



REPUBLIKA NG PILIPINAS
PAMAHALAANG LUNGSOD NG MUNTINLUPA
KALAKHANG MAYNILA



Sangguniang Panlungsod



ORDINANCE NO. 17-075

AN ORDINANCE PROHIBITING THE SETTING OF OUTDOOR FIRE AND OPEN BURNING IN THE CITY OF MUNTINLUPA AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

Sponsored by: *Hon. Coun. Lucio B. Constantino*
Hon. Coun. Atty. Patricio L. Boncayao, Jr.
Hon. Coun. Bal Niefes
Hon. Coun. Stephanie G. Teves
Hon. Coun. Allan Rey A. Camilon
Hon. Coun. Ringo A. Teves
Hon. Coun. Louisito A. Arciaga
Hon. Coun. Alexander Diaz
Hon. Coun. Ivey Rhia Arciaga-Tadefa
Hon. Coun. Ma. Dhesiree G. Arevalo
Hon. Coun. Christine May A. Abas
Hon. Coun. Marissa Cole-Rongavilla
Hon. Coun. Mark Lester M. Baes
Hon. Coun. Rafael T. Sevilla
Hon. Coun. Victor L. Ulanday
Hon. Coun. Grace B. Gonzaga
Hon. Coun. Walter A. Arcilla - ABC

WHEREAS, under Section 458(1)(VI) of Republic Act 7160, otherwise known as the New Local Government Code of 1991, *"the Sangguniang Panlungsod is empowered to protect environment and impose appropriate penalties for acts which endanger the environment xxx and such other activities which result in pollution xxx or of ecological balance"*;

WHEREAS, based on record of the Muntinlupa City Fire Station and the Bureau Fire Protection, most of the fires that occur within Muntinlupa City are grass fire;

WHEREAS, in 2014, there was a recorded 177 fire incidents, and out of these, 87 were grass fire. In 2015, there were 124 fire incidents and 59 were grass fire. In 2016, there were 137 grass fires that occurred within Muntinlupa City, even surpassing the total number of fire incidents the previous year;

WHEREAS, grass fires have caused unnecessary expenditures by the government because of the petroleum, oil, lubricant, high maintenance on equipment and man-hours that have been wasted from responses to such occurrences;

WHEREAS, on *January 23, 2017*, a public hearing was conducted by the Committee on Public Order, Security and Safety the agenda of which is entitled *"proposed ordinance prohibiting the setting of outdoor fire and open burning in the City of Muntinlupa and for other purposes."*;



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NOW, THEREFORE, BE IT ORDAINED, AS IT IS HEREBY ORDAINED, by the 8th Sangguniang Panlungsod, in Session Assembled, the following:

SECTION 1. This ordinance shall be known as an prohibiting the setting of outdoor fire and open burning in the City of Muntinlupa and providing penalties for violation thereof.

SECTION 2. Definition of Terms - The following terms are defines as follows:

- 1) **Agricultural Waste** – refers to waste generated from planting or harvesting crops, trimming or pruning of plants and wastes or run-off materials from farms and filled;
- 2) **Campfire** – means a small outdoor fire intended for recreation or cooking but not including a fire intended for disposal of wood waste or refuse;
- 3) **Clean Wood** – cleans means a natural wood which has not been painted, varnished or coated with a similar; has not been pressure-treated with preservatives; and does not contain resins or glues as in plywood or other composite wood products;
- 4) **Construction and demolition waste** - means building waste materials, including but not limited to insulation, lumber, treated wood, plinted wood, wiring, plastics, packaging and rubble that results from construction, remodeling, repair and demolition operations on a house, commercial or industrial building or other structure;
- 5) **Composting** – refers to the controlled decomposition of organic matter by micro-organism, mainly bacteria and fungi into humus-like product;
- 6) **Environmentally Acceptable** – refers to the quality of being reusable, biodegradable or compostable, recyclable and not toxic and hazardous to the environment;
- 7) **Hazardous waste** – refers to solid waste or combination of solid waste, which because of its quantity, concentration, or physical, chemical or infectious characteristics may:
 - a. Cause or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating reversible illness; or;
 - b. Pose a substantial presence or potential hazard to human health or the environment when improperly treated, stored, transported or otherwise manage.



