



Republic of the Philippines
Department of Education
REGION X- NORTHERN MINDANAO
DIVISION OF MALAYBALAY CITY

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DEPED MALAYBALAY CITY DIVISION
RELEASED
DATE: _____ TIME: 2:06 pm
BY: SEP 29 2021

MEMORANDUM

TO: Assistant Schools Division Superintendent
Chief Education Supervisors and Staff, CID and SGOD
Section/Unit Heads and Staff
All Others Concerned

FROM: **VICTORIA V. GAZO, PhD, CESO V**
Schools Division Superintendent

DATE: September 27, 2021

SUBJECT: **NEWLY APPROVED INTEGRATED SOLID WASTE MANAGEMENT
ORDINANCE IN MALAYBALAY CITY, NO. 962, SERIES 2020**

1. Per approved Integrated Solid Waste Management Ordinance of Malaybalay City, No. 962, Series of 2020 (An ORDINANCE PROVIDING FOR A SOLID WASTE INTEGRATED MANAGEMENT. CREATING THE NECESSARY INSTITUTIONAL MECHANISM AND INCENTIVES, DECLARING CERTAIN ACTS PROHIBITED AND PROVIDING PENALTIES, APPROPRIATE FUNDS THEREFORE, AND FOR OTHER PURPOSES) which was approved last December 16, 2020.
2. For more details, please see attached Ordinance No. 962, s. 2020.
3. Immediate and wide dissemination of this Memorandum is earnestly desired.

Copy furnished:
Records file
AO file



Address: Sayre Hi-way, Purok 6, Casisang, Malaybalay City
Telefax No: (088) 314-0094 Telephone No. 088-813-1246
Email Address: malaybalay.city@deped.gov.ph



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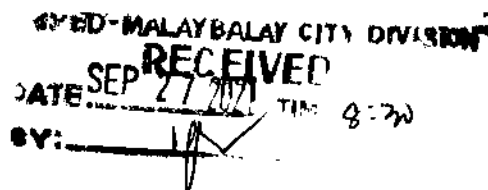


CITY ENVIRONMENT & NATURAL RESOURCES OFFICE

Tel No. (088) 813 - 2977

September 6, 2021

VICTORIA V. GAZO, Ph.D. Ceso V
Superintendent, Deped
Malaybalay City Division



Maam

This refers to the newly approved Integrated Solid Waste Management Ordinance of Malaybalay City, No. 962, Series of 2020 (AN ORDINANCE PROVIDING FOR A SOLID WASTE INTEGRATED MANAGEMENT, CREATING THE NECESSARY INSTITUTIONAL MECHANISMS AND INCENTIVES, DECLARING CERTAIN ACTS PROHIBITED AND PROVIDING PENALTIES, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES) which was approved last December 16, 2020.

Our office is requesting for your kind assistance for the wider dissemination and information drive of the said ordinance to your establishment/office/institution including the in-charge in the solid waste management. We have attached hereto the copy of the ordinance for your reference.

Please take note that the ordinance is effective since April 2021 after it was published in a local newspaper of general circulation. However, Article 7 of the ordinance which is the regulation of plastic and polystyrene will only be effective on November 2021 to give time to our business establishments to have the needed preparation and for the institutions to develop strategies in response to the ban on the use of polystyrene (Styrofoam) in their activities. In addition, the new ordinance supersedes all existing SWM Ordinance of the City, particularly City Ordinance Nos. 669, 685 and 662.

In case you have any concern regarding the newly approved ordinance, please feel free to contact us or visit our office through 088-813-2977.

Thank you very much for your usual support to our clean and green programs.

Very truly yours,

MARIA NITA L. FERNANDEZ
City ENR Officer

Republic of the Philippines
Province of Bukidnon
CITY OF MALAYBALAY

Office of the Sangguniang Panlungsod

EXCERPT FROM THE MINUTES OF THE 65TH REGULAR SESSION OF THE 8TH SANGGUNIANG PANLUNGSOD FOR CY 2020 OF THE CITY OF MALAYBALAY, BUKIDNON HELD AT THE SP SESSION HALL ON DECEMBER 16, 2020.

- PRESENT:** Hon. Vice Mayor Jay Warren R. Pabillaran Hon. – Presiding Officer
Hon. Councilor Niko P. Aldeguer
Hon. Councilor Rendon P. Sangalang
Hon. Councilor Erwin A. Damasco
Hon. Councilor Cromwell Kiri D. Dinlayan
Hon. Councilor Louel M. Tortola
Hon. Councilor Victor M. Barroso (On Line)
Hon. Councilor Kathleen Cecille C. Pagaling
Hon. Councilor Christopher B. Soria (On Line)
Hon. Councilor Bonifacio G. Valiente
Hon. Councilor Dave Julian A. Balore
- ABSENT :** Hon. Councilor Estelito R. Marabe
Hon. Councilor Hollis C. Monsanto
Hon. Councilor Renato S. Sumbongan

ORDINANCE NO. 962
Series of 2020

Authored and Sponsored by: Hon. Louel M. Tortola

AN ORDINANCE PROVIDING FOR A SOLID WASTE INTEGRATED MANAGEMENT, CREATING THE NECESSARY INSTITUTIONAL MECHANISMS AND INCENTIVES, DECLARING CERTAIN ACTS PROHIBITED AND PROVIDING PENALTIES, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

Article 1
General Provisions

Section 1. Title. — This ordinance shall be known as the "The Solid Waste Integrated Management Ordinance of Malaybalay City"

Section 2. Declaration of Policies. — It is hereby declared the policy of the City to adopt and implement a comprehensive, integrated and ecological solid waste management program which shall:

- a. Ensure that all measures are considered by the City Government to protect, restore, and enhance environmental quality for sustainable development;
- b. Operationalize the powers and responsibilities of the City Government in ecological solid waste management;
- c. Effectively manage solid waste including the aspects of solid waste reduction at source, segregation, collection, transport and disposal among all barangays in the City of Malaybalay;
- d. Provide guidance and support to the component barangays in the exercise of their powers relative to solid waste management;

Cont. Ord. No. 962, Series of 2020:

- e. Ensure and assist actions of industries, business sector and the communities in the pollution prevention, clean production and technologies, and waste minimization;
- f. Promote and develop community – based information and education dissemination to encourage community involvement in the planning, implementation, monitoring and evaluation of programs and projects relating to solid waste management; and
- g. Strengthen collaborative relationship with stakeholders for an integrated implementation of solid waste management programs and projects.

