



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 on September 25, 2025 at 9:00 the morning.

<p><b>PRESENT:</b></p> <p>Vice Mayor Jose Neil Portugalete Olivares                  Hon. Annie Rose Dajay Paro                  Hon. Dennis Quillo Geroche                  Hon. Jimmy Robles Olivares                  Hon. Dell Cartago Hosillos                  Hon. Evaristo Miguel Ledesma Flores, Jr.                  Hon. Ma. Lorna Tumambo Geonigo                  Hon. Josephus Ambrosius Renatus Talamera Escanlar                  Hon. Rodolfo Zurita Alconga, Jr.                  Hon. Hyacinth Celiz Gardose                  Hon. Paul Mediavilla Buenafe</p> <p><b>ON OFFICIAL BUSINESS:</b> None.  <b>ABSENT:</b> None.</p>	<p>Vice Mayor and Presiding Officer                  SB Member                  SB Member                  SB Member                  SB Member                  SB Member                  SB Member                  SB Member                  SB Member (PPSK Representative)                  SB Member (LNB Representative)</p>
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**ORDINANCE NO. 2025 – 485**

**AN ORDINANCE REGULATING THE LAND FILLING /BACK FILLING  
 ACTIVITY IN THE MUNICIPALITY OF OTON AND PROVIDING PENALTIES  
 FOR VIOLATION THEREOF.**

**AS PROPOSED** by the Local Chief Executive, **ON MOTION** Hon. Evaristo Miguel M. Flores, Chair of the Committee on Environmental Protection and Climate Change Adaptation together with Hon. Rodolfo Z. Alconga, Jr. and Hon. Paul M. Buenafe and duly seconded by Hon. Ma. Lorna T. Geonigo,

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

**SECTION 1. DECLARATION OF POLICY.** The Municipality of Oton hereby declares as a policy that Land Filling / Back Filling activity is the initial site development and cause negative impact on the air quality and alters natural landscape of the municipal environment. It may sometimes cause impact to the environment such as flooding by filling the drainage system or causes air quality hazard like dust.

**SECTION 2. LEGAL BASES.**

**PRESIDENTIAL DECREE No. 1586, ESTABLISHING AN ENVIRONMENTAL IMPACT, INCLUDING OTHER ENVIRONMENTAL MANAGEMENT RELATED MEASURES AND FOR OTHER PURPOSES** aims to have a comprehensive and integrated environment protection program necessitates the establishment and institutionalization of a system whereby the exigencies of socio-economic undertakings can be reconciled with the requirements of environmental quality. The regulatory requirements of environmental Impact Statements and Assessments instituted in pursuit of this national environmental protection program have to be worked into their full regulatory and procedural details in a manner consistent with the goals of the program.

Section 2 of Republic Act No. 8749, An Act Providing For A Comprehensive Air Pollution Control Policy and for Other Purposes known as the "Philippine Clean Air Act of 1999 provides, "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 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. The State recognizes that the responsibility of cleaning the habitat and environment is primarily area-based. The State also recognizes the principle that "polluters must pay". Finally, the State recognizes that a clean and healthy environment is for the good of all and should therefore be the concern of all.

The right of every person to a clean and wholesome environment is a fundamental right guaranteed in our Constitution.

It is the primary responsibility of the State to promote the general welfare of its people as well as its full enjoyment.

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**SECTION 3. DEFINITION OF TERMS.** For purposes of this Ordinance, the following words/phrases shall mean:

- a) **Ambient Air Quality** – the general amount of pollution presents in a broad area; and refers to the atmosphere's average purity as distinguished from discharge measurements taken at the source of pollution.
- b) **Back filling/ Land Filling Permit**- issued by the MOBO after the Environmental Impact Assessment Team (EIAT) issued an environmental impact statement.
- c) **Development Permit** – refers to the permit issued by this municipal government which will allow the applicant / developer to proceed with the detailed and necessary development activities as reflected in the approved plans.
- d) **Dust** – refers to very small particles (particulate matter) suspended in the air, the source of which is primarily the earth's soil brought by trucks and earth filling.
- e) **Earth Filling / Back Filling/ Land Filling Activity**- an act by which earth, sand, gravel, rock or any other material is deposited, placed, pushed, dumped, pulled, transported or moved, to a new location including the condition resulting therefrom which will result to land development.
- f) **Earth Fill Materials** – is composed of natural earth materials that can be placed and compacted by construction equipment operated in a conventional manner.
- g) **Environmental Impact Statement.** - refers to the document issued by the MENRO as head of the IAT to the applicant/ developer/ representative or assignee who will conduct a backfilling/ landfilling activity as a result of the EIA process which will provide critical information to help guide in the planning an decision making process for proposed action.
- h) **Environmental Impact Assessment**- is a process predicting and evaluating the potential environmental, social and health impact of a proposed project or development.
- i) **Erosion** – the detachment and movement of soil or rock fragments by water, wind, ice or gravity, including such processes as gravitational creep.
- j) **Fill** – deposit of deposit of earth materials by artificial means.
- k) **Land Development** – alteration of natural landscape of an area for residential, commercial or industrial purposes.
- l) **Slope** – an inclined ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance. It is termed positive or negative depending on whether it rises or falls respectively from the point of observation.
- m) **Any person**- means natural or juridical be it the lot owner or its developer or representative or assignee or beneficial owner or lessee of the said landholding

