



4th SP

Republic of the Philippines
Province Of Cebu
SANGGUNIANG PANLUNGSOD
City of Naga



EXCERPT FROM THE MINUTES OF THE 35th REGULAR SESSION OF THE 4th SANGGUNIANG PANLUNGSOD (SP) HELD AT THE SP SESSION HALL, LEGISLATIVE BUILDING, EAST POBLACION, CITY OF NAGA, CEBU ON MARCH 04, 2020.



PRESENT:

- | | |
|---------------------------------|--|
| HON. KRISTINE VANESSA T. CHIONG | - Vice Mayor/Presiding Officer |
| HON. VIRGILIO M. CHIONG | - Presiding Officer Pro Tempore |
| HON. JUSTINO L. DAKAY | - Majority Floor Leader |
| HON. SCOTT JUVENAL A. CHIONG | - Assistant Majority Floor Leader/Liga ng mga Barangay President |
| HON. AURELIO B. ALINSONORIN | - Sangguniang Panlungsod Member |
| HON. AFSHIN MARK K. SEÑOR | - Sangguniang Panlungsod Member |
| HON. CHARMAINE R. NAVARRO | - Sangguniang Panlungsod Member |
| HON. PORFERIO V. RESABA, JR. | - Sangguniang Panlungsod Member |
| HON. DOMINADOR A. LIBOR | - Sangguniang Panlungsod Member |
| HON. LUZMINDA R. LAPITAN | - Sangguniang Panlungsod Member |
| HON. RAY A. MANABAT | - Sangguniang Panlungsod Member |
| HON. LETECIA F. ABANGAN | - Sangguniang Panlungsod Member |
| HON. JHUN MARK T. SISMAR | - SK Federation President |

ORDINANCE NO. 2020-15

Hon. Virgilio M. Chiong - Sponsor

Chairperson, Committee on Environment and Natural Resources and Energy Management

RETITLING ORDINANCE NO. 2020-11 TO READ: "AN ORDINANCE AMENDING CERTAIN SECTIONS OF ORDINANCE NO. 2020-11, PROVIDING RULES FOR AN INTEGRATED SOLID WASTE MANAGEMENT, PRESCRIBING FEES FOR SOLID WASTE MANAGEMENT SERVICES, PENALIZING PROHIBITED ACTS, AN APPROPRIATING FUNDS THEREFOR"

EXPLANATORY NOTE

On May 24, 2017, the 3rd Sangguniang Panlungsod (SP) enacted Ordinance No. 2017-008, titled: "AN ORDINANCE PROVIDING RULES FOR AN INTEGRATED SOLID WASTE MANAGEMENT, PRESCRIBING FEES FOR SOLID WASTE MANAGEMENT SERVICES, PENALIZING PROHIBITED ACTS, AND APPROPRIATING FUNDS THEREFOR," to ensure the implementation of an environmentally-sound solid waste management system within the jurisdiction of the City of Naga, Cebu pursuant to RA 9003, otherwise known as the Ecological Solid Management Act of 2000.

With the aim to provide the Nagahanons a better quality of life and keep the city's distinction as a livable and environmentally compliant city, this August Body saw the need to amend some provisions of the abovementioned ordinance, leading to the passage of Ordinance No. 2020-11 on January 08, 2020.

However, the SP Committee on Environment and Natural Resources and Energy Management realized that the title of the amended ordinance inadvertently failed to mention the word amendment apparently to jibe with its modified contents or the incorporation of new sections thereof.

Finding it necessary to rectify the legislative lapse, this Sanggunian passed another measure during its March 04, 2020 regular session that resulted in the enactment of this new amendatory ordinance.

This legislative body hereby emphasizes that the substance of Ordinance No. 2020-11, prior to its amendment, has not undergone major alteration or modification, except the retitling of the above-stated title, the short title as mentioned under Section 1 of Article 1 (General Provisions) and the elucidation in the imposition of administrative fines or penalties under Section 46 of this Ordinance.

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BE IT ORDAINED, as it is hereby **ORDAINED** by the Sangguniang Panlungsod of the City of Naga, Cebu, in a session duly assembled, that:

ARTICLE I
General Provisions

SECTION 1. SHORT TITLE – This ordinance shall be known as the **"INTEGRATED SOLID WASTE MANAGEMENT ORDINANCE OF THE CITY OF NAGA, CEBU, AS AMENDED."**

SECTION 2. DECLARATION OF POLICIES – It is hereby declared that the City of Naga, Cebu, adopts and implements a comprehensive, integrated and ecological solid waste management program which shall:

- a) Ensure the protection of public health and environment;
- b) Utilize environmentally-sound methods that maximize the utilization of valuable resources and encourage resources conservation and recovery;
- c) Set guidelines and targets for solid waste avoidance and volume reduction through source reduction and waste diminution measures, including composting, recycling, re-use, recovery and others, before collection, treatment and disposal in appropriate and environmentally-sound solid waste management facilities in accordance with ecologically sustainable development principles;
- d) Ensure the proper segregation, collection, transport, storage, treatment and disposal of solid waste through the formulation and adoption of the best environmental practices in ecological waste management excluding incineration;
- e) Strengthen the integration of ecological solid waste management and resources conservation and recovery topics into the academic curricula of formal and non-formal education in order to promote environmental awareness and action among citizenry;
- f) Promote the implementation of a local enforcement plan with barangays and other local government units, non-government organizations, and the private sector;
- g) Encourage greater private sector participation in solid waste management;
- h) Institutionalize public participation in the development and implementation of integrated, comprehensive and ecological waste management programs; and
- i) Promote research and development programs for improved solid waste management.

ARTICLE II
Definition of Terms

SECTION 3. DEFINITION OF TERMS – For the purpose of this Ordinance, the following terms and phrases shall apply:

Agricultural waste - refers to the waste generated from planting or harvesting of crops, trimming or pruning of plants and wastes or run-off materials from farms or fields;

Biodegradable waste - refers to any material that can be reduced into four particles, degraded or decomposed by microbiological or enzymes. This is synonymous with compostable.

Bulky wastes- refer to waste materials which cannot be appropriately placed in separate containers because of either its bulky size, shape or other physical attributes. These include large worn-out or broken household, commercial, and industrial items such as furniture, lamps, bookcase, filing cabinets, and other similar items,

Bureau - refers to the Environmental Management Bureau (EMB).

Business establishments - refer to establishments that are required to secure business permits prior to operation.

Buy-back center - refers to a recycling center that purchases or otherwise accepts recyclable materials from the public for the purpose of recycling such materials.

Collection - refers to the act of removing solid waste from the source or from a communal storage point (R.A. 9003).

Composting - refers to the controlled decomposition of organic matter by micro-organisms, mainly bacteria and fungi, into a humuslike product.

Consumer electronics - refers to special wastes that include worn-out, broken, and other discarded items such as radios, stereos, and TV sets.

Controlled dump - refers to a disposal site at which solid waste is deposited in accordance with the minimum prescribed standards of site operation.

Department - refers to the Department of Environment and Natural Resources (DENR).

Disposal - refers to the discharge, deposit, dumping, spilling, leaking or placing of any solid waste into or in any land.

Disposal site - refers to a site where solid waste is finally discharged and deposited.

Ecological solid waste management - refers to the systematic administration of activities which provide for segregation at source, segregated transportation, storage, transfer, processing, treatment, and disposal of solid waste and all other waste management activities which do not harm the environment.

Environmentally acceptable - refers to the quality of being re-usable, biodegradable or compostable, recyclable and not toxic or hazardous to the environment.

Generation - refers to the act or process of producing solid waste.

Generator - refers to a person, natural or judicial, who last uses a material and makes it available for disposal or recycling.

Hazardous waste - refers to solid waste or combination of solid waste which because of its quantity, concentration, or physical, chemical or infectious characteristics may cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

Leachate - refers to the liquid produced when waste undergo decomposition, and when water percolate through solid waste undergoing decomposition. It is a contaminated liquid that contains dissolved and suspended materials.

Materials Recovery Facility - includes a solid waste transfer station or sorting station, drop-off center, a composting facility, and a recycling facility.

Municipal waste - refers to wastes produced from activities within the City of Naga, Cebu, which include a combination of domestic, commercial, institutional and industrial wastes and street litter.

Open dump - refers to a disposal area wherein the solid wastes are indiscriminately thrown or disposed of without due planning and consideration for environmental and health standards.

Opportunity to recycle - refers to the act of providing a place for collecting source-separated recyclable material, located either at a disposal site or at another location more convenient to the population being served, and collection at least once a month of source-separated recyclable material from collection program that gives notice to each person of the opportunity to recycle and encourage source separation of recyclable material.

Person(s) - refer/s to any being, natural or judicial, susceptible of rights and obligations, or of being the subject of legal relations.

Post-consumer materials - refer only to those materials or products generated by a business or consumer which have served their intended end use, and which have been separated or diverted from solid waste for the purpose of being collected, processed and used as a raw material in the manufacturing of recycled product, excluding materials and by-products generated from, and commonly used within an original manufacturing process, such as mill scrap.

Receptacles - refer to individual containers used for the source separation and the collection of recyclable materials.

Recovered materials - refer to material and by-products that have been recovered or diverted from solid waste for the purpose of being collected, processed and used as a raw material in the manufacture of a recycled product.

Recyclable material - refers to any waste material retrieved from the waste stream and free from contamination that can still be converted into suitable beneficial use or for other purposes, including, but not limited to, newspaper, ferrous scrap metal, non-ferrous scrap metal, used oil, corrugated cardboard, aluminum, glass, office paper, tin cans and other materials as may be determined by the Commission.

Recycled material - refers to post-consumer material that has been recycled and returned to the economy.

Recycling - refers to the treating of used or waste materials through a process of making them suitable for beneficial use and for other purposes, and includes any process by which solid

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Regular collection - refers to the waste collection activity which follows a regular, pre-informed and pre-approved schedule.

Residual wastes - refer to waste or rubbish not able to be recycled, reused or composted or to any material which has no more use at all, and therefore be disposed of for transfer to a sanitary landfill or long-term storage or disposal facility.

Resource conservation - refers to the reduction of the amount of solid waste that are generated or the reduction of overall resource consumption, and utilization of recovered resources.

Resource recovery - refers to the collection, extraction or recovery of recyclable materials from the waste stream for the purpose of recycling, generating energy or producing a product suitable for beneficial use: Provided, that, such resource recovery facilities exclude incineration.

Re-use - refers to the process of recovering materials intended for the same or different purpose without the alteration of physical and chemical characteristics.

Sanitary landfill - refers to a waste disposal site designed, constructed, operated and maintained in a manner that exerts engineering control over significant potential environmental impacts arising from the development and operation of the facility.

Schedule of Compliance - refers to an enforceable sequence of actions or operations to be accomplished within a stipulated time frame leading to compliance with a limitation, prohibition, or standard set forth in this Act or any rule or regulation issued pursuant thereto.

Secretary - refers to the Secretary of the DENR.

Segregation - refers to a solid waste management practice of separating different materials found in solid waste in order to promote recycling and re-use of resources and to reduce the volume of waste for collection and disposal.

Segregation at source - refers to a solid waste management practice of separating, at the point of origin, different materials found in solid waste in order to promote recycling and re-use of resources and to reduce the volume of waste for collection and disposal.

Solid waste - refers to all discarded household, commercial waste, non-hazardous institutional and industrial waste, street sweepings, construction debris, agricultural waste, and other non-hazardous/non-toxic solid waste. Unless specifically noted otherwise, the term "solid waste" as used in the Act shall not include:

a) waste identified or listed as hazardous waste of a solid, liquid, contained gaseous or semisolid form which may cause or contribute to an increase in mortality or in serious or incapacitating reversible illness, or acute/chronic effect on the health of persons and other organisms;

b) infectious waste from hospitals such as equipment, instruments, utensils, and fomites of a disposable nature from patients who are suspected to have or have been diagnosed as having communicable diseases and must therefore be isolated as required by public health agencies, laboratory wastes such as pathological specimens (i.e., all tissues, specimens of blood elements, excreta, and secretions obtained from patients or laboratory animals), and disposable fomites that may harbor or transmit pathogenic organisms, and surgical operating room pathologic specimens and disposable fomites attendant thereto, and similar disposable materials from outpatient areas and emergency rooms; and

c) waste resulting from mining activities, including contaminated soil and debris.

