (4) (1)" declare, prevent or abate any nuisance"; Section 458 (a) (5) (v)" regulate the use of streets, avenues, alleys, sidewalks, bridges, parks and other public places"; and Section 458 (a) (5) (xiii)," provide for an efficient and effective system of solid waste and garbage collection and disposal and prohibit littering and placing or throwing of garbage, refuse and other filth and wastes";

WHEREAS, Section 388 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, states that "For Purposes of the Revised Penal Code, the punong barangay, sangguniang barangay members, and members of the lupong tagapamayapa in each barangay officials and members who may be designated by law or ordinance and charged with the maintenance of public order, protection and security of life and property, or the maintenance of a desirable and balanced environment, and any barangay member who comes to the aid of persons in authority, shall be deemed agents of persons in authority;

WHEREAS, Section 389 (b) (1) of the aforementioned law states that "For efficient, effective and economical governance, the purpose of which is the general welfare of the barangay and its inhabitants pursuant to Section 16 of this Code, the punong barangay shall enforce all laws and ordinances which are applicable within the barangay";

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WHEREAS, Section 398 of the same law, states that "The barangay assembly shall:

(a) Initiate legislative processes by recommending to the sangguniang barangay the adoption of measures for the welfare of the barangay and the city or municipality concerned;

(b) Decide on the adoption of initiative as a legal process whereby the registered voters of the barangay may directly propose, enact, or amend any ordinance; and

(c) Hear and pass upon the semestral report of the sangguniang barangay concerning its activities and finances.

WHEREAS, the City Government has continuously provided efficient waste garbage collection and disposal for all residents of the City, with its regular collection schedule at thrice a week along secondary roads and daily at all primary roads;

WHEREAS, despite existing laws, both national and local, against the dumping of garbage, some residents still dump and burn their garbage at street corners, along sidewalks, whether paved or not, in other public place, leaving the ash and other remains of such burnt garbage to litter such street, sidewalk or other public places;

WHEREAS, the burning of garbage, trash and any other refuse material in public places causes pollution and thereby creates a public nuisance which offends the senses and endangers the health and safety of others.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY IN REGULAR SESSION ASSEMBLED:

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SECTION 1. SHORT TITLE – This ordinance shall be known as the "Iwas Siga Ordinance 2011"

SECTION 2. PROHIBITED ACTS – The following acts are prohibited: open burning of trash, garbage, dried leaves, twigs and solid waste or any refuse.

SECTION 3. ROLE OF THE CITY WASTE MANGEMENT OFFICE – The Environmental Protection and Waste Management Department (EPWMD) shall undertake the following:

3.1 Deputize the members of the Barangay Solid Waste Management Committee as well as the personnel identified by the committee members as persons in authority for the implementation of this ordinance.

3.2 Conduct monthly meetings with the Barangay Solid Waste Management Committee to monitor the progress of the implementation of this ordinance.

3.3 Shall identify areas prone to open burning of waste upon recommendation of the aforementioned committee, and put up signs at these identified areas.

3.3.1 Signage Requirement – The EPWMD is hereby required to post the following at the said identified areas:

a. It shall be printed in a signage with a size of at least 915 mm in height x 610 mm in width containing the following details. (See Annex A)

b. For uniformity & clarity, the font style used for the words on the aforementioned signage shall be Times New Roman.

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3.4 To encourage awareness through a Promotion Campaign; In connection thereto, the following shall be observed:

3.4.1 Upon effectivity of this ordinance, the Barangay Operations Center (BOC) is hereby required to submit to the EPWMD lists of Barangays within the legislative districts of Quezon City, which will conduct Barangay Assembly;

3.4.2 The BOC is hereby required further to notify the EPWMD in the event that a Barangay Assembly shall be conducted on a certain date, in different barangays;

3.4.3 The EPWMD is required to send a representative who shall attend Barangay Assembly to properly explain this ordinance.

3.4.4 The Barangays are hereby required to include the discussion of this ordinance to their respective Barangays Assembly.

