



REPUBLIKA NG PILIPINAS
LUNGSOD NG ORMOC
SANGGUNIANG PANLUNGSOD

Excerpt from the Minutes of the 23rd Regular Session of the Sixteenth Sangguniang Panlungsod held on December 06, 2022 at the Sangguniang Panlungsod Session Hall, 3rd Floor, Ormoc City Hall Building, Aunubing St., Cogon, Ormoc City, Leyte.

TAX ORDINANCE NO. 008
Series of 2022

**AN ORDINANCE IMPOSING FEES AND CHARGES TO
PRIVATE INDIVIDUALS, GROUPS, INSTITUTIONS
AND/OR COMPANIES DISPOSING ANY SOLID AND
SEPTAGE WASTES TO THE ORMOC CITY ECO-WASTE
CENTER LOCATED AT BARANGAY GREEN VALLEY,
ORMOC CITY, LEYTE**

Authored by: SP Member LALAINA A. MARCOS
Co-Authored by: SP Member Edmund B. Kierulf

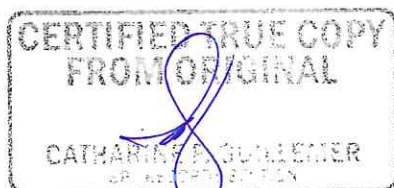
PREFATORY STATEMENT

The Sangguniang Panlungsod of Ormoc was in receipt of an endorsement from the Office of the City Mayor dated September 5, 2022, endorsing to this august Body a request for the enactment of an Ordinance for the Imposition of Fees and Charges to private Individuals, Groups, Institution and/or Companies which are disposing any Solid Waste to the Ormoc City Eco-Waste Center in Brgy. Green Valley, Ormoc City.

Said request is bolstered by the Ormoc City Ecological Solid Waste Management Board Resolution No. 01, Series of 2022, entitled, "A RESOLUTION RECOMMENDING TO THE HONORABLE CITY MAYOR LUCY TORRES GOMEZ, THE IMPOSITION OF FEES AND CHARGES TO PRIVATE INDIVIDUALS, GROUPS, INSTITUTIONS, AND/OR COMPANIES, DISPOSING ANY SOLID AND SEPTAGE WASTES TO THE ORMOC CITY ECO-WASTE CENTER LOCATED AT BARANGAY GREEN VALLEY, ORMOC CITY, LEYTE", also requesting for the passage of an ordinance.

The Sangguniang Panlungsod also received an endorsement from the Office of the City Mayor dated August 19, 2022, regarding the request for the IMPOSITION OF FEES AND CHARGES FOR THIRD PARTY SEPTAGE HAULERS FOR THE SEPTAGE TREATMENT SERVICES OF LGU-ORMOC;

Republic Act No. 9003, otherwise known as the Philippine Ecological Solid Waste Management Act of 2000, provides for an ecological solid waste management program, creates the necessary institutional mechanisms and incentives, and declares certain acts prohibited and provides penalties for violations;





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Section 10 of the Republic Act No. 9003 provides that, "Pursuant to the relevant provisions of RA No. 7160, otherwise known as the Local Government Code, the LGUs shall be primarily responsible for the implementation and enforcement of the provisions of this Act within their respective jurisdictions";

Fees and charges were determined based on the Toolkit of the Department of Finance Bureau of Local Governance Finance;

Section 47 of the Republic Act No. 9003 provides that, "The local government unit shall impose fees in amounts sufficient to pay the costs of preparing, adopting, and implementing a solid waste management plan prepared pursuant to this Act";

Rule XVII Section 1 of the DENR Administrative Order No. 2001-34 otherwise known as the Implementing Rules and Regulations of Republic Act No. 9003, provides that the Local Solid Waste Management(SWM) Board/Local SWM Cluster Board shall impose fees on SWM services provided for by the LGU and/or any authorized organization unit;

Republic Act 9275, also known as Philippine Clean Water Act of 2004, also prohibits the "Discharging, depositing or causing to be deposited material of any kind directly or indirectly into the water bodies or along margins of any surface water, where, the same shall be liable to be washed into such surface water, either by tide action or by storm, floods or otherwise, which could cause water pollution or impede natural flow in the water body" and the "Discharging, injecting or allowing to seep into the soil or sub-soil any substance in any form that would pollute ground water."