Solid waste management - refers to the discipline associated with the control of generation, segregation, storage, collection, transfer and transport, processing, and disposal of solid wastes in a manner that is in accord with aesthetics, and other environmental considerations, and that is also responsive to public attitudes;

Solid waste management facility - refers to any resource recovery system or component thereof; any system, program, or facility for resource conservation; any facility for the collection, source separation, storage, transportation, transfer, processing, treatment, or disposal of solid waste.

Source reduction - refers to the reduction of solid waste before it enters the solid waste stream by methods such as product design, materials substitution, materials re-use and packaging restrictions.

Source separation - refers to the sorting of solid waste into some or all its component parts at the point of generation.

Special collection - refers to the waste collection activity which does not follow a pre-approved regular schedule and that requires an advance notice and approval before commencement. This collection usually occurs either for occasions and events outside the regular schedule and for waste materials that requires special or different kind of collection equipment or demands a specific type handling procedure.

Special wastes - refer to household hazardous wastes such as paints, thinners, household batteries, lead-acid batteries, spray canisters and the like. These include wastes from residential and commercial sources that comprise of bulky wastes, consumer electronics, white goods, yard wastes that are collected separately, batteries, oil, and tires. These wastes are usually handled separately from other residential and commercial wastes.

Storage - refers to the interim containment of solid waste after generation and prior to collection for ultimate recovery or disposal.

Transfer stations - refer to those facilities utilized to receive solid wastes, temporarily store, separate, convert, or otherwise process the materials in the solid wastes, or to transfer the solid wastes directly from smaller to larger vehicles for transport.

Waste diversion - refers to activities which reduce or eliminate the amount of solid wastes from waste disposal facilities.

White goods - refer to large worn-out or broken household, commercial, and industrial appliances such as stoves, refrigerators, dishwaters, and clothes washers and dryers collected separately. White goods are usually dismantled for the recovery of specific materials (e.g., copper, aluminum, etc.).

Yard waste - refers to wood, small or chipped branches, leaves, grass clippings, garden debris, vegetables residue that is recognizable as part of a plant or vegetable and other materials identified by the *National Solid Waste Management Commission*.

ARTICLE III Institutional Mechanism

SECTION 4. COMPOSITION OF THE CITY SOLID WASTE MANAGEMENT BOARD (CSWMB) - The CSWMB shall be composed of the following:

- a) Chairperson - City Mayor
- b) Vice -Chairperson - City Vice Mayor
- c) Members:
 1. Representatives of the Sangguniang Panlungsod
 - Chairperson - Committee on Public Health and Sanitation
 - Chairperson - Committee on Environment and Natural Resources and Energy Management
 2. President of the Liga ng mga Barangay
 3. Chairperson of the Sangguniang Kabataan Federation
 4. Representatives from non-governmental organizations (NGOs) whose principal purpose is to promote recycling and the protection of air and water quality
 5. Representative from the recycling industry
 6. Representative from the manufacturing or packaging industry
 7. Representative from each concerned government agency possessing relevant technical and marketing expertise as may be determined by the Board
 8. City Planning and Development Coordinator (CPDC)
 9. City Environment and Natural Resources Officer (C-ENRO)
 10. City Administrator
 11. City Local Government Operations Officer - DILG
 12. City Engineer
 13. City Legal Officer
 14. City Disaster Risk Reduction Management Officer
 15. City Budget Officer
 16. City Treasurer
 17. City Agriculturist
 18. Business Permit and Licensing Officer
 19. The Focal Person for SWM of the Philippine National Police (PNP)
 20. SWM Regional Coordinator of the DENR-EMB VII
 21. Schools Division Superintendent of the Department of Education (DepEd) or his/her designated SWM Focal Person
 22. Head or Focal person designate of the Private Security Provider or Contractor of the City Government
 23. Chairperson, NAGa Program Management Team
 24. Chairperson, Naga Program Technical Secretariat
 25. Representative from the Provincial Director's Office of the Department of Trade and Industry (DTI)
 26. Representative from the Department of Science and Technology (DOST)

- 27. Representative from the Department of Health (DOH)
- 28. Representative from the Department of Public Works and Highways (DPWH)
- 29. Representative from the Department of Human Settlement and Urban Development (DHSUD)

SECTION 5. FUNCTIONS OF THE CITY SOLID WASTE MANAGEMENT BOARD (CSWMB). – The CSWMB shall primarily act as a policy-setting body in the pursuit and accomplishment of the general programs of action and initiatives as set forth in the City Solid Waste Management Plan (CSWMP). The CSWMB shall have the following functions, powers and duties:

- a) Develop the CSWMP to ensure the long-term management of solid wastes as well as integrate the various solid waste management programs and strategies of the barangays in its area of jurisdiction. Consultation with the various sectors of the community will be conducted in the development of the SWMP;
- b) Adopt measures to promote and ensure the viability and effective implementation of SWM programs in its component barangays;
- c) Monitor the implementation of the CSWMP through its various political subdivisions and in cooperation with the private sector and NGOs;
- d) Adopt specific revenue-generating measures to promote the viability of the CSWMP;
- e) Convene regular meetings for purposes of planning and coordinating the implementation of the SWM programs of respective component barangays;
- f) Oversee the implementation of the CSWMP;
- g) Review every two (2) years or as the need arises the CSWMP for purposes of ensuring its sustainability, viability, effectiveness, and relevance in relation to local and international development in the field of SWM;
- h) Develop specific mechanics and guidelines for the implementation of the CSWMP;
- i) Recommend to appropriate local government authorities specific measures or proposals for franchise or build-operate-transfer agreements with duly recognized institutions pursuant to R.A. No. 6957 (BOT Law) , as amended by R.A. No. 7718, or Ordinance No. 2017-010 (The P4 Ordinance of the City of Naga, Cebu) to provide either exclusive or non-exclusive authority for the collection, transfer, storage, processing, recycling or disposal of the city's solid waste;
- j) Provide necessary logistical and operational support to its component barangays in consonance with subsection (f) of Section 17 of the Local Government Code;
- k) Recommend measures and safeguards against pollution and for the preservation of the natural ecosystem;
- l) Coordinate the efforts of its component barangays in the implementation of the CSWMP;
- m) May, from time to time and as found to be necessary, call on any government agencies or offices for purposes of cooperative undertakings and program coordination.