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- 8) **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 “siga”.
- 9) **Person** – refer to any being, natural or juridical, susceptible of rights and obligations, or of being the subject of legal relations;
- 10) **Refuse** – means any waste material except tress, logs, brush, stumps, leaves, grass clippings, and other vegetative matter;
- 11) **Sanitary Landfill** – refers to a waste disposal site designated, engineering control over significant potential environmental impacts arising from the development and operation of the facility;
- 12) **Secured Area** – refers to the place where open burning is allowed, however subject to certain limitations such as:
- a. The location thereof must not be less than fifteen (15) meters from any structure and adequate provisions and fire extinguishing equipment shall be present to prevent the fire from spreading;
 - b. Burning is permitted only when wind direction and other meteorological conditions such that smoke and other pollutants will or present hazard to any public road, landing strip or have a negative effect on any building, structure or sensitive receptor/electric equipment.
 - c. Other fire safety measures necessary that may be imposed by the City Fire Marshal having jurisdiction;
- 13) **Segregation** – refers to a solid waste management practice of separating different materials found in solid waste in order to promote recycling and re-use of resources and to reduce the volume of waste for collection and disposal.
- 14) **Solid Waste** – refers to all discarded household, commercial waste, non-hazardous institutional and industrial waste, street sweeping, construction debris, agricultural waste and other non-hazardous/non-toxic “solid waste” as used in this ordinance shall not include:



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- a. Waste identified or listed as hazardous waste of a solid, liquid, contained gaseous or semi-solid form which may cause or contribute to an increase in mortality or in serious or incapacitating reversible illness, or acute/chronic effect on the health of persons and other organism;
- b. Infectious waste from hospitals such as equipment, instruments, utensils, and fomites of a disposable nature from patients who are suspected to have or to have been diagnosed as having communicable diseases and must therefore be isolated as required by public health agencies, laboratory waste such as pathological specimens (i.e. all tissues, specimens of blood elements, excreta, and secretions obtained by patients or laboratory animals), and disposable fomites that may harbor or transit pathogenic organism, and surgical operating room pathogenic specimens, and disposable fomites attendant thereto, and similar disposable materials from outpatient areas and emergency rooms; and

15) Urban Areas - refer to all municipalities with population density of at least five hundred (500) persons per square kilometer;

16) Yard Waste - refers to wood, small or chipped brunches, leaves, grass clippings, garden debris, vegetable residue that is recognized as part of a plant or vegetables.

SECTION 3. Scope of Application. This ordinance shall be applicable to and observed in all households, industrial, commercial or business establishments, refuse collector disposal area, operators and junk dealers and all persons, whether living or sojourning in the city, generating, accumulating, storing, collecting, transporting, processing, treating, utilizing and disposing refuse or other waste materials.

SECTION 4. Prohibit Acts. This ordinance shall prohibit the following:

- 1) It shall be prohibited to set outdoor fires and openly burn. Specifically:
- a. No person shall be allowed to set fire or burn in any yard, lot (vacant or occupied), street, alley, rubbish, garbage, paper or other combustible material;
- b. No fire may be allowed to burn in residential areas or urban centers is likewise prohibited;
- c. Open-burning of refuse is prohibited
- d. Charcoal making in residential areas or urban centers is likewise prohibited;



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2) Open burning of the following materials shall likewise be prohibited:

- a. **Construction and demolition wastes;**
- b. **Hazardous substances including but not limited to batteries, household chemicals, pesticides, used oil, diesel, kerosene, gasoline, paints, varnishes, and solvent;**
- c. **Furniture and appliances;**
- d. **Tires and rubberized materials;**
- e. **Scrap electrical wire insulators;**
- f. **Any plastic material including but not limited to nylon, PBC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers;**
- g. **Treated or painted wood including but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.**

3) That the following may however be allowed but subject to certain conditions as stated:

- a. **Campfire, bonfire, religious, cultural or recreational fire, firefighting drills and training are allowed, Provided that a permits shall be secured from the Local Environment Office and respective Local Fire Marshal. Provided Further, that such activity should be done within a definite and limited span of time only.**
- b. **The burning of materials as authorized above may occur only under the following conditions:**
 - i. **It must be attended by a responsible person of not less than eighteen (18) years of age who shall be present at the site of the fire at all times to observe and control the fire;**
 - ii. **A fire extinguisher, garden hose, or other instrumentation capable of immediately extinguishing fire must be available at all times during burning;**
 - iii. **Materials burned for this purpose shall include only clean wood, yard waste such as branches, coconut leaves and the like;**
 - iv. **Fire must be small and capable of being readily controlled or extinguished in the event that a change in wind direction or other factors would result;**
 - v. **Fire must be completely extinguished after substantial completion of the combustion;**



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If these result on a protest or complaint by adjacent residents or property owners, or poses a threat to persons or property, the Fire Department may order the person burning to extinguish the fire. In the event he fails or refuses to obey a lawful command to extinguish any fire, the Fire Department may extinguish the fire and citation shall be issued.

4) It shall be also prohibited for any person to discard or loss cigarette butts or anything capable to ignite a fire on grass, trash bins or any other place, or receptacles where fire is likely to occur.

5) It shall also be prohibited to burn wastes for purposes stated hereunder:

- a. Yard waste such as branches and agricultural waste such as rice straw, rice husks, coconut shells and corn cobs used as fuel for household cooking;
- b. Yard waste and agricultural wastes as stated above that are used as fuel for industrial and commercial purposes shall be allowed, **Provided**, such are burned in a confined structure and is provided with a emission control device. Such operation shall only be allowed to operate upon securing a permit to operate of any air pollution source control device from Environmental Management Bureau of the Department of Environment and Natural Resources.

6) If a minor committed any of the prohibited acts stated above, the parents shall be responsible for all the actions of their child and shall be subject to the same fines and penalties as stated in Section 6 of this ordinance.

SECTION 5. Responsible person for authorized outdoor burning:

1. The applicant shall be the responsible person for outdoor burning authorized by the Fire Department and the Environmental Sanitation Center (ESC). He is required to be present prior and during the burning activity. He shall likewise be liable for the consequences, damages, or injuries resulting from the said burning.
2. If the burning is an activity of a company or any business establishment and have caused damage to persons or property of another, claims shall be governed by applicable laws on corporate or partnership liability.
3. The granting of the Fire Safety Clearance does not except or excuse the applicant thereof from complying with all other applicable laws, ordinances, regulations and orders of governmental entities having jurisdiction.



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SECTION 6. Fines and Penalties. Violation of this ordinance shall have fines and penalties as follows:

1. Violation of any of the provisions of this Ordinance shall be fined an amount as stated below:

First Offense	Php1,000.00
Second Offense	Php2,000.00
Third Offense	Php3,000.00

2. Any person who refuses to pay the fine shall be charged in Court and if found guilty shall be had liable for an imprisonment for a period not exceeding six (6) months or a fine not exceeding Five Thousand Pesos (Php5,000.00), or both, at discretion of the Court.
3. If the burning caused damage to adjacent properties or anything of monetary value, the owner or agent of the property damaged by the fire is not precluded to file appropriate claims as indemnity to the damaged sustained by him.

SECTION 7. Monitoring the implementation of this ordinance

1. The Environmental Sanitation Center and the City Fire Department shall be the lead agency in the implementation of this Ordinance. This provides implementing guidelines and deputized environmental police to ensure strict implementation of this ordinance.
2. Barangay Officials shall be responsible in closely monitoring any occurrence of grass fires and other acts of open-burning and shall subsequently endorse such cases to the City Fire Department and/or the Environmental Sanitation Center (ESC) for appropriate action. They shall be also required to install road signs and marks regarding this Ordinance for information dissemination as well as compliance.

SECTION 8. Separability Clause – If, for any reason or reasons, any part or provisions of this ordinance shall be held to be unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 9. Repealing Clause. All previous ordinances inconsistent with this ordinance shall be deemed repealed or modified accordingly.

SECTION 10. Effectivity Clause – This ordinance shall take effect ten (10) days after its completion of its publication in a newspaper of local circulation.



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ENACTED, by the 8th Sangguniang Panlungsod of Muntinlupa this 13th day of March, 2017, on its 30th Regular Session.

CONCURRED:

DISTRICT I:

COUN. ATTY. PATRICIO L. BONCAYAO, JR.
Member

COUN. BAL NIEFES
Member

COUN. STEPHANIE G. TEVES
Member

COUN. ALLAN REY A. CAMILON
Member

COUN. RINGO A. TEVES
Member

COUN. LOUISITO A. ARCIAGA
Member

COUN. ALEXANDER B. DIAZ
Member

COUN. IVEE RHIA A. TADEFA
Member

DISTRICT II:

COUN. MA. DHESIREE G. AREVALO
Member

COUN. CHRISTINE MAY A. ABAS
Member

COUN. MARISSA C. RONGAVILLA
Member

COUN. MARK LESTER M. BAES
Member

COUN. LUCIO B. CONSTANTINO
Member

COUN. RAFAEL T. SEVILLA
Member

COUN. GRACE B. GONZAGA
Member

COUN. VICTOR L. ULANDAY
Member

YAN ANG TAMA YAN ANG MUNTINLUPA!




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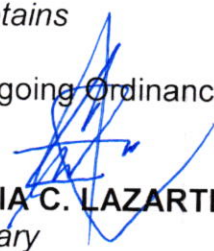


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COUN. WALTER A. ARCILLA
Sectoral Representative
President
League of Barangay Captains

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


CECILIA C. LAZARTE
Secretary

ATTESTED:


CELSO C. DIOKO
City Vice-Mayor/Presiding Officer

APPROVED:


ATTY. JAIME R. FRESNEDI
City Mayor

Date: 22 MAR 2017

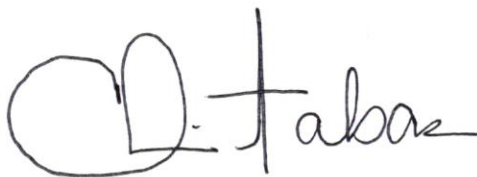









Norie/8th SP



YAN ANG TAMA YAN ANG MUNTINLUPA!