SECTION 4. CREATION OF A BARANGAY SOLID WASTE MANAGEMENT COMMITTEE – Pursuant to Section 7 of the Implementing Rules and Regulations of Republic Act No. 9003, otherwise known as the "Ecological Solid Waste Management Act of 2000", the Barangay Solid Waste Management Committee in each Barangay, shall be composed of the following and shall have the following functions and responsibilities:

A. COMPOSITION

- Chairman – Barangay Captain
- Vice-Chairman – One (1) Kagawad, preferably the chairperson on the Committee on Environment
- Members
  - Sangguniang Kabataan Chairman
  - President/s of the Homeowners Association
  - Public or Private School Principal or any of its representatives
  - Parents and Teachers Association President or any of its representatives
  - One (1) Religious Organization Representative

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- *One (1) Business Sector Representative*
- *One (1) Environmental NGO Representative*
- *President of Market Vendors Association*
- *One (1) representative from junkshop Association*

B. FUNCTIONS AND RESPONSIBILITIES

a) Formulate a community solid waste management program consistent with city plan;

b) Be responsible for the segregation and collection of solid waste specifically for biodegradable, compostable, reusable wastes;

c) Establish within the barangay a Materials Recovery Facility (MRF) or use the MRF's of a nearby cluster of barangays;

d) Allocate barangay funds for the barangay ecological solid waste management program, approved by the Sangguniang Barangay. The Barangay Solid Waste Management Committee shall organize a Core of Area/ Street Coordinators through the conduct of training for barangay residents on segregation, composting, recycling and livelihood opportunities from use of recyclable waste and to monitor their implementation;

e) Integrate the Ecological Solid Waste Management Program in the Barangay in the Barangay Development Plan and/ or Annual Investment Program;

f) Find alternative sources of funds other than the regular barangay budgets;

g) Submit a monthly report to the EPWMD on the progress of the program, copy furnished the local DILG Office;

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h) If no Barangay Solid Waste Management Committee exists in the barangay, the Barangay Council through a Barangay Ordinance shall establish an Ecological Solid Waste Management Committee.

SECTION 5. ENFORCEMENT AND MAINTENANCE – The Barangay Solid Waste Management Committee of each Barangay in each legislative district of Quezon City as deputized by the EPWMD to enforce this ordinance is hereby tasked to conduct the following:

5.1 Draft guidelines specific to their barangay for the implementation of this ordinance to be submitted to the EPWMD, for review;

5.2 Pass a Local Barangay Ordinance that conforms to the implementation and monitoring of this ordinance;

5.3 Upon the effectivity of the said Local Ordinance, to monitor and maintain the compliance of their constituents;

5.4 To report to EPWMD violation/s of this ordinance through the submission of the following:

- Written Complaint by the concerned resident
- Pictures of the Open Burning which shall serve as evidence of violation of this ordinance.

5.5 To serve a consecutive Warning Notice to the first time violator/s of this ordinance committed within the period of one (1) month;

- Attaching Barangay letter, informing the violator/s of the violation committed.
- Attaching a EPWMD Statement of the violations of the City Ordinances, Republic Act 9003, Republic Act 8749, Republic Act 9729, and Republic Act 7160;

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SECTION 8. DISSEMINATION - The City Council Secretary is also directed to furnish copies of this Ordinance to the presidents of all accredited homeowners and community associations, through the City Community Relations Office and the Settlement Office. Likewise, let a copy of this Ordinance be furnished the Executive Officer of the Official Gassette for recording and archival purposes.

SECTION 9. EFFECTIVITY - This Ordinance shall take effect immediately upon its approval and after its publication in a newspaper of general circulation.

ENACTED: December 12, 2011.

GODOFREDO T. LIBAN II
City Councilor
Acting Presiding Officer

ATTESTED:

Atty. JOHN THOMAS S. ALFEROS III
City Gov't. Asst. Dept. Head III

APPROVED: 29 MAR 2012

HERBERT M. BAUTISTA
City Mayor

CERTIFICATION

This is to certify that this Ordinance was APPROVED by the City Council on Second Reading on December 12, 2011 and was PASSED on Third/Final Reading on January 30, 2011.

Atty. JOHN THOMAS S. ALFEROS III
City Gov't. Asst. Dept. Head III

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