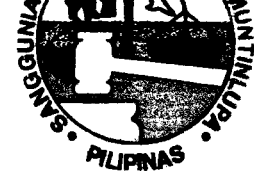




**PAMAHALAANG LUNGSOD NG MUNTINLUPA
KALAKHANG MAYNILA**



Sangguniang Panglungsod

ORDINANCE NO. 09-087

AN ORDINANCE PRESCRIBING ENVIRONMENTAL PROTECTION INSPECTION FEES FOR ALL INDUSTRIAL, AGRICULTURAL, COMMERCIAL ESTABLISHMENTS AND PRIVATE ENTITIES IN THE CITY OF MUNTINLUPA WHEREAS SUCH BUSINESS ACTIVITIES ARE SOURCES OF LAND, AIR AND WATER POLLUTION AND FOR OTHER PURPOSES.

Sponsored by: *Hon. Coun. Melchor R. Teves*
Co-sponsored: *Hon. Coun. Allan Rey A. Camilon*
Hon. Coun. Ma. Luisa Babaran-Echavez, MD
Hon. Coun. Margarita Amythyst Patdu-Labios, MD
Hon. Coun. Atty. Icasiano M. dela Rea
Hon. Coun. Marita Deang-Calalang, DMD
Hon. Coun. Francis Ian T. Bagatsing
Hon. Coun. Joselito V. Arevalo
Hon. Coun. Luvi P. Constantino
Hon. Coun. Engr. Mamerto T. Sevilla, Jr.
Hon. Coun. Vergel C. Ulanday
Hon. Coun. Robert A. Abas
Hon. Coun. Atty. Rey E. Bulay
Hon. Coun. Dann Henry G. Teves - SK Chairman

WHEREAS, Section 16 Article II of the 1987 Philippine Constitution provides that, "the state shall protect the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature";

WHEREAS, Republic Act 9003, otherwise known as the "Ecological Solid Waste Management Act of 2000", provides that, "an act providing for an ecological solid waste management program, creating the necessary institutional mechanisms and incentives, declaring certain acts prohibited and providing penalties, appropriating funds therefore, and for other purposes";

WHEREAS, Republic Act 8749, otherwise known as the "Philippine Clean Air Act of 1999, states that, an act providing for a comprehensive air pollution control policy, and declares that xxx the State recognizes that a clean and healthy environment is for the good of all and should, therefore, be the concern of all xxx";

WHEREAS, Republic Act 9275, otherwise known as the Philippine Clear Water Act of 2004, "an act providing for a comprehensive water quality management and for other purposes";

WHEREAS, under Section 458 (I) (IV) of the Republic Act 7160, otherwise known as the Local Government Code of 1991, provides that, "the Sangguniang Panlungsod is empowered to protect the environment and impose appropriate penalties for actions, which will endanger the environment xxx, and such other activities, which would result in pollution xxx or of ecological imbalance";

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**PAMAHALAANG LUNGSOD NG MUNTINLUPA
KALAKHANG MAYNILA**



Sangguniang Panglungsod

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WHEREAS, City Ordinance No. 04-013, entitled, "*an ordinance prohibiting public and private vehicle that emit bulky smoke in all major thoroughfares of the city to the detriment of health of its constituents*";

WHEREAS, City Ordinance No.02-070, "*prohibits any person to discharge or dispose any untreated wastewater, sludge, oil, chemical, or other waste to any part of the City of Muntinlupa that will endanger the environmental condition of the City's lake, rivers, creeks, and waterways with the corresponding penalties*";

WHEREAS, City Ordinance No. 06-092, otherwise known as Consolidated Eco-Waste Management Ordinance of Muntinlupa, entitled, "*an ordinance providing regulations on proper solid waste management, instituting guidelines and issuance of environmental tickets for its implementation and providing penalties for violation thereof*";

NOW THEREFORE, BE IT ORDAINED, AS IT IS HEREBY ORDAINED, by the 5th Sangguniang Panlungsod of Muntinlupa in Session assembled that:

SECTION 1. Environmental Protection Inspection Fee – Every owner/operator of business, industrial, commercial, or agricultural establishments, and private entities building shall be charged an Environmental Protection Fee for inspection and compliance monitoring. The said fee that will be imposed will generate funds that will supplement the operations and maintenance of the City's environmental programs and other environmental projects. An Environmental Permit to Operate will then only be issued after an inspection by a composite team from EPNRO, ESC and LMO and after compliance with the environmental requirements set forth by the DENR, LLDA and other government agencies.

The Environmental Permit to Operate shall be a pre-requisite for the issuance of business permit subject to the conditions and policies of the Business Permits and Licensing Office, EPNRO, ESC and LMO.

SECTION 2. Payment to the City Treasurer of an annual Environmental Protection Inspection Fee in accordance with the following schedule:

A. All High-Risk Industrial and Establishments:

1) Fuel Depot and Fuel Storage Facilities	Php5,000.00
2) Gasoline Service and LPG Filling Stations	500.00
3) Foundry Shops/Electroplating/Recycling Shop	1,000.00
4) All big scale Manufacturing Industries	1,000.00
5) Garbage Contractor/Terminal of Garbage Trucks Garbage Transfer Station	1,000.00
6) Sanitary Waste Landfills and other waste treatment or disposal site of toxic wastes	2,000.00

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7) Private Hospitals	600.00
8) Shopping Centers/Malls/Markets/Talipapa	1,000.00
9) Substation Cell Site	1,000.00
10) Junkshop	200.00
11) Retailer of LPG (10 tanks and above)	300.00

B. All Low-Risk Industries/Establishments:

1. Small-scale Manufacturing industries	Php 300.00
2. Housing Development Projects such as Residential subdivision, Parks (Memorial Park included) condominiums	1,000.00
3. High Rise Buildings	600.00
4. Fast food chains/Restaurants	500.00
5. Terminal/Garbage of Transport/Trucking Services	500.00
6. Medical Clinic with Lying-In Clinic	400.00
7. Hotels, Motels, Apartelles, Inns	1,000.00
8. Welding shop/auto repair with repairing shop refrigerator with repainting shop, furniture shop/shsh factory	500.00
9. Car wash, laundry services	300.00
10. Animal farm/piggery exceeding 25 heads	500.00
11. Manufacture's procedures, laboratories and warehouses	400.00
12. Funeral services	500.00
13. Amusement places, such as KTV/Videoke or other similar establishments	500.00
14. Golf Courses/Driving Range	1,000.00
15. Such other activities, projects as may be determined by EPNRO, ESC and LMO or has been the subject of complain/inspection	500.00

In case where a single person, partnership or corporation conducts or operates two or more business in one place or establishment, the environmental inspection permit fee shall be imposed on the business with the highest rate.

SECTION 3. EPO – Accreditation – All owners/operators of business, industrial, agricultural, or commercial establishments shall appoint/designate an Environmental Protection Officer duly accredited by EPNRO, ESC and LMO for purposes of supervision and enforcement of existing rules and regulations for the protection of the environment and to promote general welfare. The EPO will then accomplish and submit a quarterly Self Monitoring Report similar to the requirements of the DENR and LLDA for monitoring purposes.

Only the management of the establishment who submitted the required Self Monitoring Report (SMR) shall be the subject of accreditation procedures.