Article 2 Definition of Terms

Section 3. Definition of terms. – For purposes of this Ordinance, the following terms shall mean:

- a. **Agricultural Waste** - shall refer to waste generated from planting or harvesting crops, trimming or pruning of plants and wastes or run-off materials from farms and field;
- b. **Big Business and Commercial Establishments** - shall refer to all businesses with annual gross income of Three Million Pesos (P3,000,000.00) and above;
- c. **Biodegradable Solid Waste** - shall refer to waste materials that are compostable;
- d. **Bulky wastes** - shall 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, bookcases, filing cabinets, and other similar items;
- e. **Citation Tickets** – refers to the tickets issued that indicate the nature and kind of violation committed by an apprehended violator also indicating there in the amount of fine or penalty;
- f. **Cloth bag (a.k.a.) Katsa** - refers to reusable packaging material made of cloth used in the packaging of flour, wheat and other similar goods;
- g. **Collection** - shall refer to the act of removing solid waste materials from the source or from a communal storage point;
- h. **Commercial Establishments** - shall refer to hotels, resorts, recreational center, restaurants, cinema houses, public markets, department stores, groceries, sari-sari stores, stalls, shops, vendors, parlors and the likes;
- i. **Composting** – refers to the controlled decomposition of organic matter by micro-organisms, mainly bacteria and fungi into humus-like product;
- j. **Compost Pit** – refers to the area used for preparing compost by burying the compostable solid waste with regular application of soil cover.
- k. **Container/s** - refers to a type of material utilized for purposes of holding, enclosing, packaging and/or restraining edible food and beverage for human consumption;
- l. **Disposal Site** - shall refer to a site where solid waste materials are finally discharged and deposited;
- m. **Dry Goods** – refers to any product that do not require refrigeration or freezing to maintain freshness;
- n. **Dry Market** – generally refers to any establishment that sells products that do not require refrigeration or freezing to maintain freshness;
- o. **Ecological Solid Waste Management** - shall refer to the systematic administration of activities, which provides for segregation at source, segregated, transportation, storage, transfer, processing, treatment and disposal of solid waste;
- p. **Environmentally acceptable** - shall refer to the quality of being re-usable, biodegradable or compostable, recyclable and not toxic or hazardous to the environment;

Cont. Ord. No. 962, Series of 2020:

- q. Garbage Pit – a hole purposely used for the disposal of mixed solid wastes or any other type of wastes other than the compostable waste.
- r. Hazardous Waste – refer to solid wastes or combination of solid wastes which because of 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 presence or potential hazard to human health or the environment when improperly treated, stored, transported or otherwise managed.
- s. High-Density Polyethylene (HDPE) - is a thermoplastic polymer produced from the monomer ethylene known for its large strength-to-density ratio. It is used in the production of plastic bottles, corrosion-resistant piping, geo-membranes and plastic lumber. HDPE is commonly recycled, and has the number "2" as its resin identification code.
- t. Industrial Establishments - shall refer to agri-industrial businesses, plants, mills and the likes.
- u. Institution - shall refer to hospitals, clinics, funeral parlors, schools, churches, public / private offices and the likes;
- v. Junkshop – shall refer to any building, including its premises, in which junk or recyclable materials are stored. It can be dealing with a particular kind of junk/recyclable materials or with all kinds of junk/recyclable materials, and it may thus assume a different business name;
- w. Junkshop Owners/Operators – shall refer to any person, firm, association, partnership or corporation who owns and/or operates a junkshops for the purpose of buying or acquiring discarded junk/recyclables solid wastes for commercial/trading purposes and/or who collects and stores junk/recyclable solid materials therein;
- x. Litter – refers to small pieces of waste or refuse such as but not limited to wrappers, cigarette butts, tissue papers, fruits and vegetables peelings, food wastes, food packaging, and the like;
- y. Linear Low-Density Polyethylene (LLDPE) - is a substantially linear polymer (polyethylene). It is used for plastic bags and sheets (where it allows using lower thickness than comparable LDPE), plastic wrap, stretch wrap, pouches, toys, covers, lids, pipes, buckets and containers, covering of cables, geo-membranes and mainly flexible tubing
- z. Littering – refers to an act of throwing or scattering small pieces of waste or refuse such as but not limited to candy wrappers, cigarette butts, tissue papers, fruits and vegetable peelings, food wastes, food packaging, and the like or causing or permitting the same.
- aa. Low-Density Polyethylene (LDPE) - is a thermoplastic made from the monomer ethylene. It is widely used for manufacturing various containers, dispensing bottles, wash bottles, tubing, plastic bags for computer components, and various molded laboratory equipment. It's most common use is in plastic bags.
- bb. Materials Recovery Facility (MRF) - shall include solid waste transfer station or sorting station, drop off center, a composting and recycling facility;
- cc. Open Burning – refers to the thermal destruction of solid wastes by means of direct exposure to fire or where the products of combustion are emitted directly into the surrounding air without passing through a stack or a chimney. This includes burning in a burn barrel. Furthermore, this definition shall apply to traditional small-scale methods of community sanitation termed "siga";
- dd. Oxo-biodegradable plastics - are a form of plastic that biodegrades significantly faster in the presence of oxygen quicker in the open environment than conventional plastics, turning into supposedly harmless biodegradable matter over a period of a few months to a few years;

Cont. Ord. No. 962, Series of 2020:

- ee. Plastic Bags - also known as sando bags, pouch, plastic shopping bag and plastic film bags used as Secondary Packaging Material. Plastic carryout bags with handles, holes, or string usually made from High-Density Polyethylene (HDPE), Low-Density Polyethylene/Linear Low-Density Polyethylene (LDPE/LLPDE) and Polypropylene (PP) plastic materials;
- ff. Polypropylene (PP) - is a thermoplastic polymer that have similar properties with polyethylene but slightly harder and more heat resistant. This is the second-most widely produced commodity plastic (after polyethylene) and it is often used in packaging and labelling.
- gg. Polystyrene – refers to petroleum-based plastic made from styrene monomer and a lightweight material / foam polystyrene used in food packaging applications such as cups and food boxes / trays. more commonly known as styrofoam / styrophor;
- hh. Primary Packaging – refers to first level packaging that contains the item sold;
- ii. Recycling - shall refer 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 waste materials are transformed into new products in such a manner that the original product may lose their identity, and which may be used as raw materials for the production of other goods or services: Provided, That the collection, segregation and re-use of previously used packaging material shall be deemed recycling under this Act.
- jj. Recyclable Materials - shall refer to any waste materials retrieved from the waste Stream and free from contamination that can still be converted into suitable beneficial use for other purposes, including newspapers ferrous scrap metal, non-ferrous scrap metal, corrugated cardboards, aluminium, office paper, tin cans and other recyclable materials;
- kk. Receptacles - shall refer to individual containers used for the source separation and the collection of recyclable materials;
- ll. Refuse – means any waste material except trees, logs, brush, stumps, leaves, grass clippings, and other vegetative matter;
- mm. Residual Waste - shall refer to non-recyclable and non-biodegradable solid waste materials such as foils, rubber worn-out clothes, etc.;
- nn. Re-use - refers to the process of recovering materials intended for the same or different purpose without the alteration of physical and chemical characteristics;
- oo. Reusable bag - refers to a washable canvass bag or native bag "bayong" or any shopping bag used for carrying and transporting goods, which bags are made of organic or non-organic materials that can be used for several times;
- pp. Sanitary Landfill – refer to a waste disposal site designed, constructed, operated and maintained in a manner that exerts engineering control over significant potential environment impacts arising from the development and operation of the facility;
- qq. Secondary Packaging – refers to packaging that is used to support primary packaging, usually used and intended for the convenience of the consumer;
- rr. Segregation - shall refer to sorting and segregation of different solid waste materials in order to promote recycling and re-use of resources and to reduce the volume of wastes for collection and disposal;
- ss. Segregation at Source - shall refer to a solid waste management practice of separating at the point of origin such as commercial, industrial, domestic and institutional;
- tt. Small business establishments - shall refer to all businesses with annual gross income of Two Million Nine Hundred Ninety-Nine Thousand Nine Hundred Ninety-Nine Pesos (P2,999,999.00) and below;

Cont. Ord. No. 962, Series of 2020:

- uu. **Solid Waste** - shall refer to all discarded household, commercial waste, non-hazardous institutional and industrial waste, street sweepings, constructions debris, agricultural waste and other non-hazardous/ non-toxic;
- vv. **Source reduction** - refer 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
- ww. **Special/Hazardous waste** - shall refer to the toxic, infectious and poisonous solid waste materials;
- xx. **Storage** - shall refer to the interim containment of solid waste materials after generation and prior to collection for ultimate recovery or disposal;
- yy. **Styrofoam** - refers to a light, resilient polystyrene plastic used as throw-away plates, cups, and Styrofoam trays;
- zz. **Waste diversion** - shall refer to activities which reduce or eliminate the amount of solid waste from waste disposal facilities
- aaa. **Wet Goods** – refers to any product that require refrigeration or freezing to maintain freshness such as fish, meat, fruits and vegetables, and cooked food in restaurants, eateries or cannerias;
- bbb. **Wet Market** – generally refers to any establishment that sells products which requires refrigeration or freezing to maintain freshness. Such examples include the wet section of the public markets, supermarkets, groceries, restaurants, eateries or cannerias;

Article 3

The City 10-year Ecological Solid Waste Management Plan

Section 4. Incorporation by Reference. — The City's 10-Year Ecological Solid Waste Management Plan adopted and approved by the Sangguniang Panlungsod, is hereby incorporated by reference.

Section 5. Implementation. – The City's 10-Year Ecological Solid Waste Management Plan shall be implemented in accordance with the implementation strategies and schedules contained in the said Plan as well as implementing guidelines and mechanisms that may be formulated hereafter.

Article 4

Segregation of Wastes

Section 6. Mandatory Segregation of Solid Waste at Source. – The segregation of waste shall be mandatory. Segregation shall primarily be conducted at the source to include households, commercial, institutional, market, industrial sources, transport facilities and utilities, and construction business. In addition to the fine to be imposed for non-segregation as prescribed in this ordinance, unsegregated waste shall not be collected.

Section 7. Waste Classification – Solid Waste shall be classified as compostable materials, recyclable materials, residual waste and special/hazardous wastes.

Article 5

Solid Waste Storage, Collection, Transport and Disposal

Section 8. Storage, Handling, Set-out and Disposal – Solid Waste sources are mandated to ensure the proper storage, handling and set-out of their generated solid wastes. They must have separate and appropriate receptacles for each type of solid waste. The following shall be the minimum standards and requirements for the storage, handling and set-out of solid waste prior to collection:

Cont. Ord. No. 962, Series of 2020:

Section 8.1. Residential/ Household Sources

- a. Residential and household sources must segregate their generated solid waste by providing separate receptacles for every kind of waste. Residual and special hazardous wastes shall be brought out of the household vicinity only during the scheduled time and day of collection.
- b. Every household shall provide a composting facility like compost pit, composting bins, and other composting systems for the compostable waste. In case where no space is available, the household shall coordinate with the purok or the barangay for the Purok/Barangay Composting Facility.
- c. Special/ hazardous waste must be stored and sealed properly in a container/bag before it shall be collected and disposed accordingly.
- d. It shall be the responsibility of the individual households to dispose all recyclables either through the recyclable buyer or to the City/Barangay Materials Recovery Facility. Recyclable materials shall not be brought out during the collection time for residual wastes by the City Government or biodegradable wastes by the Barangay unless the Barangay has scheduled for the collection of recyclable solid wastes.

Section 8.2. Commercial Establishments

- a. All commercial and business establishments, including institutional, industrial and manufacturing plants, shall provide for their own separate covered segregation bins and covered receptacles for the strict implementation and proper ecological solid waste management and segregation within their respective premises. These shall be kept in their premises until the scheduled collection time and day.
- b. The segregation bins and covered receptacles shall properly be labelled, maintained, secured, covered and kept in an orderly and sanitary manner at all times within the premises of the establishment to prevent any kind of littering and so as not pose any health hazards. Replacement of dilapidated and unusable segregation bins/receptacles shall be the responsibility of the establishments and institutions concerned.
- c. The lobby and immediate grounds of the establishment must be clean and orderly at all times.
- d. It shall be the responsibility of the owner/ occupant to dispose all recyclables either through the recyclable buyer or to the City/Barangay Materials Recovery Facility. Recyclable materials shall not be brought out during the collection time for residual wastes by the City Government or biodegradable wastes by the Barangay unless the Barangay has scheduled for the collection of recyclable solid wastes.
- e. Biodegradable wastes shall be composted or be brought to the Barangay Composting Facility.

Section 8.3. Institutions/Industrial Establishments

- a. Industrial establishment must maintain their respective proper disposal site in conformity with applicable policies of the DENR and provisions of RA 9003 and shall be responsible in the safe disposal, transportation of wastes resulting from its operation.
- b. Residual Wastes from hospitals, clinic, funeral parlors, pharmaceuticals and establishments with related operation that are non-hazardous will be collected and disposed during the scheduled time and day of collection, while special/hazardous wastes must be properly handled and sealed , before it shall be transported and /or disposed by said establishment either through their respective septic vault or through their contracted treatment facilities that are duly accredited with the DENR and or other regulating agencies.

Cont. Ord. No. 962, Series of 2020:

- c. Schools, churches, public/private offices shall provide separate storage receptacles for segregated wastes and shall be kept in the premises of the establishment until the scheduled collection time and day.
- d. All institutions and industrial establishments shall manage their own biodegradable solid wastes through their respective composting facilities/systems from which they are mandated to establish.
- e. It shall be the responsibility of each industry or institution to manage and dispose all recyclables either through the recyclable buyer or to the City/Barangay Materials Recovery Facility. Recyclable materials shall not be brought out during the collection time for residual wastes by the City Government or biodegradable wastes by the Barangay unless the Barangay has scheduled for the collection of recyclable solid wastes.
- f. Offices, schools and other institutions shall institute a system for recovery of recyclable materials especially scratch/waste papers to avoid mixing it with the compostable solid wastes.

Section 8.4. Barangay Local Government Units

- a. The Barangay Local Government Units shall be responsible for ensuring that a 100% collection efficiency from residential, commercial, industrial and agricultural sources, where necessary within its area of coverage, is achieved.
- b. Responsible for the management or collection of the biodegradable, compostable, recyclable and reusable solid waste within their territorial jurisdiction.
- c. Identify collection points in areas/puroks wherein house to house collection is not viable taking into account the following:
 1. Collections points are managed and maintained in a sanitary manner;
 2. Segregation of different types of wastes is properly observed;
 3. Availability and provision of properly designed containers or receptacles for the temporary storage of solid waste while awaiting collection and disposal to the sanitary landfill.
 4. Proper monitoring of the collection point is undertaken in coordination with the concerned Purok.
- d. Establish a Barangay Material Recovery Facility that shall be designed to receive, sort, process and store compostable and recyclable materials efficiently and in an environmentally sound manner. The facility is designed to include a recycling and composting system. In case of unavailability of suitable site for the MRF in a certain barangay, an MRF may be established in a cluster of barangays. In establishing an MRF, the following shall be considered:
 1. The facility shall be established in a barangay-owned or leased land or any suitable open space to be determined by the barangay through the Sanggunian. In case of a clustered MRF, the cluster of barangays shall allocate a certain parcel of land for the facility;
 2. The building and/or layout and equipment must be designed to accommodate efficient and safe materials processing, movement and storage;
 3. The building must be designated to allow efficient and safe external access and to accommodate internal flow,
 4. The facility shall include a system for waste water management;
 5. If the MRF includes a composting operation or the barangay will establish a separate composting facility, the following minimum requisites for the establishment and operation of a composting facility shall be considered:
 - 5.a. The facility shall not be sited in areas subject to flooding, unless engineering controls are provided in the design to prevent inundation of the facility.

Cort. Ord. No. 982, Series of 2020:

- 5.b. Facilities shall be designed such that compost piles, windrows, residues and processed materials will not come in contact with surface storm run-off;
 - 5.c. Where excess leachate storage is provided, discharge of leachate into any body of water is prohibited unless such discharge meets the limits prescribed by the DENR standards for effluents. Provisions shall be made such that leachate is re-circulated back into compost piles or windrows as much as possible;
 - 5.d. Provisions for vector, odor, litter and dust control shall be included;
 - 5.e. Residues shall be managed as solid wastes and shall be disposed of as such;
 - 5.f. Temperatures of compost piles, curing piles and processed composts shall be maintained in safe levels to prevent spontaneous combustion;
 - 5.g. Aerobic conditions shall be maintained to prevent creation of dangerous gases such as methane.
 - 5.h. The establishment and operation of the composting facility shall comply with existing rules and regulations as set by the DENR;
 - 5.i. Provided that, individual household backyard composting shall be exempted from the provisions of this section.
6. Records of the Barangay MRF Operation shall be maintained. It shall indicate the weight or volume of waste received, processed (Recycled, Composted), and disposed. A copy of the record shall be submitted to the City ENRO for monitoring purposes.
- e. Issuance and enforcement of ordinances to effectively implement a collection system in the barangay.
 - f. Provision of properly trained personnel to handle the management and collection of biodegradable, compostable, recyclable and reusable solid waste.
 - g. Allocate Barangay Funds to ensure the efficient management and collection of biodegradable, compostable, recyclable and reusable solid waste.