**SECTION 4. REGULATORY PROVISIONS:**

- a) For any landfilling/ backfilling activity in a vacant lot for any purpose, any person who conduct the landfilling / backfilling shall secure first an **environmental impact assessment report** from the Office of the Municipal Environment and Natural Resources (MENRO) as head of the Impact Assessment Team as provided in Section 5. .
- b) The lot owner or its developer representative or assignee shall manage the dust and dirt from the area source or activity of land filling and such will not cause danger to the health of the people. Any activity related to the provision of Ordinance that compromise the ambient air quality of certain area shall not be permitted and shall be suspended. Those performing land filling operations within the municipality where dry conditions or dry admixtures are encountered shall adequately and effectively control dust to prevent spread off-site or onto existing structures on-site. Prior to commencement of land filling operations, it shall furnish details of proposed dust control measures to the MENRO for approval.
- c) All vehicles that transport earth fill or quarry materials that ply within the Municipality of Oton shall have cover, and all earth fill materials that will be transported in the Municipality shall have necessary permits from the authorized agency, subject to the provisions of existing Ordinance **2022-397. AN ORDINANCE REGULATING EMISSION FROM ROAD CONSTRUCTION, BUILDING CONSTRUCTION / DEMOLITION ACTIVITIES AND PRESCRIBING PENALTIES THEREOF.**
- d) No dumping of earth fill materials within the three-meter legal easement of natural waterways within the Municipality, unless it shall have to provide a soil erosion control measures on retaining wall for the areas near water bodies to preserve the natural slope but not beyond the easement.

**SECTION 5. ADMINISTRATIVE PROVISIONS AND ENFORCEMENTS.** The administration and enforcement of this Ordinance for applicants shall be the following:

**a) CREATION OF IMPACT ASSESSMENT TEAM (IAT)**

IAT Head: Municipal Environment and Natural Resources Officer (MENRO)

Members: Municipal Engineer

MOBO Head

Zoning Officer

Municipal Agrarian Reform Officer (in case the lot is in agricultural zone)

Liga ng mga Barangay President

Punong Barangay/ Barangay Kagawad – where the lot is situated

**b. FUNCTIONS:** The IAT shall be responsible in the enforcement of this Ordinance. It shall conduct the environmental impact assessment of the backfilling / landfilling activity and issue assessment report which provide recommendations / restrictions on environmental impact, mitigation measures which will form part of the requirement in applying for a Backfilling/ Landfilling Permit.

The MOBO shall issue the corresponding Landfilling/ backfilling permit containing the conditions required in the Environment Assessment Report.

**SECTION 6. PENALTY CLAUSE.** Any person, natural or juridical, who violate Section 4 of this Ordinance shall pay a fine of Two Thousand Five Hundred Pesos (P2, 500.00) for the 1<sup>st</sup> Offense, and for the 2<sup>nd</sup> and subsequent or succeeding offenses, a fine of Two Thousand Five Hundred Pesos (P2, 500.00) per violation, and imprisonment of not less than thirty (30) days nor more than Sixty (60) days at the discretion of the court.

**SECTION 7. REPEALING CLAUSE.** All Municipal Ordinances, Executive Orders other municipal issuances which are inconsistent with this Ordinance are hereby amended or repealed accordingly.

**SECTION 8. SEPARABILITY CLAUSE.** If any part or provision of this Ordinance is declared unconstitutional or invalid, the same shall not affect the validity and Effectivity of the other parts or provisions hereof.

**SECTION 9. EFFECTIVITY.** Based on Section 511 of the Local Government Code, this Ordinance with penal sanctions shall take effect either on the day following its publication, or at the end of three (3) consecutive weeks period of posting, whichever occurs later.


**SECTION 10. COPIES.** Copies of this Ordinance shall be furnished to Office of the Mayor, MENRO, MEO, MOBO, Assessor, MBO, MTO, Accounting, MPDC, MARO, Legal Officer, Oton PNP, Liga ng mga Barangay President and 37 Barangays and Sangguniang Panlalawigan of Iloilo for information, guidance and review, respectively.

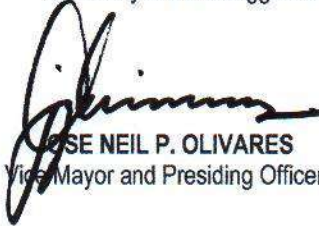
**UNANIMOUSLY APPROVED.**

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I HEREBY CERTIFY to the correctness of the foregoing Ordinance.

Concurred:   
**JIMMY R. OLIVARES**  
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 RUFUS, JR.**  
Municipal Mayor

Date Approved: OCT 17 2025

Date Posted: OCT 17 2025