As part of Ormoc City's dedication to protect, preserve and conserve the environment, the Local Government enacted Ormoc City Ordinance No. 036 Series of 2017, otherwise known as the Ormoc City Ecological Solid Waste Management Ordinance of 2017 on June 13, 2017;

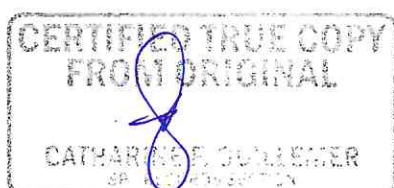
Ormoc City has also developed its Sanitary Landfill and Septage Treatment Facilities, in its efforts to prevent the indiscriminate disposal of solid and liquid wastes and subsequent pollution.

Based on records of the Environment and Natural Resources Office (ENRO) from 2019 to 2021, a total of 2,747 metric tons of solid wastes were disposed in the Sanitary Landfill coming from third party haulers;

The City deems it proper to impose fees and charges on these third party haulers to cover the operational and maintenance cost of the Ormoc City Eco-Waste Center on such disposals;

A public hearing was conducted last November 3, 2022 in compliance of the legal requirement provided for in the Local Government Code;

BE IT ORDAINED by the 16th Sangguniang Panlungsod of Ormoc City, that:



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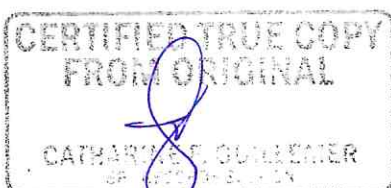


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SECTION 1. This Ordinance shall be known and cited as the "**Ormoc City Eco-Waste Center Fees and Charges Ordinance**".

SECTION 2. DEFINITION OF TERMS – For the purpose of this Ordinance the following term shall apply:

- A. **Solid Waste** – a non-liquid waste material from domestic or household sources. It includes, but not limited to: all discarded household waste, commercial waste, non-hazardous institutional and industrial waste, street sweepings, construction debris, agricultural waste, and other non-hazardous or non-toxic solid waste;
- B. **Septage** – is the liquid and solid material pumped from a septic tank, cesspool, or other primary treatment source like thickened sewage that is removed from septic tanks.
- C. **Third Party Haulers** – are private individuals, groups, institutions, and/or companies with business permit and duly accredited by this LGU, who will dispose solid wastes to the Ormoc City Eco-Waste Center.
- D. **Third Party Siphoning services** – are private individuals, groups, institutions and/or companies with business permit and duly accredited by this LGU, that will dispose septage to the Ormoc City Eco-Waste Center.
- E. **Tipping Fee** – the fee at a waste facility for waste delivered/disposed to that facility by third party haulers, based upon the weight, volume, character, or type of waste.
- F. **Septage Facility** – a facility where septage waste is disposed and treated in order to pass the effluent standard of DENR.
- G. **Sanitary Landfill** – shall refer to a waste disposal site designed, constructed, operated and maintained in a manner that exerts engineering control over significant potential environmental impacts arising from the development and operation of the facility;
- H. **Vacuum truck** – a vehicle that is configured with a tank and system to vacuum liquid from a site and transports the load to a location for disposal, treatment or reuse.
- I. **Rental Fee** – a payment made by a lessee in return for the use of machinery, equipment, and others.
- J. **Weighing Charges** – a fee collected from the third party haulers using the weighing scale owned by the LGU.
- K. **Accreditation** – the action or process of officially recognizing someone as having a particular status or being qualified to perform a particular activity.
- L. **Requestor** – a person who is making a request for lease of waste collection vehicle
- M. **Accreditation Permit** – a permit given to the third party haulers and/or siphoning services qualified to perform hauling of wastes.
- N. **Miscellaneous Assessment** – a document issued to applicants and/or requestor for the purpose of payment the fee and/or rental fee.
- O. **Certificate of Work Completed** – a certificate issued by ENRO to the requestor upon completion of work.