Section 8.5. Public Utility Vehicles - All public utility vehicles plying the streets of Malaybalay City are mandated to provide segregation receptacles that is conspicuously placed inside their vehicles. Generated solid wastes should be properly disposed of in compliance to the provisions of this ordinance.

Section 9. Collection and Transport - Segregated collection and transport of solid waste shall be mandatory. Non-Segregated wastes and wastes brought out for collection which is not scheduled for the particular day shall not be collected and the waste generator/source of the unsegregated wastes shall be subjected to penalty as prescribed under Section 10 of this Ordinance. Only residuals and special/hazardous waste (except for special/hazardous wastes from the hospital, funeral parlors and pharmaceutical wastes) shall be collected by the city on different schedules and shall be properly disposed of. Collection or pick-up points and transportation schedule shall be decided by the City Environment and Natural Resources Office and must be widely disseminated. Barangays who are collecting compostable and recyclable solid wastes shall determine the system and schedule of the collection. These schedules must also be widely disseminated to the constituents of the concern barangays.

Section 9.1. Requirements for the transport of solid waste

- a. No vehicle either government-owned or private shall be allowed to transport mixed solid wastes.
- b. No transport companies or individual entrepreneur shall be allowed to transfer or transport toxic wastes like plastic materials and chemicals unless authorized and

Cont. Ord. No. 962, Series of 2020:

accredited by the Fertilizer and Pesticide Authority (FPA) and other agencies tasked for its regulation.

- c. The use of separate collection schedules and/or separate collection trucks, compactors, haulers, units shall be required for specific types of wastes. Otherwise, vehicles used for the collection and transport of solid waste shall have the appropriate compartments to facilitate efficient storing of segregated waste while in transit.
- d. Vehicles used for the collection shall be designed to consider road size, condition and capacity to ensure the safe and efficient collection and transport of solid wastes.

Section 9.2. Requirements for the collection Crew. – The following shall be the minimum standards and requirements for the collection crew:

- a. All collectors and other personnel directly dealing with collection of solid waste in the city or barangay level shall be equipped with personal protective equipment (PPE) to protect them from the hazards of handling solid waste.
- b. Appropriate training shall be given to collectors and personnel to ensure the sanitary and proper handling of solid wastes.
- c. Collectors shall ensure that the collection of solid waste shall be done in an efficient and proper manner to prevent damage to the receptacle and spillage or scattering of solid waste within the collection vicinity. Cost for the replacement of the damaged receptacles as a result of the negligence shall be shouldered by the concerned collector.

Section 10. Fines and Penalties – Listed below are the fines and penalties for violating any provision under Sections 4, 5, 6, 7, 8, and 9 of this ordinance to wit:

Big Business and commercial establishment, Industrial and Manufacturing Plants	2,000.00
Institutional establishments	2,000.00
Small business establishment	1,000.00
Residential and Individuals	
1st Offense-residential or community service of 1 day (for non-business establishment)	500.00
2nd Offense and succeeding Offense-residential or community service of 3 days (for non-business establishment)	1,000.00
Repeated and habitual offenses and violation of the above-mentioned business/commercial establishments and industrial/manufacturing plants may cause revocation/cancellation or non-issuance of business permits and licenses in addition to the fines.	

Section 11. Privatization Contract. Solid waste collection and transport operations may be allowed to the private sector subject to additional guidelines of the City ENRO, the rules and regulations of its procurement under the provisions of R.A. 9184 or the "Government Procurement Reform Act" and the final contract approval of the Sangguniang Panlungsod.

Article 6 Solid Waste Disposal

Section 12. Disposal – All residual waste from all sources shall be disposed to the Sanitary landfill or City Disposal Facility. Hazardous and Special Wastes from the household and the business establishments shall be disposed to the Septic Vault to be established by the City Government. Hazardous and special wastes from the industries, hospitals, clinics and funeral parlors shall be self-managed by these establishments pursuant to existing laws and guidelines from the DENR, DOH and other agencies tasked for its regulation.

Section 13. Private entities may be allowed to dispose their waste to the disposal facility of the City provided, that only residual and special waste may be disposed therein. Solid waste sources especially agro-industries that cannot be reached by the collection services due to accessibility problem shall find ways to periodically dispose their residual wastes to the sanitary landfill. The

Cont. Ord. No. 962, Series of 2020:

City Government through the City ENRO shall regulate the entry of vehicles loaded with solid waste to the Sanitary Landfill / Disposal Facility to ensure compliance to the segregation policy, proper placement of solid waste, avoid environmental risks and to ensure public safety. The City ENRO may establish a Solid Waste Management Checkpoints in the strategic locations going to the Sanitary Landfill / Disposal Facility for monitoring purposes.

