



Republic of the Philippines
Tanggapan ng Sangguniang Panlungsod
City of Naga



ORDINANCE NO. 2003-013

AN ORDINANCE ESTABLISHING A VIGILANT CARETAKER GROUP FOR ENVIRONMENT CARE TO BE KNOWN AS “BANTAY KAPALIBOTAN SA MAOGMANG LUGAR” TO ENFORCE PROVISIONS OF CITY ORDINANCES AND OTHER NATIONAL AND LOCAL LAWS AND RULES MORE PARTICULARLY ON ANTI-LITTERING AND SOLID WASTE MANAGEMENT:-

Sponsor: Hon. Simeon F. Adan

Initiated by: Solid Waste Management Division Environment & Natural Resources Office
(ENRO), City of Naga

Be it ordained by the Sangguniang Panlungsod of the City of Naga, that:

SECTION 1. - SHORT TITLE. - This ordinance shall be known as “An Ordinance Establishing the Bantay Kapalibotan sa Maogmang Lugar”;

SECTION 2. - DEFINITION OF TERMS. -

- a. VIGILANT CARETAKER GROUP - refers to a group of personnel specially organized under this ordinance to strictly enforce all ordinances of the City that concerns environment care;
- b. ENVIRONMENT CARE - this will cover all concerns that pertains to maintenance of cleanliness and orderliness of the surroundings the streets, sidewalks, yards, canals, rivers and creeks, proper disposal of solid and liquid wastes, proper care of animals, birds and plants to include trees and forests;
- c. ANTI-LITTERING - refers more specifically to throwing any kind of dirt on the street and surroundings;
- d. BARANGAY TANOD - refers to Barangay Police now being maintained in all barangays that assists in law enforcement in the community;
- e. MAOGMANG LUGAR - this is now a by-word referring to the vision of Nagueños on the status of cleanliness and orderliness and all other aspects of life of the City;
- f. EX-OFFICIO OFFICERS - by virtue of their office, they become as such in this group;
- g. DEPUTIZED OFFICERS - officers already holding positions in government or private entities, they are authorized to render service clothed with certain powers expressly stated in this ordinance;

- h. VIOLATION TICKETS - these are used herein alternatively with Citation Tickets that indicate the nature and kind of violation committed by an apprehended violator also indicating therein the amount of fine or penalty.

SECTION 3. - OBJECTIVES. -

- 3.1. The primary objective of this ordinance is to organize and make functional, a special body in the City that will pay close watch on the implementation of ordinances, rules and regulations relating to environment care more particularly on anti-littering and proper disposal of solid and liquid waste calculated to attain the vision of the Nagueños as a City called “An Maogmang Lugar”;
- 3.2. As corollary objectives, this ordinance shall enable all sectors of the society to band together as a vigilant group that maybe called as “Bantay Kapalibotan” or Environment Enforcer, which may ultimately turn into a crusade for cleanliness and orderliness in the City.

SECTION 4. - COMPOSITION OF THE BANTAY KAPALIBOTAN SA MAOGMANG LUGAR. - The group herein created to be called as Bantay Kapalibotan sa Maogmang Lugar or “Environment Enforcer” shall be composed of the following, viz:

4.1. Ex-Officio Officers:

4.1.1. Chairman – The Chief of the Solid Waste Management Division of the City Environment & Natural Resources Office (City ENRO);

4.1.2. Two (2) Assistant Chairman:

4.1.2.1. ENRO Officer in-charge of Operation within the seven collection areas of the CBD District I & II;

4.1.2.2. ENRO Officer in-charge of the collection areas in the Naga City Public Market.

4.1.3. Staff Assistants (6 persons from ENRO)

4.1.3.1. Driver of ENRO Info Van;

4.1.3.2. One (1) ENRO Staff Photographer/Documentation Officer (Cameraman)

4.1.3.3. ENRO Staff Officers as four (4) Apprehending Officers.

4.1.4. Legal Officer

4.2. Deputized Officers:

4.2.1. BARANGAY TANOD -one (1) Barangay Tanod per barangay designated by each of the 27 barangays of the City;

4.2.2. BARANGAY KAGAWAD - all Barangay Kagawad, with the Kagawad in-charge of the Committee on Environment as their coordinator. The SK member of the Sangguniang Barangay is likewise deputized members of the Environment Enforcer;

4.2.3. Any PNP Personnel as maybe designated by the Chief of Police of the City shall be assigned to each of the Assistant Chairman of the *Bantay*

Kapalibotan, most especially the members of Task Force Ordinance of the City;

4.2.4. Market Guards – all market guards of the Naga City Public Market and those in Satellite Markets to be assigned by their respective chiefs in coordination with the Assistant Chairman of the *Bantay Kapalibotan*;

4.2.5. Traffic Police Aides – all traffic police aides are deputized whenever and wherever they are assigned to man their respective posts;

4.2.6. Members of the NGO Task Force PRIMO.

4.2.7. All Rabuz Presidents of Homeowners Association and Rabuz Zones organized by Dep Ed in their schools are likewise deputized as Environment Enforcers under this ordinance.

SECTION 5. -FUNCTIONS OF THE OFFICERS AND SECTORAL PERSONNEL. -

5.1. The Chairman - being the head of the entire group, he shall exercise overall administration, supervision and coordination of all personnel mentioned in Section 4 of this ordinance;

5.1.1. The Chairman shall formulate all plans and programs as well as the day to day tasks of the various groups. Said plans and programs made in consultation with the representatives of each group. For this purpose, the Chairman shall hold a monthly conference of the Staff and Sectoral Heads of the organized group.

5.2. The Assistant Chairman shall be responsible in the implementation of the plans and programs in their respective jurisdiction and shall see to the strict implementation of the rules related to the imposition of the penalties on violators of this ordinance on environment care;

5.2.1. The Assistant Chairman shall also attend to recording and documentation of project accomplishments of the entire program and report the same to the Chairman.

5.2.2. The Assistant Chairman shall be a member of the Sectoral Heads and shall meet with the Chairman in a monthly regular command conference.

5.3. The Staff Assistants such as the Driver, Documentation Officer and the four (4) Apprehending Officers are all to be taken from the regular ENRO Staff who shall devote at least fifty percent (50%) of their official time to the *Bantay Kapalibotan* Program. The rest of their service shall go to the other aspects of the ENRO activities they now render. They may, however, render more of their time schedule to *Bantay Kapalibotan* if needed upon approval of the ENRO Chief.

5.3.1. The Driver herein shall be the official driver of the Information Van rendering service in all activities of the City related to ENRO functions;

5.3.2. The Documentation Officer shall take charge of recording all events both for ENRO and *Bantay Kapalibotan* and shall maintain two (2) separate record books for this purpose. He shall also keep custody of the camera

of ENRO to record in pictures all essential events both for ENRO and *Bantay Kapalibotan*.

- 5.3.3. The Apprehending Officers shall devote more of their time possibly 75% of their official time to apprehend violators of the local ordinances, laws, rules and regulations related to environment care especially those specifically listed in this ordinance. They should therefore take frequent orientation and training on such provisions of laws under close supervision of the Chairman and Assistant Chairmen. All apprehensions must be recorded and brought to the attention of the Chairman and Assistant Chairmen. Those issued Violation or Citation Tickets must be filed with the Legal Officer for filing at the Prosecutors Office if they need formal legal action in court.
- 5.4. The Legal Officer who is also the City Legal Officer shall receive all formal report of violation as apprehended by both Ex-Officio and Deputized Officers of the *Bantay Kapalibotan*/Environment Enforcer but only those considered for filing at the Prosecution Office. Minor infractions that could be handled by the Chairman and need not be brought to such office.
 - 5.4.1. It is the duty of the Legal Officer herein to act on matters that need formal charges and assist the prosecution if necessary to impose the proper penalty to violators.
- 5.5. Barangay Tanods as designated herein with the consent and coordination of their respective Barangay Captains shall render not less than fifty percent (50%) of their official service to the activities of this *Bantay Kapalibotan*/ Environment Enforcer but limited only to the territorial jurisdiction of their own barangay. They should familiarize themselves with the laws, ordinances, rules and regulations on environment care and should attend orientation and briefing called by the Chairman of the *Bantay Kapalibotan* although their attendance herein should always be with permission of their Barangay Captain.
 - 5.5.1. All reports regarding their apprehension on enforcement of ordinances, laws and rules and regulations especially those issued Violation or Citation Tickets should first be reported and copy furnished to their Barangay Captain before the same are transmitted to the Chairman and Secretariat of the *Bantay Kapalibotan*.
- 5.6. The Barangay Kagawad designated herein per barangay shall work hand in hand with the Barangay Tanod in said barangay designated for the same purpose and together with him make the monthly report to the *Bantay Kapalibotan* thru their Barangay Captains or issue Violation or Citation Tickets when necessary.
 - 5.6.1. Matters needing very urgent action related to their function herein maybe reported directly to the Barangay Council for immediate action and transmitted later to the *Bantay Kapalibotan* Secretariat.
- 5.7. All PNP personnel designated herein by the PNP Chief of Police shall render service to the *Bantay Kapalibotan* in a manner as maybe needed by the situation but shall with the approval of their PNP Chief accept specific tasks as maybe suggested by the Chairman of the *Bantay Kapalibotan*. He may likewise agree to be fielded to a definite sectoral territory of the City for the purpose of assisting personnel above enumerated herein if only to lend police presence and

participation in the enforcement of environmental care especially in the apprehension of violators and issuance of Violation or Citation Tickets.

- 5.8. All Market Guards assigned at the Naga City Public Market as well as those at the Satellite Markets in the City are deputized by this ordinance to apprehend violators of laws, ordinances, rules and regulations. Such apprehensions are to be reported and recorded with the Assistant Chairman in-charge of this area of responsibility on markets per Section 4.1.2. As with other deputized officers they can also issue Violation or Citation Tickets.
- 5.9. Traffic Police Aides are deputized to apprehend violators of the ordinances on environment care especially those who litter the area where they officiate as traffic personnel such as those who throw cigarette butts, food containers, candy wrappers and the like. They can issue violation tickets to offenders outright.
- 5.10. Members of NGO Task Force PRIMO. - These NGO members are likewise deputized to apprehend violators of the ordinances wherever they are stationed to serve, like the Traffic Police Aides. They can likewise issue Violation or Citation Tickets to offenders.
- 5.11. All such deputized officers as well as Chairmen and members of the *Bantay Kapalibotan* shall be issued identification card (ID) conveniently printed as ENVIRONMENT ENFORCER which shall be worn by each of them while performing their functions. The same shall be prepared by the *Bantay Kapalibotan* Secretariat under supervision of the ENRO.

SECTION 6. - LIST OF LAWS AND ORDINANCES GIVEN EMPHASIS FOR IMPLEMENTATION IN THIS ORDINANCE. - This ordinance specifically gives emphasis on the following laws and ordinances now existing and in force in the City of Naga which must be strictly enforced by the *Bantay Kapalibotan*. The name of the ordinances is listed herein as well as the sections thereof concerned:

- 6.1. ORDINANCE NO. 383 - REVISED ORDINANCE PROMULGATING PROHIBITIONS AND PROVIDING PENALTIES ON ALL PERSONS FOR LITTERING IN THE CITY OF NAGA – Sections 1 to 4;
- 6.2. ORDINANCE NO. 427 - AN ORDINANCE PROVIDING FOR THE RULES AND REGULATIONS IN THE DISPOSAL AND COLLECTION OF GARBAGE; PROHIBITING THE THROWING OR DUMPING OF ANY KIND OF REFUSE AND/OR GARBAGE ON ANY PUBLIC ROADS, STREETS AND/OR HIGHWAYS, RIVER BANKS OR ESTEROS, CANALS, DITCH, CREEKS, PUBLIC MARKETS, PLAZAS, PUBLIC BUILDINGS, AND OTHER PUBLIC PLACES, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF – Section 5 to 11;
- 6.3. ORDINANCE NO. 86-019 - AN ORDINANCE AMENDING CITY ORDINANCE NO. 383, S. 1971, OTHERWISE KNOWN AS THE ANTI-LITTERING ORDINANCE, EXPANDING ITS SCOPE OF OPERATIONS AND INCREASING THE PENALTIES PROVIDED THEREIN – Section 2
- 6.4. ORDINANCE NO. 90-027 - AN ORDINANCE REQUIRING EACH BUSINESS ESTABLISHMENT SITUATED IN THE CENTRAL BUSINESS DISTRICT TO PROVIDE ONE (1) TRASH CAN EACH YEAR TO BE PLACED INFRONT OF SAID ESTABLISHMENT OR IN DESIGNATED AREAS AS DEEMED