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SECTION 3. TIPPING FEE – There is hereby imposed and collected a fixed Tipping Fee on the following:

- A. Five Hundred Eighty Philippine Pesos (Php580.00) for every One Thousand (1,000) kilograms or less of solid wastes disposed to the Ormoc City Sanitary Landfill by third party haulers.
- B. Five Hundred Eighty Philippine Pesos (Php580.00) per cubic meter of septage disposed to the Septage Facility of Ormoc City by third party siphoning services.

The City through the Environment and Natural Resources Office (ENRO), on reasonable cause determined by the ENRO, may provide a schedule for disposal of solid and septage wastes and further reserves the right to refuse third party haulers in disposing their solid and septage wastes to the Ormoc City Eco-Waste Center.

SECTION 4. WEIGHING CHARGES - There is hereby imposed and collected a fixed amount of One Hundred Twenty Philippine Pesos (Php120.00) as weighing service charge for every sanitary dump truck or any vehicle used for such purpose.

SECTION 5. COLLECTION - The fee imposed and collected herein shall be paid to the Office of the City Treasurer of Ormoc, upon issuance of the order of payment from the ENRO, before any solid and septage wastes from private individuals, groups, institutions, and/or companies who dispose in the Ormoc City Eco-Waste Center.

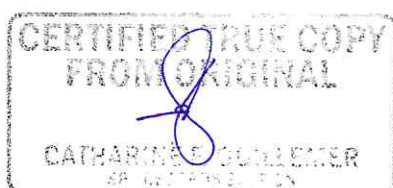
SECTION 6. REQUIREMENTS. All third party haulers that shall dispose solid and/or septage waste to the Ormoc City Eco-Waste Center must have the following requirements, whichever is applicable:

- A. Third party haulers must have a Business Permit.
- B. Third party haulers must be accredited by the City of Ormoc through the Office of ENRO

Requirements for Accreditation:

- a. Sanitary Permit
- b. Business Permit
- c. At least have one (1) Unit of garbage truck/vacuum truck.
- d. Must be Environmental and Management Bureau (EMB) permitted transporter of septage wastes.
- e. For septage haulers, must have Operational Permit from the Department of Health (DOH).
- f. Must have a Spill Management Plan
- g. Accreditation fee of Five Hundred Philippine Pesos (Php500.00).
- h. Accreditation can be done anytime of the year and is renewable annually.

- C. Third party haulers for SOLID WASTE must secure a **PERMIT TO DISPOSE** from ENRO for every disposal and pay an amount of Fifty Philippine Pesos (Php50.00) per permit.





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- D. Third party haulers for SEPTAGE must secure **PERMIT TO DISCHARGE FROM THE SEPTIC TANK** from the City Health Department for every disposal and pay an amount of Two Hundred Philippine Pesos (Php200.00) per permit per Tax Ordinance No. 003 s. 2021.

SECTION 7. PROCESS OF ACCREDITATION. All third party haulers that shall apply for accreditation should follow the process.

For new applicants:

- A. Fill-up Application Form (can be secured from ENRO). Attached to the application form are the following:
- Letter of Intent
 - Sanitary Permit
 - Valid ID of the applicant
 - Business Permit
 - Photo of the truck/s and photocopies of its papers
- B. Duly filled up Application Form and attached documents will be verified by ENRO. After verification, if proven documents submitted were valid, applicant may proceed to the next step. If documents were proven not valid, application will be put on hold and will be advised to submit valid documents.
- C. Actual inspection of the truck/s.
- D. ENRO shall inform the applicant if application was approved or otherwise. If approved, payment order shall be issued. If otherwise, comply whatever is recommended.
- E. Pay Accreditation fee at the City Treasurer's Office.
- F. Submit Official Receipt of payment to ENRO.
- G. Receive Accreditation Permit.