Article 7
Plastic and Polystyrene Regulation

Section 14. Regulations on the use of Plastic Bag

- a. Prohibition on the use of Plastic Bags on dry goods. – No business establishment shall utilize plastic bags as packaging materials on dry goods.
- b. Regulating the use of plastic bags on wet goods. – Business establishment shall regulate the use of plastic bags as packaging materials on wet goods. Plastic bags shall not be used as secondary packaging for wet goods. All establishments are prohibited from providing and using polystyrene as secondary packaging on wet goods.
- c. Regulation on the selling and distribution of plastic bags within the Public Market. – No business establishment shall directly offer or sell plastic bags to be used as secondary packaging material for wet goods or as primary packaging material for dry goods. The CEEDMO shall assign areas within the market where these plastic bags may be purchased with corresponding transaction receipt.
- d. Individual participation - shoppers or customers in all stores in Malaybalay City are encouraged to provide for themselves reusable and recyclable shopping bags when shopping or buying from stores. They are also encouraged to refuse a carry-out or checkout plastic bag from the store when buying small items (like CD, candy, etc.) that do not require a bag.
- e. Exemption - This ordinance shall not cover the primary packaging of products and such other packaging which forms part of the actual product per se since acceptable alternative packaging is not yet commercially available. Such products include, but not limited to, snack foods, frozen foods, hardware items, bottled water or soda, juice drinks, cooking oil, plastic sachet products containing soap, shampoo and conditioner, cosmetics, and the like. Plastic bags with no handles, holes or strings commonly used for wrapping unpacked wet goods (fresh foods and cooked foods at supermarkets), wet and dry markets, restaurants, canteen and the like shall not be included under the scheme as the usage of such plastic bag is justified on the grounds of public hygiene.

Section 15. Regulations on the use of Polystyrene (STYROFOAM)

- a. No Business establishments, restaurants, fast food outlets, food kiosks, catering services and the like shall utilize, sell or provide styrofoams or expanded polystyrene foam and the like as containers for food and beverages.
- b. Institutions that include schools, private offices & government offices both local and national shall not utilize or provide styrofoams or expanded polystyrene foam and the like as containers for food and beverages during their meetings, events and institution/office/school-initiated activities. Event organizers of concerts, symposia, gatherings and other related activities are also covered to this provision.
- c. Exemption: Pre-packaged Foods. – Pre-packaged foods that food service businesses sell or otherwise provide to their customers in expanded polystyrene containers that have been filled and sealed prior to receipt by the food service businesses shall be exempted from the prohibition established in the immediately preceding section.

Cont. Ord. No. 962, Series of 2020:

Section 16. Regulations on the use of plastic straws, plastic stirrers, plastic utensils and plastic advertisement and propaganda materials

- a. No food service establishment including sari-sari stores and other business establishment serving drinks/beverages shall provide plastic straws, plastic stirrers and plastic utensils to their customers;
- b. No institution operating within the city shall utilize or provide plastic straws, plastic stirrers and plastic utensils in their daily operations and even in meetings, events and school/office initiated activities;
- c. No event organizers of concerts, symposia, gatherings, and other related activities shall utilize plastic utensils, plastic straws and plastic stirrers in the distribution of snacks and meals to the participants of the events; and
- d. The use of advertisement, bunting (banderitas), and propaganda materials made of plastic (polyethylene) materials within the territorial jurisdiction of Malaybalay City is strictly prohibited.

Section 17. All business establishments are mandated to display conspicuously in their stores the environment friendly notice "Keep Malaybalay City Clean and Green, Bring Your Own Reusable Bags".

Section 18. Alternative Packaging Materials, containers and Carry-out Bags. The use of recyclable, reusable and/or biodegradable alternative packaging materials and carry-out bags should be encouraged and promoted, such as re-usable woven bags (bayong), cloth bags, rattan baskets, shopping bags made from recycled waste paper and other bags made out of biodegradable materials (e.g. banana leaves, taro leaves, water lily, corn stalk, etc.) shall be utilized as alternative packaging materials. All business establishments are encouraged to adopt the "Bring Your Own Bag" Program. Only recyclable/biodegradable/food-grade plastics or reusable containers are allowed to be used as food and beverage containers.

Seller and business establishments engaged in the marketing of wet goods are encouraged to use Oxo-biodegradable plastics as primary packaging.

Section 19. Moratorium. – All business establishments, sari-sari stores, ambulant vendors, market vendors, food kiosks and the like engaged in the use and/or selling of plastic bags and styrofoam as packaging materials for food and beverages shall be given six (6) months from the date of effectivity of this Ordinance to dispose of their remaining inventory and for consumers to adjust and conform. Government Offices and Schools are given three (3) months from the effectivity of this ordinance to institutionalize strategies for the full implementation of the provisions of this ordinance. One month before the end of the moratorium, the City ENRO shall conduct a dry-run to assess preparedness and compliance of all concerned establishments.

Section 20. Fines and Penalties for violating any provision under Sections 14, 15, 16, 17, 18, and 19 of this Ordinance.

For business establishments, sari-sari stores, ambulant vendors, market vendors, food kiosks and the like with capital less than 50,000:	
First Offense	500.00
Second Offense	1,000.00
Third & Succeeding Offense	2,000.00 and cancellation of license to operate in the case of business establishments
For Business establishments, sari-sari stores, ambulant vendors, market vendors, food kiosks and the like with capital more than 50,000.00 including government offices and schools:	
First Offense	1,000.00
Second Offense	2,000.00
Third & Succeeding Offense	5,000.00 and cancellation of license to operate in the case of business establishments

Article 8
Regulation on Solid Waste Burning

Section 21. It is unlawful for any person, business/commercial establishment, industrial establishment, and institution to engage in open burning of solid waste within the City of Malaybalay unless otherwise authorized under this ordinance.

Section 21.1. No person shall be allowed to set fire or burn solid waste in any yard, lot (vacant or occupied), street, alley, public lands, farm areas and in any other areas within the City.

Section 21.2. Open burning of any kind of solid waste including yard wastes, construction debris and agricultural wastes is strictly prohibited. Yard wastes such as branches & twigs and agricultural wastes such as corn cobs, coconut shells, rice straw are allowed to be burned as fuel for cooking purposes only. Provided further that, yard waste and agricultural wastes may be allowed to be burned for industrial and commercial purposes upon securing permit from the City ENRO and from the Environmental Management Bureau of the Department of Environment and Natural Resources Office subject to existing environmental policies and guidelines.

Section 21.3. Charcoal Making – Burning of woods, branches twigs, and coconut shell for charcoal making is allowed, provided that it is undertaken not in residential areas and in fire-prone areas.

Section 22. Fines and penalties.

Individuals, households and business establishments with capital of less than 50,000.00	
First Offense	500.00 or community service of 1 day (for non-business establishment)
Second Offense	1,000.00 or community service of 3 days (for non-business establishment)
Third & Succeeding Offense	2,000.00 or community service of 7 days (for non-business establishment) and cancellation of license to operate in the case of business establishments
Institutions, Offices, organizations, Industries and business establishments with capital of more than 50,000.00	
First Offense	1,000.00
Second Offense	2,000.00
Third & Succeeding Offense	5,000.00 and cancellation of license to operate in the case of business establishments

Article 9
Illegal Dumping and Disposal

Section 23. Illegal Dumping and Disposal. – Dumping and Disposal of Solid Wastes, Debris and other form of solid waste is strictly prohibited within the City of Malaybalay.

Section 23.1. It shall be unlawful for any person to dispose solid waste, garbage, debris and other waste materials in rivers, creeks, canals, waterways, vacant lots and in any other parts of the City not provided for the purpose.

Section 23.2. It shall be unlawful for any person to litter or cause littering in any public or private place including schools, parks/playground, roads, canals and waterways.

Section 23.3. It shall be unlawful for any person to dispose solid wastes or garbage generated from the households, commercial establishments and other sources to garbage receptacles purposely placed/stationed in public areas like the City Plaza, parks, playgrounds and other areas.

Cont. Ord. No. 962, Series of 2020:

Section 24. Prohibition on the establishment of garbage pit. Establishment of garbage pit for mixed solid wastes by the households, offices, schools, and business establishment is hereby prohibited.

Section 25. Prohibition on the establishment of disposal areas. Establishment of disposal areas not authorized by law by subdivisions, condominiums, institutions, and industries are hereby prohibited. As such, all subdivisions and condominiums are mandated to establish their own material recovery facility with composting system to cater the biodegradable solid wastes of homeowners/occupants.

Section 26. Fines and Penalties for violating any provisions of Sections 23, 24, and 25 of this Ordinance.

For Violating Section 23.2; 23.3; & 24 of this Ordinance	
First Offense	500.00 or community service of 1 day (for non-business establishment)
Second Offense Succeeding Offense	1,000.00 or community service of 3 days (for non-business establishment) and cancellation of license to operate in the case of business establishments
Any violation of Section 23.1, and 25 of this ordinance shall be punished by a fine of Three Thousand Pesos (P 3,000.00) and/or imprisonment of thirty (30) days or both such fine and imprisonment upon the discretion of the Court.	

Article 10
Regulation of Junkshops and Recyclable Buyers

Section 27. Regulating the Junkshops Operating within Malaybalay City.

- a. For monitoring and compliance purposes, all junkshop owners and/or operators shall register with the City ENRO prior to business permit application with the Business Permit and Licensing Division of the Office of the City Mayor;
- b. Junkshop owners and/or operators shall designate a parking area for pushcarts and tri-bikes or any recyclable collection equipment in a manner that cannot affect traffic and pose danger/risk and hazards;
- c. Junkshop owners and/or operators who will be engaged in washing and cleaning their recyclable materials should install a septic tank for their waste water. Washing of recyclables in creeks, rivers or any bodies of water is strictly prohibited;
- d. Junkshop owners and/or operators shall provide appropriate personal protective equipment such as but not limited to gloves and mask to their personnel that must be used at all times during the working period;
- e. Junkshop owners and/or operators shall maintain the cleanliness and sanitary conditions of the entire junk shop area at all times;
- f. Post-consumer materials that resulted from the sorting of wastes beyond 300 kilos shall not be collected by the city. The owner and/or operator of the junkshop or the mobile buyers are required to haul and dispose these to the disposal area subject to the approval of the City ENRO;
- g. Utilizing roads and sidewalks as weighing, sorting or storage area is strictly prohibited;
- h. Mobile recyclable buyers using tri-bikes should register to the City ENRO for proper accounting and monitoring purposes;
- i. Junkshop owners and/or operators shall maintain two (2) Transaction Books or Registers, one to record acquisition and purchases and another to record disposals or sales of recyclable materials. Acquisition and Purchase Register shall indicate the source of materials/seller, date, types and volumes of recyclable wastes. Disposal Registry shall

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contain time and place of delivery, types and volumes of recyclable wastes disposed/delivered.

Such books or register shall be made available to the City ENRO or representatives from the City Government of Malaybalay for monitoring purposes specifically in determining the volume of solid waste recovered/diverted; and

- j. Junkshop owners and/or operators shall allow City ENRO Personnel or Representative from the City Government to conduct on the spot monitoring/inspection to check compliance to this ordinance.

Section 28. Fines and Penalties – Any violation of the provisions of Section 27 shall be punishable as follows:

First Offense	1,000.00
Second Offense	2,000.00
Third & Succeeding Offense	5,000.00 and cancellation of license to operate in the case of business establishments

Article 11 Information and Education

Section 29. Information Education and Communication Campaign. – Upon approval of this ordinance, the city through the City ENRO shall conduct massive information education and communication campaigns using tri media (print, radio, and internet) and other means to ensure the widest dissemination of this ordinance. It shall develop programs and strategies to ensure continuous information and education dissemination relating to its solid waste management programs. The barangays through its respective Barangay Solid Waste Management Committee shall adopt strategies to ensure a sustainable solid waste management information campaign at the barangay level.

Article 12 ESWM Monitoring

Section 30. Monitoring and Evaluation - The City Environment and Natural Resources Office (City ENRO) shall monitor the effective implementation of this Ordinance. As such, it is mandated to conduct inspection of all stores, business establishments, industries and other solid waste sources and to prepare periodic report on the progress of the implementation of this ordinance and submit the same to the Office of the Local Chief Executive and Sangguniang Panglungsod.