SECTION 6. SELECTION OF REPRESENTATIVES FROM THE NGOS, RECYCLING AND MANUFACTURING OR PACKAGING INDUSTRIES AS MEMBERS OF THE CSWMB - Representatives from the NGOs, recycling and manufacturing or packaging industries shall be selected through a process designed by themselves and shall be endorsed by the government agency representatives in the CSWMB.

SECTION 7. CREATION OF THE CITY SOLID WASTE MANAGEMENT OFFICE (CSWMO) - There shall be created the CSWMO which shall serve as the administrative office responsible for the enforcement, implementation, and coordination of the policies, programs, projects, activities, strategies, measures, mechanics, guidelines, and proposals, promulgated or recommended by the CSWMB relating to the City's Integrated Solid Waste Management Plan (ISWMP). The CSWMO shall perform the following functions:

- 1. Promote proper waste management to ensure an adequately clean and healthy environment;
- 2. Institutionalize an LGU-based system of collaboration and partnership in the proper implementation and enforcement of this Ordinance;
- 3. Promote in the barangays significant and ecologically sustainable waste management practices;

4. Take initiative in finding vital and competent measures in the effective enforcement of this Ordinance;
5. Develop advocacy, networking, and communication activities in identifying and implementing best practices and other solutions on proper waste management and law enforcement;
6. Utilize effective monitoring schemes and other implementing measures for the proper implementation of this Ordinance;
7. Recommend mechanisms to enhance the delivery of solid waste management services in the city;
8. Supervise the city's SWM Green Marshals;
9. Consolidate submitted reports and present the same to the CSWMB; and
10. Recommend to the CSWMB or to Sangguniang Panglungsod such proposals for the effective and efficient implementation of the CSWMP.

SECTION 8. CREATION OF THE CITY SOLID WASTE MANAGEMENT GREEN MARSHALS (SWM GREEN MARSHALS) - The City shall create the SWM Green Marshals which shall be under the direct supervision of the CSWMO. The Green Marshals are the City's representatives at the barangay level to take on the major responsibility of effectively and efficiently carrying out the goals and programs of the City's Solid Waste Management System.

SECTION 9. FUNCTIONS OF THE CITY SOLID WASTE MANAGEMENT GREEN MARSHALS - The SWM Green Marshals shall perform the following roles:

1. Ensure the organization and functionalization of the Barangay Ecological Solid Waste Management Committee (BESWMC) as mandated in R.A. No. 9003;
2. Assist the (BESWMC) in formulating the Barangay Solid Waste Management Plan including assistance in the implementation, monitoring, and evaluation of the plan;
3. Conduct household education for the proper segregation of solid waste or segregation at source-biodegradables, recyclables, residuals and special wastes-including other IEC programs to ensure sustainable community awareness and practice;
4. Monitor the garbage situation of the barangays and report any violation of SWM laws and proper waste disposal practices by any barangay (e.g. garbage pile in any part of the barangays, mini dumpsites, etc.) to C-ENRO and/or the Naga Atong Garbo Technical Secretariat;
5. Closely coordinate with the Office of the City Agriculturist, assist the Barangay Local Government Unit (BLGU) in constructing and operating a Material Recovery Facility (MRF), either for each barangay or a cluster of barangays, and a Composting Unit;
6. Assist the BLGU in formulating and implementing resolutions, ordinances and policies related to SWM;
7. Provide support in the transport of segregated wastes including the storage and marketing of recyclables and other marketable solid waste materials;
8. Coordinate with the barangay tanods and other clean and green barangay personnel for the enforcement of R.A. No. 9003; and
9. Perform other functions and responsibilities as deemed necessary by the CSWMB or as directed by the City Mayor.

SECTION 10. COMPOSITION AND FUNCTIONS OF BARANGAY SOLID WASTE MANAGEMENT (BARANGAY SWM) GREEN MARSHALS - The Barangay SWM Green Marshals will consist of Barangay Officials and Barangay Tanods. They will be tasked to enforce specific SWM regulations in their areas of jurisdiction. The functions to be performed by the Barangay SWM Green Marshals are the following:

- a) Apprehend violators of SWM ordinance/s within their areas of jurisdiction and issue citation tickets. The Head of the CSWMB shall prescribe the specific SWM Ordinance/s and/or regulations of the City that may be enforced by the auxiliary enforcers;
- b) Immediately return the copies of issued citation tickets either to the barangay treasurer or barangay captain depending on the penalty or fine imposed;
- c) Prepare and submit monthly reports to the CSWMB through the CSWMO; and
- d) Perform other related functions as may be required.

SECTION 11. MONITORING - There will be two (2) monitoring teams, namely: SWM Green Marshals and Barangay Green Marshals and the Business Permit and Licensing Office-Joint Inspectorate Team (BPLO-JIT). The SWM Green Marshals shall monitor the garbage situation of the following:

- a) Households, Puroks and Barangays;
- b) City Government facilities;
- c) Institutions (e.g. schools, church etc.); and
- d) FDR-IRRMI and LGU - accredited collection vehicles, personnel, procedure and schedule of collection.

The BPLO-JIT shall monitor the compliance of small, medium and large business establishments, e.g. receptacles are properly covered and labelled and practice proper waste disposal and transport). On Article XVI, Section 1 - Prohibited Acts on SWM Ordinance and for the purpose of monitoring, the BPLO- JIT shall report any violation of SWM laws and proper waste disposal practices by any barangay (e.g. garbage pile in any part of the barangays, mini dumpsites, etc.) to the CSWMO.

ARTICLE IV

The City's Ten-Year (2018-2027) Integrated Solid Waste Management Plan (ISWMP)

SECTION 12. INCORPORATION BY REFERENCE - The City of Naga Ten-Year (2018-2027) ISWMP is hereby incorporated by reference and is made as an integral part of this Ordinance.

SECTION 13. IMPLEMENTATION - The City of Naga Ten-Year (2018-2027) ISWMP shall be implemented in accordance with the implementation schedule, strategies and guidelines contained in the said Plan.

ARTICLE V Solid Waste Segregation

SECTION 14. MANDATORY SEGREGATION OF SOLID WASTE - The segregation of solid waste shall be mandatory. Segregation shall primarily be conducted at the source to include household, institutional, industrial, commercial and agricultural sources.