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SECTION 4. Penalties – Any violation of this Ordinance shall be subject to the following penalties:

1. Failure to secure Environmental Permit to Operate	Php5,000.00
2. Refusal to Entry of Bonafide Environmental Protection inspectors	2,500.00
3. Failure to install anti-pollution devices:	
a. High Risk Industries/Activities	5,000.00
b. Low-Risk Industries/Activities	2,500.00
4. Failure to undertake solid waste management program	2,500.00
5. Failure to appoint/designate/hire pollution control officer or EPO	1,000.00
6. Failure to submit Self Monitoring Report (SMR)	1,000.00

SECTION 5. All fees and penalties collected pursuant to this Ordinance shall be divided as follows:

- a) *The Fifty percent (50%) shall go to an environmental Trust Fund and the remaining Fifty Percent (50%) shall go to the General Fund of the City Government.*
- b) *Fees and penalties that will accrue to the Environmental Trust Fund will augment the funding of all environmental programs and projects as stipulated in Section 1 of this Ordinance.*

SECTION 6. Repealing Clause – All ordinances and resolutions or parts thereof which are inconsistent with the provisions hereof are hereby repealed or modified accordingly.

SECTION 7. Separability Clause – If, for any reason, any provision/s of this Ordinance shall be held unconstitutional by competent authority, such judgment or action shall not affect or impair the other provisions.

SECTION 8. Effectivity – This ordinance shall take effect immediately after publication in a newspaper of general circulation.

ENACTED, by the 5th *Sangguniang Panlungsod of Muntinlupa* this 13th day of April 2009, on its 74th Regular Session.

CONCURRED:

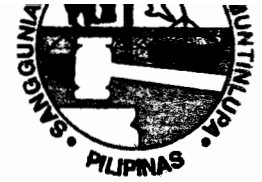
COUN. ALLAN REY A. CAMILON
Member

COUN. MA. LUISA BABARAN-ECHAVEZ, MD
Member

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Sangguniang Panglungsod

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COUN. MARGARITA AMYTHYST PATDU-LABIOS, MD
Member

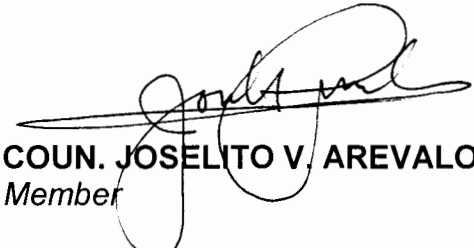

COUN. MELCHOR R. TEVES
Member


COUN. ATTY. ICASIANO M. DELA REA
Member


COUN. MARITA DEANG-CALALANG, DMD
Member

DISTRICT II:

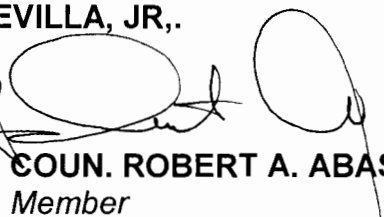

COUN. FRANCIS IAN T. BAGATSING
Member


COUN. JOSELITO V. AREVALO
Member


COUN. LUVI P. CONSTANTINO
Member

COUN. MAMERTO T. SEVILLA, JR.,
Member


COUN. VERGEL C. ULANDAY
Member


COUN. ROBERT A. ABAS
Member

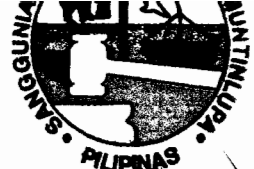

COUN. ATTY. REY E. BULAY
Member


COUN. DANN HENRY G. TEVES
Sectoral Representative
President
Federation of Sangguniang Kabataan





**PAMAHALAANG LUNGSOD NG MUNTINLUPA
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NO:

COUN. ALLEN F. AMPAYA
Member

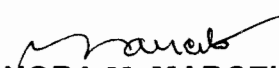
ABSENT:

COUN. ERMIE S. ESPELETA
Member

COUN. ENGR. MARISSA COLE-RONGAVILLA
Member

COUN. RENETO R. SO
Sectoral Representative
President
Association of Barangay Captains

I HEREBY CERTIFY, as to the correctness of the foregoing Ordinance.


LEONORA M. MARCELO
Legislative Staff Officer IV

ATTESTED:


ARTEMIO A. SIMUNDAC
City Vice-Mayor/Presiding Officer

APPROVED:


ALDRIN L. SAN PEDRO
City Mayor

Date: _____

Norie