Article 13 Incentives and Awards

Section 31. Incentives and Reward System. – The City Solid Waste Management Board (CSWMB) and/or the City Environment and Natural Resource Office shall develop an incentive and reward system for exemplary and innovative solid waste management practices, technologies, processes and techniques or activities in re-use, recycling, and reduction such as but not limited to the Eco-Saver's Program Incentive Scheme, Best ESWM Implementing School, Eco-Friendly Store/Business Establishment and Search for the Cleanest and Greenest Barangays. The City Government shall allocate funds for these purposes.

Section 32. Incentives for using Reusable bags. To promote the use of reusable bags, stores and business establishments are hereby encouraged to implement the BYOB program and to formulate appropriate incentives to consumers, which may include:

- a. Point System Scheme. – For those stores implementing the point system scheme to their regular customers, additional points may be given to those with bags using reusable non-biodegradable shopping bags and or redeeming used plastic bags.
- b. Green Lane - Stores may provide special counters or express lanes to be called as Green Lane to cater customers who bring their own bags or use of reusable bags.

Article 14

Additional Requirements for Business Permits & Licenses

Section 33. Mandatory attendance to ESWM Orientation/Seminar. All owners and operators of business and commercial establishments including industries and institution who will secure a business permit or license to operate within the City of Malaybalay are hereby required to attend an Orientation/Seminar on Solid Waste Management at the City ENRO. Orientation/Seminar shall be required on:

- a. New applicants for business permit and license to operate;
- b. Applicants for renewal of business permit and license to operate, who have not yet undergone the seminar prior to the passage of this ordinance; and
- c. Those establishments who were issued Environmental Violation Receipt (EVR) / Citation Ticket for violating any provision of the solid waste management ordinance of the city.

Section 34. Certificate of Attendance – A certificate of attendance shall be issued to the attendees that shall serve as proof of participation in the orientation/seminar and as pre-requisites to the issuance of business permit and license to operate. The certification shall be displayed together with the business permit at all times in a conspicuous place within the establishment.

Section 35. Coverage – For purpose of this ordinance, owners and operators of business establishments shall refer to those who own and operate businesses required to secure business permit and license to operate from the Business Permit and Licensing Division of the City Government of Malaybalay, provided however, that in the case of big commercial companies or establishments, industries, manufacturing plants and the like, the assigned or authorized and/or responsible official who handles the solid waste management of the establishment, or his designated representative shall be qualified to attend the orientation/seminar.

Article 15

Administrative Provisions

Section 36. Implementation. The City Environmental and Natural Resources Office (City ENRO) under the supervision of the Local Chief Executive is mandated to implement the provisions of this Ordinance and the latter may deputize personnel of the City Government, and the barangays to aid in the execution of the same within the territorial jurisdiction of the City of Malaybalay.

Section 37. Administrative Fines and Penalties. The fines and penalties provided under Section 10 off Article V, Section 20 of Article VII, Section 22 of Article VIII, Section 26 of Article IX, and Section 28 of Article X shall be implemented administratively through the issuance of Environmental Violation Receipt (EVR) Citation Tickets.

Section 38. Environmental Violation Receipt (EVR) /Citation Ticket - shall be issued to the violator by the ESWM Enforcers. Violators are given three (3) days to settle the penalty after the date of issuance and make the necessary payment to the Office of the City Treasurer. In the event that the violator fails to settle the penalty within the given period, the case shall be referred to the City Legal Office for appropriate action or for the initial filing of the appropriate case with the City Prosecutors Office.

Section 39. Non-issuance/Renewal of Business Permit – Any business establishment, industries or institution that failed to settle or pay their penalty for violating any provision of this ordinance will not be issued/granted with business permit/permit to operate in the succeeding business permit renewal period until such time that the penalty will be fully settled.

Section 40. Judicial Penalties. - Violation of any provision of this Ordinance shall be punishable by a fine of not less than One Thousand (P1,000.00) but not more than Five Thousand (P5,000.00) or imprisonment not exceeding one (1) year, or both at the discretion of the court.

In case of juridical persons, the penalty of imprisonment shall be borne by the President, Manager or any officer or employee of such entity who is determined by the Court to have committed or caused to commit such violation or omission.

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Section 41. Budgetary Requirements. – The City government shall regularly allocate funds from the 20% Development Fund (Environmental Management) for the effective implementation of this ordinance especially for the Information Education and Communication Campaign, Monitoring and Enforcement.

Section 42. Establishment of ESWM Trust Fund – The City Government of Malaybalay shall establish an ESWM Fund wherein all collected ESWM penalties, grants, and donations will be deposited. Such fund will be utilized exclusively for the effective implementation of the ordinance and for the enhancement of Ecological Solid Waste Management Programs of the City.

Article 16
Miscellaneous Provisions

Section 43. Separability Clause. — If for any reason a provision of this Ordinance is declared invalid or unconstitutional, all other provisions hereof not affected thereby shall continue to be in full force and effect.

Section 44. Repealing Clause. — Any Ordinance, Resolution or Order, or part or parts thereof, which are inconsistent with the provisions of this Ordinance are hereby amended, repealed or modified accordingly.

Section 45. Effectivity. - This Ordinance shall take effect 15 days after its publication in a local newspaper of general circulation within the city.

ENACTED.

I HEREBY CERTIFY to the correctness of the foregoing ordinance which was duly enacted by the Sangguniang Panlungsod during its 65th Regular Session held at the Old Municipal Building People's Hall on December 16, 2020.


PHOEBE CORAZON C. HIDALGO
Sangguniang Panlungsod Secretary

APPROVED, December 16, 2020:


JAY WARREN R. PABILLARAN
City Vice Mayor
Presiding Officer

APPROVED:


FLORENCIO T. FLORES, JR.
City Mayor