



Republic of the Philippines
Province of Aklan
MUNICIPALITY OF MALAY



Office of the Sangguniang Bayan

EXCERPT FROM THE MINUTES OF THE 10TH REGULAR SESSION OF THE SANGGUNIANG BAYAN OF MALAY, AKLAN (2010-2013) HELD AT THE SB SESSION HALL, POBLACION, MALAY, AKLAN ON MARCH 13, 2012.

Present:

- SB Member Esel L. Flores, Presiding Officer Pro-Tempore
- SB Member Wilbec M. Gelito
- SB Member Jonathan C. Cabrera
- SB Member Jupiter Aelred G. Gallenero
- SB Member Natalie C. Paderes
- SB Member Dante C. Pagsuguiron
- SB Member Paterno S. Sacapaño, Jr.
- SB Member Ric P. Calvario, Liga President
- SB Member Cristia R. Daguno, SK Federation President

Absent:

- Hon. Ceciron S. Cawaling, Municipal Vice Mayor
- SB Member Rowen T. Aguirre (On Leave)

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MUNICIPAL ORDINANCE NO. 307
Series of 2012

AN ORDINANCE AMENDING MUNICIPAL ORDINANCE NO. 297, Series of 2011 (An Ordinance Amending Municipal Ordinance No. 188, Series of 2003), SETTING GUIDELINES IN CONNECTING TO SEWERAGE PIPELINE, CONSTRUCTION AND MAINTENANCE OF SEWERAGE TREATMENT PLANT AND STANDARD SEPTIC TANKS AND THE COMPREHENSIVE WASTEWATER MANAGEMENT IN BORACAY ISLAND.

*(SPONSORS: COMMITTEE ON PUBLIC WORKS AND UTILITIES
& COMMITTEE ON LAWS AND ORDINANCES
INTRODUCED BY HON. JONATHAN C. CABRERA)*

WHEREAS, Municipal Ordinance No. 297, Series of 2011 amended Municipal Ordinance No. 188, Series of 2003, requiring residential and commercial buildings in Boracay Island to connect with the existing sewerage system, and introduced the necessity of a Wastewater Management Compliance Certificate as a pre-requisite for the issuance of a business permit;

WHEREAS, under Republic Act No. 9275, otherwise known as the Philippine Clean Water Act of 2004, the State is tasked to pursue a policy of economic growth in a manner consistent with the protection, preservation, and revival of the quality of fresh, brackish, and marine waters;

WHEREAS, under Sections 14 and 19 of the Philippine Water Act of 2004, the Department of Environment and Natural Resources (DENR) is the primary government regulatory agency tasked and responsible for the implementation and enforcement of said law and for the issuance of discharge permits to owners or operators of facilities that discharge wastewater and regulated effluents;

WHEREAS, the issuance of discharge permits by the DENR pursuant to the Philippine Water Act of 2004 is sufficient proof of compliance by affected entities with said law, thereby rendering the requirement of a Wastewater Management Compliance Certificate unnecessary and/or non-essential in the issuance/renewal of business permits;

WHEREAS, under Section 20 of the Philippine Water Act of 2004, local government units are tasked to share the responsibility in the management and improvement of water quality within their territorial jurisdictions;

WHEREAS, there is a continuous rise in the number of commercial and business establishments, as well as residential and institutional buildings and structures in Boracay Island, which increases the possibility of sewer line clogging and back flow;

WHEREAS, in light of the continued growth of said establishments and structures, there is a need to implement zero-waste management and to establish best practices that will safeguard the environmental well-being of Boracay Island, especially its waterfronts, coastline, beaches and bodies of water, against the liquid and fluid effluents and discharges coming from said establishments;

WHEREAS, there is a need to ensure that all such commercial and business establishments and residential and institutional buildings and structures in Boracay Island maintain their connection to any of the island's sewer systems or construct and maintain their own sewerage treatment plant to service their respective sewerage requirements;

NOW, THEREFORE:

SECTION 1. - Section 1 of Municipal Ordinance No. 297, Series of 2011 is hereby amended to read as follows:

"SECTION 1. Mandatory Connection of Water Waste Discharge to Any Available Sewerage System or Construction of Sewerage Treatment Plant in Boracay Island. The owners/operators of the following shall be required to either connect to an available sewer system in Boracay Island within Thirty (30) days, OR construct and maintain their own Sewerage Treatment Plant in Boracay Island within One (1) year, from the effectivity of this Ordinance:

- a. All commercial establishments, buildings, facilities, hotels, lodging houses, and other establishments providing accommodations and/or structures including those which are under construction in Boracay Island, which are located within Sixty-One (61) meters from any available sewer pipeline;
- b. All residential and institutional establishments, buildings, facilities and/or structures in Boracay Island located within Sixty-One (61) meters from any available sewer pipeline.
- c. However, the following establishments should have a pre-treatment facility for high surfactants, organics and other harmful parameters before discharge to the sewerage system.
 1. Laundry shops and other related establishments using corrosive chemical substances unless provisions of Section 811 of the National Plumbing Code of the Philippines are complied with.

2. Establishment with industrial wastes consisting of harmful chemical (i.e. hazardous, toxic and corrosive) discharges.
3. Funeral parlors, wet markets, and slaughter houses where internal organs and blood may be discharged.

SECTION 2. - Section 2 of Municipal Ordinance No. 297, Series of 2011 is hereby amended to read as follows:

SECTION 2. Mandatory Construction and Maintenance of Sewerage Treatment Plant. Except for those who are able to connect to the existing sewer pipeline, the owners/operators of the following shall be required to construct and maintain their own sewerage treatment plant in Boracay Island within One (1) year from the effectivity of this Ordinance:

- a. All commercial establishments, commercial complexes or buildings, hotels, lodging houses, and other establishments providing accommodations with more than Twenty (20) rooms, facilities and/or structures including those which are under construction in Boracay Island which are located more than Sixty-One (61) meters from any available sewer pipeline;
- b. Sewerage providers and sewage collection business operators.

SECTION 3. - Section 3 of Municipal Ordinance No. 297, Series of 2011 is hereby amended to read as follows:

SECTION 3. Mandatory Construction and Maintenance of a Standard Septic Tank. Except for those who are able to connect to the existing sewer pipeline, the owners/operators of the followingshall be required to construct and maintain a standard septic tank sufficient to serve their respective sewerage generation.

- a. All residential structures in Boracay Island including those which are under construction located more than Sixty-One (61) meters from any available sewer pipeline.
- b. Lodging houses, and other establishments providing accommodations with less than Twenty (20) rooms, facilities and/or structures including those which are under construction in Boracay Island which are located more than Sixty-One (61) meters from any available sewer pipeline;
- c. Those structures mentioned in (a) and (b) which are within the 61-meter zone but below the available sewer pipeline or in a situation where connection is highly improbable because of elevation, shall be required to construct and maintain a standard septic tank. The probability or improbability of connection shall be determined by the Wastewater Management Council.

In the maintenance and cleaning of this septic tank, the owner must regularly employ the services of an individual or entity, with an Environmental Sanitation Clearance (ESC) secured from the Municipal Health Office of Malay, thereby authorizing such operator to engage in the collection/desludging, handling, transport, treatment and disposal of sludge and septage, and Certificate of Compliance from the Municipal Engineering or building officials certifying that they have their own Sewerage Treatment Plant as a pre-requisite in the issuance or renewal of their Business Permit to operate.

SECTION 8. - **WASTEWATER MANAGEMENT COUNCIL.** Thirty days after the final approval of this Ordinance, a Waste Management Council shall be created tasked with the monitoring, supervision and enforcement of this Ordinance.

Chairman : Municipal Mayor or his representative
 Vice Chair : Municipal Engineering/Building official or his authorized representative

Members:

1. Municipal Health Officer or his authorized representative
2. SB Chairman of Committee on Environment
3. SB Chairman of Committee on Public Utility
4. Chief, Municipal Auxiliary Police-Boracay
5. Representative of pertinent sewer providers

SECTION 9. - **SPECIFIC POWERS OF THE WASTEWATER MANAGEMENT COUNCIL.** The council shall have the following specific powers and functions to ensure on the compliance of this Ordinance:

1. Ensure that the subject establishments properly maintain their connection to the system, and for this purpose, it shall conduct a regular inspections of the said connections to confirm that:
 - a) The sewage disposal system of each establishment is properly connected to the Island's sewer system;
 - b) The sewage disposal system of each establishment has properly installed and uses grease traps; and
 - c) The non-sewage (i.e. rainwater, swimming pool) disposal system of each establishment is properly connected to the Island's drainage system.
2. Evaluate and recommend to the Municipal Engineer or building officials the issuance of a Certificate of Sewer Connection to the owner/operator of the establishment as stated under Section 6, paragraph b and c.
3. Evaluate and recommend to the Municipal Health Officer the issuance of Environmental Sanitation Clearance to the operator of business engaged in the collection/desludging, handling, transport, treatment and disposal of sludge and septage as stated under section 3, paragraph 2 and Section 6, paragraph C of this Ordinance.
4. Evaluate, determine and implement necessary actions to complaints lodged with it by the public or private entities against sewerage providers and sewage collection business operators who failed or refused to connect or render their services.
5. Evaluate, recommend and implement necessary actions to abate the nuisance sewerage connections.

SECTION 10. - **PENALTIES.** Violations in any provisions of this Ordinance shall suffer the following:

- a. **ON RESIDENTIAL HOUSE OWNER** - Fine of TWO THOUSAND FIVE HUNDRED PESOS (Php2,500.00) or imprisonment for a period of not less than One (1) day but in no case more than Six (6) months, or both, at the discretion of the court, without prejudice to other administrative and criminal penalties and sanctions that may be imposed by other laws, ordinances, rules and regulations.

- b. **ON COMMERCIAL ESTABLISHMENTS OWNER/OPERATOR** - Fine of TWO THOUSAND FIVE HUNDRED PESOS (Php2,500.00) or imprisonment for a period of not less than One (1) day but in no case more than Six (6) months, or both, at the discretion of the court and non-issuance of necessary permits and clearances, without prejudice to other administrative and criminal penalties and sanctions that may be imposed by other laws, ordinances, rules and regulations.

When the offender is a corporation, partnership, or other juridical person, the president, general manager, managing partner, or such other officer charged with the management of the business affairs thereof shall be criminally liable.

- c. **ON SECTION 7** - Fine of TWO THOUSAND FIVE HUNDRED PESOS (Php2,500.00) or imprisonment for a period of not less than One (1) day but in no case more than Six (6) months, or both, at the discretion of the court, and suspension, revocation, cancellation or non-issuance of business permit, whatever is applicable, without prejudice to other administrative and criminal penalties and sanctions that may be imposed by other laws, ordinances, rules and regulation.

- d. Sewerage providers and sewage collection business operators who fails or refuses to connect or render their services to the public or private entities without justifiable reasons as determined by the Wastewater Management Council shall be fined TWO THOUSAND FIVE HUNDRED PESOS (Php2,500.00) for the first offense. For the second and subsequent offenses, a fine of TWO THOUSAND FIVE HUNDRED PESOS (Php2,500.00) and revocation of Business Permit and Environmental Sanitation Clearance shall be imposed.

SECTION 11. - **TRANSITION PERIOD.** Owners/operators of establishments in Boracay Island that shall be constructing their own Sewerage Treatment Plant within One (1) year from the effectivity of this Ordinance shall be required, within the aforestated transition period, to maintain and clean their existing septic tanks/drainage facilities by employing the services of an individual or entity engage in the collection/desludging, handling, transport, treatment and disposal of sludge and septage.

SECTION 12. - **REPEALING CLAUSE.** Any other ordinance, order, or issuance, or any part thereof, which is inconsistent with this Ordinance is hereby repealed, revoked, or modified accordingly.

SECTION 13. - **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.

SECTION 14. - **EFFECTIVITY.** This Ordinance shall take effect immediately, after its approval and due publication.

ENACTED. OCTOBER 11, 2011.

APPROVED. MARCH 13, 2012.

APPROVED. SP RESOLUTION NO. 2012-110, dtd. 4-18-12

PUBLISHED. MADYAAS PEN, dtd. 6-16, 23 & 30, 2012.

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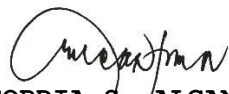
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I HEREBY CERTIFY to the correctness of the afore-quoted Municipal Ordinance.

ATTESTED:


ESEL L. FLORES
SB Member
Presiding Officer Pro-Tempore


CONCORDIA S. ALCANTARA
Secretary to the Sangguniang Bayan

APPROVED:


JOHN P. YAP
Municipal Mayor