NECESSARY AND PROVIDING PENALTY FOR VIOLATION THEREOF –
Section 4

- 6.5. ORDINANCE NO. 91-096 – AN ORDINANCE PROHIBITING CUTTING AND/OR PULLING OR UP-ROOTING GROWING TREES PLANTED ALONG THE MAHARLIKA HIGHWAY AND ON ALL NATIONAL, PROVINCIAL, AND CITY PROPERTIES AND PRIVATELY OWNED LANDS IN THE CITY OF NAGA AND PROVIDING PENALTIES FOR VIOLATION THEREOF – Section 1
- 6.6. ORDINANCE NO. 92-048 - THE REVISED HEALTH AND SANITARY CODE OF NAGA CITY – All prohibitions therein from Section 5 to Section 112
- 6.7. ORDINANCE NO. 93-103 – AN ORDINANCE REGULATING THE CUTTING OF COCONUT TREES IN THE CITY OF NAGA AND PROVIDING PENALTIES FOR VIOLATION THEREOF – Sections 2 to 3
- 6.8. ORDINANCE NO. 94-017 – AN ORDINANCE REQUIRING ALL PUBLIC UTILITY VEHICLES PLYING IN THE CITY OF NAGA TO PROVIDE TRASH CANS/BOXES INSIDE THE VEHICLE AND PROVIDING PENALTIES FOR VIOLATION THEREOF – Sections 2 to 3
- 6.9. ORDINANCE NO. 95-080 - AN ORDINANCE ESTABLISHING AN ECOLOGICAL WASTE MANAGEMENT PROGRAM IN THE CITY OF NAGA – Sections 10 (a,b,c)
- 6.10. ORDINANCE NO. 95-078 - AN ORDINANCE REGULATING THE QUARRYING IN THE CITY OF NAGA, AND PRESCRIBING PENALTIES FOR VIOLATION THEREFOR – Section 5 (a,b,c)
- 6.11. ORDINANCE NO. 96-023 - AN ORDINANCE REGULATING POSSESSION AND SALE OF CHAINSAW IN THE CITY OF NAGA AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF – Section 4 (1,2,3,5)
- 6.12. ORDINANCE NO. 96-042 - AN ORDINANCE FURTHER REGULATING THE USE OF ROADSIDES AND STREETSIDES WITHIN THE TERRITORIAL JURISDICTION OF THE CITY OF NAGA ESPECIALLY IN ITS USE BY JUNK SHOPS, AUTO SUPPLY, AND AUTO REPAIR SHOPS AND HARDWARES AND FOR PARKING OF UNSERVICEABLE OR DILAPIDATED VEHICLES AND PROVIDING PENALTIES THEREOF – Section 3 (a,b,c,d)
- 6.13. ORDINANCE NO. 97-011 - AN ORDINANCE PROHIBITING ANY PERSON OR ENTITY TO CLOSE, HINDER, OBSTRUCT, SUSPEND OR CAUSE THE DELAY OF THE FREE FLOW OF RAIN FLOOD WATERS IN ANY CANAL, CREEK OR ANY EXISTING WATERWAY BY WHATEVER MANNER INCLUDING THE CONSTRUCTION OF ANY STRUCTURE OF PUTTING ANY MATERIALS THEREIN AND ON ITS BANKS WHETHER THE SAID WATERWAY IS WITHIN OR OUTSIDE HIS PROPERTY, AND PROVIDING PENALTIES FOR VIOLATION THEREFORE – Section 3 (a,b,c,d)
- 6.14. ORDINANCE NO. 96-049 - AN ORDINANCE PROMULGATING RULES AND REGULATIONS ON SEGREGATION AND PROPER DISPOSAL OF GARBAGE BY COMMERCIAL, BUSINESS AND INDUSTRIAL STABLISHMENTS AND ALL HOUSEHOLDS IN THE CITY OF NAGA – Sections 4 to 5

- 6.15. ORDINANCE NO. 97-092 - AN ORDINANCE REGULATING THE OWNERSHIP, CARE AND UPKEEP OF ANIMALS IN THE CITY OF NAGA – Sections 8 to 11
- 6.16. ORDINANCE NO. 99-084 - AN ORDINANCE REQUIRING ALL TYPES OF MOTOR VEHICLES AND MOTORIZED EQUIPMENT PLYING THE HIGHWAYS, ROADS AND STREETS OR OPERATED WITHIN THE TERRITORIAL LIMITS OF THE CITY OF NAGA TO UNDERGO SMOKE TESTING TO BE CONDUCTED BY THE ENRO FOR THE PURPOSES OF ANTI-SMOKE BELCHING AND AIR POLLUTION CONTROL – Section 4 (a,b,c,d,e,f)
- 6.17. ORDINANCE NO. 2000-006 - AN ORDINANCE PROHIBITING ALL GASOLINE STATIONS, AUTO REPAIR SHOPS, CARWASHING CENTERS AND ALL OTHER ESTABLISHMENTS OR ENTITIES FROM DISPOSING AND POURING USED OIL, WASTE WATER/LIQUID AND ANY OTHER POLLUTING TOXIC/LIQUID INTO DRAINAGE CANALS THAT FLOW INTO THE CREEKS AND UNTO THE NAGA RIVER AND PENALTIES THERETO – Section 6
- 6.18. ORDINANCE NO. 2000-018 - AN ORDINANCE ESTABLISHING CONTROL IN PRESERVING AQUATIC LIFE AT THE NAGA RIVER AND PRESCRIBING APPROPRIATE PENALTIES – Section 4
- 6.19. ORDINANCE NO. 2001-056 - AN ORDINANCE AMENDING CITY ORDINANCE NO. 96-049, PROMULGATING RULES AND REGULATIONS ON SEGREGATION AND PROPER DISPOSAL OF GARBAGE BY COMMERCIAL, BUSINESS AND INDUSTRIAL ESTABLISHMENTS, AND INSTITUTIONS AND ALL HOUSEHOLDS IN THE CITY OF NAGA – Sections 4, 5, 6, 7
- 6.20. All other ordinances already passed by the Sangguniang Panlungsod of Naga as of the date of approval of this ordinance shall be included for enforcement by this *Bantay Kapalibotan*.

SECTION 7. - ISSUANCE OF VIOLATION OR CITATION TICKETS. -

- 7.1. This ordinance authorizes all the enforcement personnel from the apprehending officers to the deputized personnel to issue Violation or Citation Tickets as entrusted to them and prepared by the Chairman and his Staff;
- 7.2. The apprehending officers, both the Ex-Officio and Deputized, shall sign the Violation or Citation Tickets and issue the same to the violator of the ordinance stating therein the number and section of the ordinance violated as well as the penalty being imposed therein. The same shall be countersigned by the Police Officer accompanying the apprehending personnel if any or if not present by the Chairman of the *Bantay Kapalibotan* cited herein.
- 7.3. These Violation or Citation Tickets issued shall serve as evidence and reference in the prosecution of the violation cases when such are brought to court as well as basis in the report of fees collected by the *Bantay Kapalibotan* Program.

SECTION 8. - PENALTIES. - This ordinance adopts the penalties imposed upon by each ordinance listed herein as well as all ordinances as maybe included in its coverage cited in Section 6.20 herein. Ordinances passed after approval hereof related to environment care shall be adopted as to the penalties imposed herein

- 8.1. As in all other ordinances, all penalties in the form of amounts to be paid by violators shall be paid to the City Treasurer and may adopt provisions on administrative penalties covered by City ordinance on this regard.
- 8.2. Such amounts as are collected shall constitute general fund of the City which upon approval of the City Executive maybe allocated later for expenses of the *Bantay Kapalibotan* activities and programs.

SECTION 9. - REPEALING OR AMENDATORY CLAUSE - Any provisions of existing ordinances, rules and regulations and/or parts thereof inconsistent with the provisions of this ordinance are hereby repealed and/or modified accordingly.

Should any portion or provision of this ordinance be declared unconstitutional or invalid, the other parts or provisions thereof not affected thereby shall remain and continue to be in full force and effect.

SECTION 10. - EFFECTIVITY - This Ordinance shall take effect immediately upon its approval and publication in any newspaper of local circulation and the posting thereof at City Hall and at every Barangay Hall in the City of Naga.

ENACTED: January 29, 2003

WE HEREBY CERTIFY to the correctness of the foregoing ordinance.

GIL A. DE LA TORRE
Board Secretary II
& Secretary Designate

ESTEBAN R. ABONAL
City Vice Mayor & Presiding Officer

APPROVED:

JESSE M. ROBREDO
City Mayor