ORDINANCE NO.02 - 070

AN ORDINANCE PROHIBITING ANY PERSON TO DISCHARGE OR DISPOSE ANY UNTREATED WASTEWATER, SLUDGE, OIL, CHEMICAL, OR OTHER WASTE TO ANY PART OF THE CITY OF MUNTINLUPA THAT WILL ENDANGER THE ENVIRONMENTAL CONDITION OF THE CITY’S LAKE, RIVERS, CREEKS, AND WATERWAYS WITH THE CORRESPONDING PENALTIES THEREOF.

Sponsored by:
Hon. Francis Ian T. Bagatsing
Hon. Aldrin L. San Pedro
Hon. Engr. Rufino B. Joaquin
Hon. Dr. Nicolor L. Echavez
Hon. Atty. Patricio L. Boncayao, Jr.
Hon. Melchor R. Teves
Hon. Bal Niefa
Hon. Allan Rey A. Camilon
Hon. Atty. Raul R. Corro
Hon. Atty. Icasiano M. dela Rea
Hon. Elmer S. Espeleta
Hon. Rene Carl S. Cayetano
Hon. Lucio B. Constantino
Hon. Mario E. Bulay, Jr.
Hon. Artemio A. Simundac
Hon. Christian Glenn D. Lorica

WHEREAS, ART. II, Sec. 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;

WHEREAS, Sec. 458 (1), (vi), of R.A. 7160 otherwise known as the New Local Government Code of the Philippines states that: ‘The Sangguniang Panlungsod, as the legislative body of the city, shall enact ordinances, approved resolution and appropriate funds for the general welfare of the city and its inhabitants. * * * Protect the environment and impose appropriate penalties for acts which endanger the environment, * * * and such other activities which result in pollution, acceleration or eutrophication of rivers and lakes or of ecological imbalance;

WHEREAS, Laguna Lake is one of the major natural resources of the City where majority of the residents in this area are marginal fisher folks that rely mainly on Laguna Lake as their primary source of livelihood and domestic water supply;

WHEREAS, There is a need to protect and preserve the environmental condition of the City’s water (surface or ground);
NOW THEREFORE, BE IT ORDAINED by the Sangguniang Panglunsod of the City of Muntinlupa on a session assembled that:

SECTION I. SCOPE OF THE ORDINANCE This Ordinance prohibits any person and/or establishment to discharge or disposed any untreated wastewater, sludge, oil, chemical, or other waste that will endanger the environmental condition of the lake, rivers, creeks, and waterways within the city of Muntinlupa;

To prescribe all industries, establishments and other entities to install pollution control devices. The following are:

i. Major Industries and Establishments with wastewater discharge: Wastewater Treatment Plant.

ii. Petroleum Based Establishments: (gasoline stations, carwash shops, auto repair shop, garages (bus) and the likes). - oil and water separator.

iii. Establishment: Septic and Sludge Excavation Business (handling and transport) Sealed container Disposal: authorized, licensed and or approved disposal and treatment site facility.

iv. Restaurants (stand alone): grease traps and septic tank

v. Piggeries/ Livestock Farm: Sealed concrete holding tanks - (Less than 100 heads or backyard operation)

vi. Residential: septic tank

vii. Dental clinics, Veterinary, Small Hospitals/ medical clinics: Sealed container

viii. Morgues/ mortuaries: septic tank / Sealed container No biological discharge

ix. Vehicles: No discharge of any used oil, coolant, or any petroleum based liquids to drainage or body of water by any person using or conducting maintenance repair. (Includes boat, aircraft, or other types with internal combustion engine)

Adoption of the water quality standards and effluent regulation set by the Department of Environment and Natural Resources. (Department Administrative Order # 34 Series of 1990 and Department Administrative Order # 35-91 series of 1993 respectively);
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For this purpose, the Lake Management Office (LMO), and any person or office deputized by the Local Chief Executive are hereby authorized to fully implement the provisions of this ordinance after proper notice, publication and the passage of the Implementing Rules and Regulation (IRR);

SECTION 11. DEFINITION OF TERMS as used in this ordinance, the following terms are hereby defined as follows:

a.) Water Pollution – means any alteration of the physical, chemical and biological properties of any water resource, or any discharge thereto of any liquid, gaseous or solid wastes as will or is likely to create or to render such water resource harmful, detrimental or injurious to public health, safety or welfare or which will adversely affect their utilization for domestic, commercial, industrial, agricultural, recreational or other legitimate purposes.

b.) Pollutant – any material that alters the physical, chemical and biological properties of any water resource.

c.) Sewage – means the water-carried human or animal wastes from residencies, buildings and industrial establishments, or other places, together with such water infiltration and surface water as may be present. The admixture of sewage and industrial wastes or other wastes as hereafter defined shall also be considered “sewage.”

d.) Industrial waste – means any liquid, gaseous or solid matter, or other waste substance or a combination thereof resulting from any process of industry manufacturing trade or business or from the development, processing or recovery of any natural resources which may cause or tend to cause pollution, or contribute to the pollution of the water, air and land resources of the city.

e.) “Other waste”- means garbage, refuse, wood residue, sand, lime cinders, ashes, offal, night-oil, tar, dye stuffs, acids, chemicals and other substances not sewage or industrial waste which may cause or tend to cause pollution; or contribute to the pollution of the water resource of the city.

f.) Untreated Wastewater – any liquid industrial waste that does not pass through any treatment process and discharged into a receiving body of water or sewer/sewage system that may cause or tend to cause pollution; or contribute pollution of the water resource of the city.

g.) Sewage System or sewerage system – means pipeline or conduits, pumping stations, force mains, constructed drainage ditches, and all other construction, devices, and appurtenances used for collecting or conducting sewage and industrial waste or other wastes to a point of treatment, discharge or ultimate disposal.
h.) Treatment Works – means any method, construction device or appliance appurtenant thereto, installed for the purpose of treating, neutralizing, stabilizing, disinfecting or disposing of sewage, industrial waste or other wastes or for the recovery of by-product from such sewage, industrial waste or other wastes.

i.) Sewage Works – means individually or collectively those constructions or devices used for collecting, pumping, treating, and disposing of sewage, industrial waste or other wastes or for the recovery of by-products from such sewage, industrial waste or other wastes.

j.) Outlet – means the terminus of the sewage works or point of emergence of the water, air and land resources of any sewage, industrial waste or other wastes.

k.) Person or Persons - includes any being, natural or juridical, susceptible of rights and obligations or of being the subject of legal relations.

SECTION III. PENALTIES

a.) Individual:

First Offense - A fine of One thousand Pesos (Pphp.1, 000.00) and / or an imprisonment of five (5) days, or both, at the discretion of the court;

Second Offense – A fine of Two Thousand Pesos (Pphp.2, 000.00) and / or an imprisonment of ten (10) days, or both, at the discretion of the court;

Third Offense – A fine of Three thousand Pesos (Pphp.3, 000.00) and / or an imprisonment of (1) month or both at the discretion of the Court.

b.) Establishment:

A fine of Five Thousand Pesos (Pphp.5, 000.00) for the outright violation of this ordinance and an additional One Thousand Pesos (Pphp.1, 000.00) per day in cases of continuous violation and / or closure of establishment until compliance.

In cases of spillage of any waste, it is the responsibility of the establishment to make the necessary action to contain and recover the waste that has been spilled and returns to its original state the body of water that was affected and to report immediately to the proper local government agency (LMO) about the incident. Failure to comply with this provision will consummate to additional penalties and sanction;

The fines imposed under this ordinance must be paid within Five (5) days from the issuance of Ordinance Infraction Receipt (OIR) otherwise; the case shall be filed with the court of proper jurisdiction;
SECTION IV. REPEALING CLAUSE All Ordinances, rules and regulation, or part thereof, whose provisions are conflict with or contrary to the provision of this ordinance are hereby repealed, amended or modified accordingly.

SECTION V. SEPARABILITY CLAUSE. If for any reason/s. Any part or provisions of this Ordinance shall be held unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION VI. EFFECTIVITY CLAUSE. This Ordinance shall take effect upon its approval.

ENACTED, by the Sangguniang Panlungsod of Muntinlupa this 7th day of November, 2002, on its 39th Regular session.

CONCURRED:

BAL NIEFES
Councilor

DR. NICANOR L. ECHAVEZ
Councilor

ATTY. PATRICIO L. DONCAYAO, JR.
Councilor

ALLAN R. A. CAMILON
Councilor

ATTY. RAUL R. CORRO
Councilor

ELMER S. ESPELETA
Councilor

FRANCIS IAN T. BAGATSING
Councilor

MARIO E. BULAY, JR.
Councilor

MAMERTO T. SEVILLA, JR.
Councilor

RUDINO B. JOHUN
Councilor

MELCHOR R. TEVES
Councilor

ATTY. ICASIANO M. DELA REA
Councilor
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CHRISTIAN GLENN D. LORICA
Sectoral Representative
Presidency
Federation of Sangguniang Kabataan

ARTEMIO A. SIMUNDAAC
Sectoral Representative
President
Association of Barangay Captains

ABSENT:

ALDRIN L. SAN PEDRO
Councillor

RENE CARL S. CAYETANO
Councillor

LUCIO B. CONSTANTINO
Councillor

I HEREBY CERTIFY, as to the correctness of the foregoing Ordinance,

ATTY. ISIDORO L. SORIANO, JR.
Secretary
SANGGUNIANG PANGUNUNGSOD

ATTESTED:

ATTY. JO JASON T. ALCARAZ
Vice Mayor / Presiding Officer

APPROVED:

ATTY. JAIME R. FRESNEDI
City Mayor
Date:

Allan/Nory