SECTION 15. CATEGORIES OF SOLID WASTE - Solid waste shall be segregated into the following categories:

- a) Compostable or Biodegradable
- b) Recyclable
- c) Residual
- d) Special Waste

SECTION 16. REQUIREMENTS FOR SEGREGATION AND STORAGE OF SOLID WASTE -

A. Segregation/Sorting-out of Solid Waste Refuse Into Bio-Degradable (wet) and Non Bio-Degradable (dry)

All owners, lessee, tenants and the like of residential houses, commercial establishments, buildings and other entities within the City of Naga are required to separate, sort-out their solid waste, refuse, garbage materials into Bio-degradable (*Malata*) and Non-biodegradable (*Di Malata*).

B. Requirement of segregation for site collection:

For individual households:

Segregation bins with appropriate markings of the word "Bio-Degradable" or "Malata" and "Non-Biodegradable" or "Di Malata."

For commercial, institutional and industrial establishments:

Owners/Managers/Heads/Persons responsible for the operation shall be required to provide a designated area and separate containers for each type of recyclable materials.

There shall be separate receptacles or containers for each type of solid waste. The solid

waste receptacle, depending on its use, shall be properly marked or identified for on-site collection as "compostable," "recyclable," "residual" or "special waste." The receptacles shall be properly covered, secured or protected to prevent spillage or scattering of the waste and to ensure its containment.

SECTION 17. ADDITIONAL REQUIREMENTS FOR PREMISES CONTAINING SIX (6) OR MORE RESIDENTIAL UNITS - The owner or person in charge of premises containing six (6) or more residential units shall provide for the residents a designated area and containers in which to accumulate source-segregated recyclable materials for collection. In addition, such owner or person in charge shall notify the residents or occupants of such premises about the requirements of segregation.

SECTION 18. ADDITIONAL REQUIREMENTS FOR ALL COMMERCIAL, INSTITUTIONAL AND INDUSTRIAL ESTABLISHMENTS - The owners or heads of all commercial, institutional and industrial establishments shall provide a designated area and containers as storage facilities for source-segregated recyclable materials for collection. In addition, such owner or head of the institution shall notify all workers, employees, and entities working in the premises about the requirements of segregation. No scavenging or unauthorized collection in designated segregation containers or areas shall be allowed.

The establishment and maintenance of an operational Materials Recovery Facility (MRF) in accordance with the compliance requirement provided for in the immediately succeeding paragraph hereunder shall be a condition precedent for the processing of new or for the renewal of business permits for all commercial, institutional and industrial establishments.

The C-ENRO, through its representative in the BPLO-JIT, shall be responsible for monitoring, recording and certifying the compliance of these requirements which shall be used as bases for the issuance of business permits by the Office of the City Mayor to the establishments abovementioned.

The C-ENRO shall submit a report of any violations committed by any of the aforementioned establishments and punishable under the provisions hereof to the CSWMO for proper action by such office.

ARTICLE VI Collection and Transport

SECTION 19. GUIDELINES - The collection and transport of solid waste shall be undertaken in accordance with the guidelines and mechanisms prescribed in the Ten-Year ISWMP. The minimum requirements prescribed in R.A. 9003 and its IRR shall likewise be complied with. The information on solid waste management such as the schedules of waste collection, types of waste to be collected in accordance with such schedules and other relevant information shall be disseminated to the general public by the CSWMO, the C-ENRO and the City Information and Community Relations Department (CICRD).

SECTION 20. NON-COLLECTION OF UNSEGREGATED SOLID WASTE - Only segregated wastes and only the types of waste that are scheduled for collection on a particular day and time shall be collected. Unsegregated waste shall not be collected.

SECTION 21. STORAGE - All wastes for collection must be stored in properly sealed or tied receptacles and must be properly placed outside households, institutions, commercial and industrial establishments only at a reasonable time before or during the schedule for collection. Failure to comply with this provision shall be considered as an act of littering under this Ordinance.

SECTION 22. COLLECTION AND TRANSPORT - The collection and transport of solid waste and non-hazardous wastes shall be undertaken by the City Government of Naga, Cebu, or by any qualified private solid waste collection contractor or provider. The collected biodegradable and recyclable wastes shall be delivered to, and processed at, the City's MRF. Only the residual and special waste shall be collected by the City Solid Waste Management Office (CSWMO) or by the private solid waste contractor.

The collection and transport of solid waste and non-hazardous waste by the CSWMO or by the private solid waste contractor shall be monitored by the following offices of the City Government:

- a) Institutional, Commercial and Business Establishments - C-ENRO
- b) Households, Barangays, Puroks and identified pick-up or transfer points - CSWMO through the Green Marshals at the barangay and city levels. Monitoring shall be conducted daily and properly documented by C-ENRO and the Green Marshals.

All forms and kinds of complaints arising from or due to inefficient or unsatisfactory waste collection service by the CSWMO or the private solid waste contractor may be brought to Office of the Barangay Captain where the individual complainant is residing, or in case of an establishment where the same is located.

The barangay official concerned shall then bring the matter to the C-ENRO which is hereby designated as the investigating body responsible for acting on the complaints filed before it and recommending the proper action to the CSWMB.

On the other hand, segregation and collection of solid waste shall be conducted at the barangay level specifically for biodegradable, compostable and reusable wastes. Enforcement of the segregation policy in the barangays shall be done by the CSWMO through the Green Marshals/Enforcers.

The collection of non-recyclable materials or residual wastes and special wastes shall be the responsibility of the CSWMO or by private solid waste contractor. Collection days for residual waste is every Thursday and Sunday.

SECTION 23. COLLECTION VEHICLES - Only collection vehicles of the CSWMO or of the private solid waste contractor shall be allowed to transport solid waste from the collection areas or transfer stations to the City of Naga Ecology Center. All waste vehicles, trucks and hauling equipment shall be maintained in sound condition to prevent spillage or scattering of waste debris, and shall always be kept clean to avoid attraction of flies or disease vectors and must be covered so as to eliminate the emission of bad odor or the creation of nuisance.

SECTION 24. TRAINING AND EQUIPMENT - All city government personnel directly involved in the collection of solid waste shall undergo mandatory training by duly accredited resource persons or city health officers chosen by the CSWMO or C-ENRO to ensure proper handling and management of waste in accordance with the guidelines developed by the National Ecology Center and the DOH.

The employees of the private solid waste contractor involved in solid waste collection shall likewise undergo mandatory training by accredited trainers under the same governmental guideline regimes as described in the immediately preceding paragraph; Provided, that the expenses therefor shall be to the account of the contractor.

All personnel, be it of the city government or of the private contractor, shall be provided and equipped with personal protective equipment and paraphernalia such as but not limited to helmet, gloves, masks and safety boots shall also be provided to protect them from health hazards posed by handling solid wastes.

They shall also undergo semi-annual medical check-up the results of which will be used as bases for their continued employment.

ARTICLE VII

Establishment of Materials Recovery Facility (MRF)

SECTION 25. CITY MRF - The establishment and operation of the MRF to be known as the City of Naga Ecology Center (CNEC) shall be in accordance with the strategy and guidelines prescribed in the City's ISWMP. Likewise, the minimum requirements for establishment and operation prescribed in R.A. No. 9003 and its IRR shall be complied with.

SECTION 26. BARANGAY MATERIALS RECOVERY FACILITIES (MRFs) - In addition to the City MRF, MRFs shall be established in the barangays or clusters of barangays. The barangay MRFs shall be established and operated in accordance with the strategy and guidelines prescribed in the City's ISWMP. Likewise, the minimum requirements for establishment and operation prescribed in R.A. 9003 and its IRR shall be complied with.

SECTION 27. PUROK MRFs - MRFs shall be established in Puroks especially in the case of barangays that do not have the area to set up a barangay-wide MRF; Provided, however, that the maintenance and monitoring of these MRFs should be undertaken by the Barangay government where such puroks belong, and the Barangay SWM Green Marshals.

The CSWMO or the C-ENRO, in the case of MRF of the City and of the business establishments, and CSWMO, in the case of MRFs of the barangays and puroks, shall be responsible for ensuring that the minimum requirements for the establishment and operation of MRFs prescribed in R.A. No. 9003 and its IRR shall be complied with.

ARTICLE VIII Final Disposal

SECTION 28. ALTERNATIVE TECHNOLOGIES/ECO PARK – The construction and operation of a sanitary landfill (SLF) is not a priority of the City of Naga, Cebu. However, it shall continue with its efforts for waste disposal using alternative technologies in line with the Ecological Solid Waste Management Act, the Clean Air Act and the Clean Water Act. These alternative technologies shall be properly tested to measure environmental impact and gain social acceptability. There shall be constructed and utilized by the City Government of Naga an Eco Park which location will be determined by the CSWMB.

ARTICLE IX Use of Environmental-Friendly Materials

SECTION 29. ENVIRONMENTALLY-FRIENDLY MATERIALS - All food chains, restaurants, supermarkets, eateries, and such similar establishments or businesses operating within the City of Naga, Cebu shall, not later than six (6) months from the effectivity of this Ordinance, dispose of all of their stocks of food and product packages made from plastics, styrofoams and similar non-biodegradable materials and shall replace them with environmentally-friendly materials such as paper plates, paper bags, paper cups, paper board-food packs and other similar biodegradable materials.

SECTION 30. "GREEN DAYS" OR "NO PLASTIC DAYS" -The "Green Days" or "No Plastic Days" are as follows:

- a) Wednesday and Saturday, two times a week starting January 2020 - June 2020;
- b) Monday, Wednesday, Friday, Saturday, and Sunday, five times a week starting July 2020; and
- c) Daily starting January 2021.

The C-ENRO, through its representative at the BPLO-JIT, shall be responsible for monitoring the compliance by the establishments of the provisions in this Section as well as the submission of regulatory compliance reports to the CSWMB and to Chairperson of the Committee on Environment every 5th working day of the month.

ARTICLE X Incentive Programs

SECTION 31. SEARCH FOR WINNERS OF THE NAGA ATONG GARBO (NAGa) PROGRAM - The "NAGa Program" of the City Government of Naga, Cebu, an integrated and holistic developmental framework and agenda package that encompasses present and future programs, projects, activities and interventions aimed at achieving a growth model that integrates the three (3) dimensions of sustainable development - economic, social and environmental - through the partnership and engagement with critical private sector stakeholders to ensure widest ownership and shared responsibility of the programs, guides and sets the vision of building the city's capacity to meet various governance challenges of improving health care, education, climate change, peace and order, waste management, and social and economic progress in general, and thus transform the City of Naga, Cebu, into a livable, inclusive and competitive city, is hereby incorporated as part and parcel of the provisions of this Ordinance.

To inspire and motivate the departments, offices, schools, barangays, companies and institutional/business establishments to become active partners and stakeholders of the City in its development process and initiatives, the "NAGa Program" shall include as among its activities and projects the grant of awards or recognition to such partners or stakeholders that have demonstrated ingenuity and outstanding performance in the field of solid waste management as defined in this Ordinance.

The standards and performance indicators of the program as enumerated in the scorecards shall be used as bases to determine the winners of the NAGa Awards which will be conferred and made during the City's annual Charter Day Celebration in September of each calendar year.

A Program Management Team (PMT), composed of department heads of the City shall be constituted to provide the leadership, management and oversight to ensure the effective implementation and sustainability of the "NAGa Program."

SECTION 32. INCENTIVES AND AWARDS SYSTEM - To foster consciousness among the Nagahanons about the importance of a healthy environment as an indispensable component of a sustainable and livable city, the month of June each year shall be declared as the "City of Naga Environment Month." For this purpose, the City Government of Naga, Cebu, shall conduct and hold various activities aimed at promoting environmental and ecological awareness, including the granting of incentives, awards and recognitions to the most SWM-compliant companies, schools, barangays and puroks.

SECTION 33. DISCOUNTS ON SWM FEES - If total annual SWM fee is paid in full not later than January 20 of each year, there shall be granted a discount of ten percent (10%) based on such total annual SWM fee.

ARTICLE XI Education

SECTION 34. INFORMATION, EDUCATION AND COMMUNICATION (IEC) THRU THE SWM GREEN MARSHALS - An IEC program shall be implemented by the City Government pursuant to the strategies, mechanisms and guidelines contained in the City SWMP. The appropriation of funds necessary to support the implementation of the IEC program shall be based on the budget to be submitted by the CICRD to the CSWMB.

ARTICLE XII Procurement of Services, Materials and Equipment

SECTION 35. PROCUREMENT - The procurement of services, materials and equipment for SWM programs, projects, and activities as provided for in the City ISWMP shall follow the procedures set out in the Implementing Rules and Regulations (IRR) of the "Government Procurement Reform Act" (RA 9184). The City Bids and Awards Committee (BAC) shall ensure that transparent, competitive and participatory procedures will be followed in the bidding and award of the contracts and that there will be periodic assessment of the performance of the contractors.

ARTICLE XIII The City Solid Waste Management Fund (CSWMF)

SECTION 36. ESTABLISHMENT OF THE FUND - There is hereby established a special account known as CSWMF to be administered by the CSWMB. The funds for the implementation of the City ISWMP shall be sourced from the twenty percent (20%) development fund and other available sources as provided for under Section 35 hereof.

SECTION 37. MANAGEMENT OF THE FUND - The CSWMB shall develop pertinent guidelines on the management of the Fund: Provided, that reporting on the status of the Fund shall be done in a transparent manner: Provided further, that a report on the Fund shall be issued annually to Sangguniang Panlungsod (SP) by the CSWMB in collaboration with the Commission on Audit (COA) within four (4) months after the end of each fiscal year.

SECTION 38. SOURCES OF THE FUND - The CSWMF shall be sourced from the following:

- a) Donations, endowments, grants and contributions from domestic and foreign sources;
- b) The City allocation or share in the fines collected pursuant to Republic Act No. 9003, its IRR, and this Ordinance;

- c) Fees collected from provision of solid waste services such as collection, recycling, and transport, among others;
- d) Sub-contracting fees including management, transport and others;
- e) The amount allocated for solid waste management from the 20% City Development Fund non-infrastructure portion, which amount shall be determined based on needs;
- f) The tipping fee paid by the private solid waste contractor for collecting wastes from other LGUs; and
- g) The penalties for violations by the private solid waste contractor of the provisions of the Service Contract.

SECTION 39. USE OF THE FUND - The CSWMF shall be used to support the implementation of the City ISWMP and SWM Projects, including endeavors that will enhance its implementation. These may include activities or projects, as follows:

- a.) Regular operating and maintenance expenses excluding salaries and wages. However, expenses may include per diems and honoraria in accordance with the regulations of the Commission on Audit and other existing accounting rules and regulations.
- b.) Programs, Projects and Activities (PPAs) in relation to SWM;
- c.) Products, equipment, infrastructure projects, facilities, technologies and processes to enhance proper solid waste management;
- d.) Research activities;
- e.) Information, education, communication and monitoring activities; and
- f.) Capacity/Capability-building activities

SECTION 40. LEVEL OF FUNDING - The level of funding for projects or activities proposed to be funded under the CSWMF shall be determined and set by the CSWMB.

**ARTICLE XIV
Solid Waste Management Fee**

SECTION 41. IMPOSITION OF SOLID WASTE MANAGEMENT FEE - There is hereby imposed a solid waste management fee for solid waste management services provided by the City in accordance with the schedule contained hereunder. The fees collected shall form part of the CSWMF established under this ordinance.

SECTION 42. COVERAGE - The solid waste management fee imposed herein shall be collected from all sources of solid waste covered by the solid waste management services provided by the City.

SECTION 43. SOLID WASTE MANAGEMENT FEE FOR BUSINESS ESTABLISHMENTS, INSTITUTIONS AND THE LIKE - Except as otherwise provided for, there shall be collected every month from every owner or operator of a business establishment a solid waste management fee in accordance with the IRR.

SECTION 44. COLLECTION OF SOLID WASTE MANAGEMENT FEE - The payment of solid waste management fee by business establishments, institutions, service firms and agencies and such other commercial enterprises shall be made to the City Treasurer's Office upon application or renewal of business permits.

For households, the collection of the solid waste management fee shall accrue on the first day of January of each calendar year and shall be paid simultaneously with the payment of real property or community tax or upon application of any clearance. Only the head of the family shall be made to pay the SWM fee. Any other member of the family may pay the SWM Fee only in cases when the head of the family defaulted in the payment of the SWM Fee or is financially incapable of paying the said fee.

Collection of fees from non-stationary subjects such as public utility vehicles and how to collect the fees if the payors opt to pay the fees on a monthly or a quarterly basis should be in accordance to the IRR.

**ARTICLE XV
Prohibitions and Penalties**

SECTION 45. PROHIBITED ACTS - In addition to the prohibitions contained in the above provisions, the following acts are likewise prohibited:

- non-segregation of solid waste at source;
 - unscheduled bringing out of waste;
 - littering or throwing of waste matters in public places such as, but not limited to roads, sidewalks, canals, esteros or parks;
 - burying non-biodegradable materials in flood-prone areas;
 - open dumping of garbage in public and private places;
 - unauthorized dumping of solid waste at the disposal facility;
 - improper dumping of solid waste at the disposal facility;
 - transport of solid waste by collection vehicles without nets or covering materials;
 - open burning of solid waste;
 - burning of agricultural waste
- "Atong Tugkaran, Atong Limpyohan" Policy should be implemented in all business establishments within the City of Naga, Cebu. There shall be a fine of P500.00 in the event that garbage litters are found at the minimum of three (3) meters both sides from the establishment's area/vicinity.

SECTION 46. FINES AND PENALTIES - The penalty as hereunder provided for shall be imposed at the discretion of the court for violations by any person of any of the provisions of this Ordinance:

- First Offense - Fine of P500.00 or 8 hours community service;
- Second Offense - Fine of P1,000.00 or 16 hours community service;
- Third Offense - Fine of P2,500.00 or 40 hours community service;
- Fourth Offense - Fine of P5,000.00 or imprisonment of one (1) month to six (6) months or both fine and imprisonment at the discretion of the court.

Provided, however, that reasonable administrative fines and penalties may be imposed upon any person, be natural or juridical, for violation of this Ordinance that shall be graduated according to the gravity and/or frequency of the violation.

This applies in cases where the offender chooses not to contest his violation prior to the filing of a formal charge in court by the City Prosecutor and voluntarily pays instead the said fine with the City Treasurer's Office (CTO).

The administrative fines so imposed and collected shall accrue to a special fund to be administered by the CSMWB exclusively for the programs, projects and activities relative to SWM.

