

Quezon City
7th CITY COUNCIL

PO96-164

72nd Regular Session

ORDINANCE NO. SP-461, S-96

AN ORDINANCE REQUIRING THE CONSTRUCTION OF AN UNDERGROUND SECONDARY STORAGE TANK OR A DOUBLE-WALLED TANK AS A CONDITION PRECEDENT FOR THE ISSUANCE OF BUSINESS PERMIT AND OTHER REGULATORY PERMITS TO ANY GASOLINE STATION WITHIN THE TERRITORIAL JURISDICTION OF QUEZON CITY IN THE STORAGE OF GASOLINE, DIESEL FUEL AND OTHER OIL PRODUCTS AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

Introduced by Councilor MOISES S. SAMSON.

Co-Introduced by Councilors Alberto M. Galarpe, Bayani V. Hipol, Eufemio C. Lagumbay, Wilma Amoranto Sarino, Winston "Winnie" T. Castelo, Godofredo T. Liban II, Jorge L. Banal and Nanette Castelo Daza.

WHEREAS, Section 15, Article II of the 1987 Constitution, explicitly provides:

"The State shall protect and promote the right to health of the people and instill consciousness among them."

WHEREAS, Section 2 (a), Chapter I, Book I of Republic Act 7160, otherwise known as Local Government Code of 1991, pronounces:

"It is hereby declared the policy of the State that the territorial and political subdivisions of the State shall enjoy genuine and meaningful local autonomy to enable them to attain their fullest development as self-reliant communities and make them more effective partners in the attainment of national goals. Toward this end, the State shall provide for a more responsive and accountable local government structure instituted through a system of decentralization whereby local government units shall be given more powers, authority, responsibilities and resources. The process of decentralization shall proceed from the national government to the local government units.";

WHEREAS, Section 5, Chapter I, Book I of the same code decrees:

"Section 5. Rules and Interpretation. - In the interpretation of the provisions of this code, the following rules shall apply:

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(a) Any provision on a power of a local government unit shall be liberally interpreted in its favor, and in case of doubt, any question thereon shall be resolved in favor of devolution of powers and of the lower local government unit. Any fair and reasonable doubt as to the existence of the power shall be interpreted in favor of the local government unit concerned;

(c) The general welfare provisions on this Code shall be liberally interpreted to give more powers to local government units in accelerating economic development and upgrading the quality of life for the people in the community."

WHEREAS, gasoline stations in Quezon City and other parts of the country have their own Underground Storage Tank (UST) purposely for the storage of gasoline;

WHEREAS, to date, there is no law, ordinance, resolution, decree or other pronouncements regulating the use of said underground storage tanks nor its replacements;

WHEREAS, if and when the said Underground Storage Tank (UST) is damaged, ruined or destroyed, caused by rusting or corrosion, acidity of soil and other chemical reactions, the gasoline which contains aromatics, benzene and other toxins, contaminates aquifer and/or underneath water;

WHEREAS, the Quezon City government spent several millions of pesos for the installation of deep-wells in several barangays of the City. Likewise, there are several subdivision owners/ developers and residents of Quezon City who have installed deep-wells for private consumption specifically for drinking use. Thus, in case of leak of gasoline in the underground storage tank (UST), as stated above, contamination of aquifer and/or water results and eventually extends to health problems like cancer, leukemia, asthma, mental disorder and worst, massive loss of lives due to poisoning to name a few;

WHEREAS, in order to avert apprehension and desolation to the people's mind on the safety and health of the public, it is imperative that the Quezon City government, thru its City Council, shall enact a measure requiring gasoline stations to construct "a tank within a tank" or "double-walled tank" commonly known as the Underground Secondary Storage Tank, which shall detect the possible leakage of gasoline from the regular Underground Storage Tank (UST) and consequently will avoid contamination of aquifer or body of water.

NOW, THEREFORE,
(BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY IN
SESSION ASSEMBLED:

