



Republic of the Philippines
Province of Iloilo
MUNICIPALITY OF OTON
OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT from the Minutes of Session of the Sangguniang Bayan ng Oton, Iloilo recorded during its Regular Session held at the SB Session Hall, Oton, Iloilo on **October 27, 2022** at 9:00 in the morning.

PRESENT:	Vice Mayor Jose Neil Portugaleta Olivares	Vice Mayor and Presiding Officer
	Hon. Jimmy Robles Olivares	SB Member
	Hon. Ma. Lorna Tumambo Geonigo	SB Member
	Hon. Dennis Quillo Geroche	SB Member
	Hon. Ernesto Cordova Ticao	SB Member
	Hon. Grace Marie Escanlar-Cruz	SB Member
	Hon. Rodolfo Zurita Alconga, Jr.	SB Member
	Hon. Antonio Prias Masculino, Jr.	SB Member (LNB Representative)
On Official Business:	Hon. Ella Mae Seguiza Yeoh	SB Member (PPSK Representative)
Absent:	Hon. Lee Cereneo Alison – Bretaña	SB Member (Sick Leave)
	Hon. Vanessa Turita Salinas	SB Member (MC-6)

ORDINANCE NO. 2022 – 397

**AN ORDINANCE REGULATING EMISSION FROM ROAD
CONSTRUCTION, BUILDING CONSTRUCTION / DEMOLITION
ACTIVITIES AND PRESCRIBING PENALTIES THEREOF.**

ON MOTION of the Committee Environmental Protection and Climate Change Adaptation composed by Hon. Antonio P. Masculino, Jr., Hon. Vanessa T. Salinas and Hon. Ella Mae S. Yeoh which was duly seconded by Hon. Ernesto C. Ticao

BE IT ORDAINED by the Sangguniang Bayan of Oton, Iloilo, that:

SECTION 1. Introductory Clause.

Section 16 of the 1987 Philippine 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;

The Constitution authorizes the exercise of the police power of the State and its political subdivisions which is the power to regulate the activities of its constituents;

Section 16 (“General Welfare Clause”) of RA 7160 otherwise known as the Local Government Code of 1991, provides that every LGU, among others, shall promote health and safety and enhance the right of the people to a balanced ecology;

This Sangguniang Bayan is vested with the power to enact ordinances as provided under Book III of RA 7160 particularly on the promotion towards sustainable development, management and maintenance of ecological balance and protection of public health and environment within its territorial jurisdiction;

In Section 2 of Declaration of principles of RA 8749 otherwise known as the “Philippine Clean Air Act of 1999”, the state shall protect and advance the right of the people to a balance and healthful ecology in accord with the rhythm and harmony of nature. Further, 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;

Under Section 36, Chapter 4 Institutional Mechanisms of RA 8749, Local government units (LGUs) shall share the responsibility in the management and maintenance of air quality within their territorial jurisdiction;

The Municipality of Oton finds that further regulation of emission from road construction and construction/ demolition of building is necessary to lessen the suffering of citizens who are sensitive to dust and need the promotion of health and safety ,and the protection of the environment;

This Ordinance is needed to promote public health, safety and welfare and to safeguard the health, comfort, living condition, safety and welfare of the citizens of the Municipality of Oton through regulation of emission and nuisance from road construction and construction / demolition of buildings.

SECTION 2. Scope. This ordinance shall apply to all road constructions, building constructions and demolition activities within the Municipality of Oton. This ordinance shall apply to the causing, letting permitting, suffering or allowing the emission of particulate matter from any source whatsoever, including, but not limited to, vehicular movement, transportation of materials, construction, alteration, demolition or wrecking or industry related activities.

SECTION 3. Authority. This ordinance is enacted to supplement the provisions of existing laws related to and complementing existing laws such as RA 8749.

SECTION 4. Definition of Terms. The words and phrases used in this Ordinance shall mean as follows:

- a) **"Air pollution"** means any alteration of the physical, chemical and biological properties of the atmospheric air, or any discharge thereto of any liquid, gaseous or solid substances that will or is likely to create or to render the air resources of the country harmful, detrimental, or injurious to public health, safety or welfare or which will adversely affect their utilization for domestic, commercial, industrial, recreational, or other legitimate purposes.
- b) **"Emission"** means any measurable air contaminant, pollutant, gas stream or unwanted sound from a known source which is passed into the atmosphere;
- c) **"Motor Source"** means any vehicle propelled by or through combustion of carbon-based or other fuel, constructed and operated principally for the conveyance of persons or the transportation of property / goods.
- d) **"Motor vehicle"** means any vehicle propelled by a gasoline or diesel engine or by any means other than human or animal power, constructed and operated principally for the conveyance of persons or the transportation of property or goods in a public highway or street open to public use.
- e) **"Particulate Matter"** or **"Suspended Particulates"** means any material, other than uncombined water, which exists in a finely divided form as a liquid or solid;
- f) **DAO2001-34** – Clean Air Act or IRR of the Ecological Solid Waste Management Act.
- g) **LGC** – Local Government Code

SECTION 5. Prohibited Acts. No person shall cause, let, permit, suffer or allow the emission of particulate matter from any source whatsoever, including, but not limited to, vehicular movement, transportation of materials, construction, alteration, desolation or wrecking or industry related activities such as loading, storing or "handling," without taking reasonable precaution to prevent such emission. Such reasonable precaution shall include, but not be limited to the following;

- a) Use, where possible, of water or chemical for control of dust in the demolition of existing building or structure, construction, operation, the grinding of rocks, quarry or clearing of lands;
- b) Application of asphalt, oil water or suitable chemical roads, materials stockpiles, and other surface which create airborne dust problem; and
- c) Installation and use of hoods fens and fabric filters or other suitable control devices to enclose and vent handling of dust materials. Adequate containment methods shall be employed during sandblasting or other similar operations.

SECTION 6. Mitigation Measures. Proper mitigation of emission from these activities be applied such as but not limited to.

- a) Minimizing construction clutter;
- b) Proper management of construction debris
- c) Provision for barriers, wind breaker ventilation pumps and pipes in working area;
- d) Regular cleaning of roadways;

- e) Proper cover for hauling trucks; and
- f) Regulation of emissions of heavy equipment through the formulation and adoption of the best environment practices, available technology and alternative methods of prevention , management of air pollution;

SECTION 7. Administration and Enforcement. The administration and enforcement of this ordinance for new buildings, residences, ancillary structures which were added as extensions thereto is hereby vested in the offices of the Building Official/ Environment and Natural Resource of the Municipality of Oton and other deputized personnel or entity.

SECTION 8. Monitoring and Evaluation. Monitoring of all activities shall be conducted by the MENRO / MOBO in conjunction with the operations and maintenance plan that will be contained in the operational guidelines. Adverse effects of the project shall be mitigated and considered a top priority in prevention and maintenance operation. Any environment change/hazard attributed to the project implementation shall be immediately addressed.

SECTION 9. Fines and Penalties. Violators shall pay the fines per violation set herein in lieu of prosecution:

- A. First Offense. Php1,000.00
- B. Second Offense. Php2,000.00
- C. Third Offense. Php2,500.00

SECTION 10. Adjudication of complaints (may adopt provisions of DAO2001-34 and LGC) or the usual adjudication process of the LGUs in violation of the provision of an ordinance

SECTION 11. Budgetary Requirement. There shall be a budget in the amount of One hundred thousand (P100,000.00) to be utilized for the implementation of this Ordinance.


SECTION 12. Final Provision

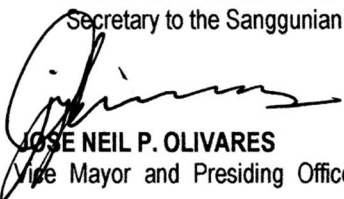
- a) All provisions of existing laws and ordinances are hereby supplemented and added to come up with system that will work for the municipality.
- b) **Separability Clause.** If for any reason any portion or provision of this ordinance is declared unconstitutional or invalid, the other section or provisions thereof which are not affected shall continue to be in full force and effect.
- c) **Effectivity.** This Ordinance shall take effect 15 days after publication in a local newspaper or posting in three conspicuous places within the municipality whichever comes later.
- d) **Copies.** This Ordinance shall be furnished to the Office of the Mayor; MENRO, MOBO, MBO, Actg., GSO, MEO and the Sangguniang Panlalawigan of Iloilo for information, guidance and review respectively.

UNANIMOUSLY APPROVED.

I HEREBY CERTIFY to the correctness of the foregoing Ordinance.

Concurred: 
JIMMY R. OLIVARES
 Vice Chair, Committee on Rules and Privileges


KERRY ANN T. LACIFICAR
 Secretary to the Sanggunian

Attested: 
JOSE NEIL P. OLIVARES
 Vice Mayor and Presiding Officer

Approved: 
SOFRONIO J. FUSIN, JR.
 Municipal Mayor

Date Approved: NOV 17 2022

Date Posted: NOV 17 2022