ARTICLE XVII Mechanisms for the Enforcement

SECTION 47. ENFORCEMENT - This Ordinance shall be enforced by the CSWMB through the CSWMO with the Green Marshals and the BPLO-JIT as the frontliners.

SECTION 48. DEPUTATION - No person shall be deputized as Green Marshal unless he has undergone and passed the training course as hereunder mandated. The CSWMO shall organize and conduct the training courses and for this purpose, it may seek the assistance or engage the services of qualified persons or organizations in developing the training modules, training materials and evaluation criteria as well as in conducting the actual trainings. The trainings shall, at the minimum, cover the following topics:

- a) Key components of the City ISWMP;
- b) ISWM Ordinance/s of the City;
- c) roles and functions of Green Marshals;
- d) legal considerations in making apprehensions;
- e) procedure for apprehension and issuance of citation tickets;
- f) reporting requirements; and
- g.) values formation

SECTION 49. EVALUATION OF GREEN MARSHALS - Green Marshal applicants who have completed the training courses shall undergo evaluation and only those who attained a satisfactory rating shall be accepted as probationary Green Marshals for a period of three (3) months. After the probationary period, they shall again be subjected to an evaluation process to determine whether they are qualified to be deputized as Green Marshals by the City Mayor. The deputation shall be effective for a period of one (1) year, after which, the deputized Green Marshals shall again be evaluated to determine their fitness to serve as such.

SECTION 50. MONITORING AND EVALUATION - Enforcement activities shall be subjected to periodic monitoring and evaluation. Green Marshals are required to render weekly report on their performance using pre-determined performance indicators. The extent of compliance with ordinances and regulations will then be determined from such reports and from regular "feedbacking" sessions among Green Marshals. The City will also consult with various sectors to get their assessment and to identify with them areas for improvement.

SECTION 51. STRATEGY- Enforcement activities on the first year of implementation of the City ISWM plan will be geared towards the inculcation of proper solid waste management. Enforcement activities will also strengthen the IEC campaign. Based on the experience gathered on the first year, a detailed enforcement plan for the succeeding years will be prepared by the CSWMB.

Six (6) months after the conduct of IEC campaigns, SWM regulations shall be strictly implemented and fines and penalties shall be fully imposed on violators. Regular inspection of establishments shall be conducted to ascertain that solid wastes are properly segregated and stored, collection rules are followed, and regulation-compliant solid waste receptacles are provided.

No business permit will be issued or renewed unless establishment owners or their duly authorized representatives have complied with and completed the required annual SWM seminar to be conducted by the CSWMO or any resource persons to be determined by the CSWMB.

SECTION 52. INCENTIVES AND/OR REWARDS FOR GREEN MARSHALS - The City Government shall give incentives and or rewards to the Green Marshals as follows:

For the City SWM Green Marshals and Barangay SWM Enforcers:

For every apprehension, a cash award of five percent (5%) of the penalty actually paid shall be given to the City SWM Green Marshals and Barangay SWM Green Marshals. For every twenty (20) apprehensions, a Certificate of Recognition will be awarded by the City Mayor to the Green Marshal concerned.

Giving of incentives to the City SWM Green Marshals and Barangay SWM Green Marshals for the apprehensions made during the immediately preceding month shall be made every 20th day of the following month.

ARTICLE XVIII Community Involvement

SECTION 53. PUBLIC NOTIFICATION - The people of the City of Naga, Cebu shall be regularly informed of acts performed and activities undertaken in connection with the implementation of the ISWM Plan of the City of Naga, Cebu. For this purpose, notices of such acts and activities shall be posted regularly in a bulletin board at the entrance of the City Hall, at the CSWMO, CTO, in all barangay halls, at the public market and other public places. The CSWMO, the Department of Public Services (DPS), the Barangay Ecological SWM Committees, the City SWM Green Marshals and the Barangay SWM Green Marshals shall be responsible for the posting of such notices.

SECTION 54. PUBLIC PARTICIPATION - The CSWMO shall ensure that public participation is maximized in the implementation of the ISWM Plan of the City of Naga, Cebu. For this purpose, both the CSWMO and the CSWMB, shall conduct public consultations with the public and concerned stakeholders in connection with the implementation of specific components of the City ISWM Plan. The results of such public consultations shall be taken into consideration prior to the actual implementation of the particular component of the City ISWMP.

ARTICLE XIX Appropriation

SECTION 55. APPROPRIATION - The sum of not less than Five Hundred Thousand Pesos (P500,000.00) to be sourced from the 20% Development Fund shall be appropriated to effectively carry out during the first year of the implementation of the City's ISWMP and the enforcement of this Ordinance. The budget to be submitted by the CSWMO for the subsequent years of implementation shall be based on the City's ISWMP and shall be included in the Annual Budget of the City of Naga, Cebu.

ARTICLE XX
Miscellaneous Provisions

SECTION 56. IMPLEMENTING RULES AND REGULATIONS (IRR) - Within one (1) month from effectivity of this Ordinance, the City Mayor shall convene a Technical Advisory Committee to formulate and issue the IRR necessary for the effective and efficient implementation of this Ordinance.

SECTION 57. SEPARABILITY CLAUSE - If any provision of this Ordinance or the application of such provision to any person or circumstances is declared invalid or unconstitutional, the remainder of the Ordinance or the application of such provision to other persons or circumstances not declared as such shall remain in full force and effect.

SECTION 58. REPEALING CLAUSE - All ordinances, executive orders, rules and regulations or parts thereof which are inconsistent with this Ordinance are hereby repealed or modified accordingly.

SECTION 59. EFFECTIVITY - This Ordinance shall take effect upon compliance with its publication in a newspaper of general circulation, and posting in three conspicuous public places within the territorial jurisdiction of the City of Naga, Cebu.

APPROVED UNANIMOUSLY this 4th day of March 2020 on motion of Hon. Virgilio M. Chiong, seconded by Hon. Luzminda R. Lapitan.

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CERTIFIED TRUE AND CORRECT:



GARRY A. CABOTAJE
Secretary to the Sanggunian

ATTESTED BY:


KRISTINE VANESSA T. CHIONG
Vice Mayor/Presiding Officer

APPROVED BY:


VALDEMAR M. CHIONG
City Mayor