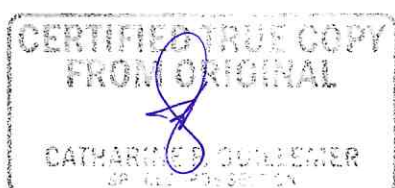
Process of Renewal of Accreditation:

- A. Fill up application form. Attached to the application form the following:
- Copy of the Previous Accreditation Permit
 - Sanitary Permit
 - Valid ID
 - Business Permit
 - Photo of the truck/s and photocopies of its papers
- B. Payment Order shall be issued.
- C. Pay Accreditation Fee.
- D. Submit Official Receipt of payment to ENRO.
- E. Receive Renewed Accreditation Permit.

SECTION 8. LEASE OF WASTE COLLECTION VEHICLE. To maximize the waste collection of the city, third party haulers, companies, entities, and individuals are allowed temporary use of waste collection vehicles owned by the LGU.

SECTION 8.1. FEES FOR THE LEASE OF WASTE COLLECTION VEHICLE.

There is hereby imposed the following rental fees for the use of vehicle being rented out by the City of Ormoc to third party haulers and/or private individuals:





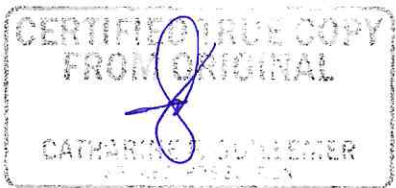
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No.	VEHICLE (Inclusive of driver and crew)	RENTAL RATE (Peso/Vehicle/Trip)
1.	GARBAGE OPEN DUMP TRUCK	Php7,000.00 + Php50.00 per kilometer from Ormoc Eco Waste Center to pick- up point
2.	VACUUM TRUCK	Php7,000.00 + Php50.00 per kilometer from Ormoc Eco Waste Center to pick- up point

This provision applies only when there is NO available third-party hauler to render service.

SECTION 8.2. TERMS AND CONDITIONS FOR THE LEASE OF WASTE COLLECTION VEHICLE. The rental and use of the VEHICLE shall be in accordance with the following conditions:

- A. A request letter should be sent to the City Mayor, attention the City ENRO and is subject for approval by the ENRO. The request should contain at least the following details:
 - a) Date of the request
 - b) Complete name of the requestor
 - c) Contact number/s of the requestor
 - d) Description of the waste for pickup such as, but not limited to, type of waste, total/approximate weight/volume, etc.
 - e) Complete address of the pickup area
 - f) Photos of the pickup area and waste for pickup
- B. Vehicle must not be rented for more than 4 hours per request.
- C. Location of the waste for pickup must be accessible by truck and within the territorial boundaries of Ormoc City.
- D. Solid waste must already be placed securely in manageable containers, such as sacks, before pickup. The LGU is not responsible for the pre-containment of the solid waste.
- E. The services provided by the LGU are strictly waste pickup, siphoning, transport, and disposal only. The LGU is not responsible for the preparatory or pre-operation activities, such as removal of obstructions, to and within the area of interest.
- F. Only the LGU can operate the vehicle.





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Rental Procedure;

- a. Submit letter request to ENRO
- b. ENRO will issue the payment order for truck rental and disposal permit
- c. Pay to the City Treasurer's Office
- d. Submit the Official Receipt to ENRO
- e. ENRO will issue the DISPOSAL PERMIT FOR LGU RENTED VEHICLE to the proponent.

SECTION 8.3. PROCESS FLOW FOR THE LEASE OF WASTE COLLECTION VEHICLE. The rental and use of the VEHICLE shall adhere to the following process:

- A. Upon receipt, the request letter is reviewed by the ENRO for approval or rejection. If rejected, the ENRO will relay in writing the details of the rejection. The request shall at least contain the following details:
 - a. Full Name (as shown in the requestor's valid ID)
 - b. Current Address
 - c. Contact Number and Email (if any)
 - d. Date of the request
 - e. Complete address of the waste for pickup
 - f. Date of the pickup
- B. If approved, the ENRO will contact the requestor to agree on a date for the waste pickup and discuss payment details.
- C. The requestor shall proceed to the ENRO for the issuance of Miscellaneous Assessment Number (MA).
- D. The requestor shall proceed to the CTO for the payment (rental and disposal permit).
- E. The request shall present the payment receipt to the ENRO for confirmation.
- F. ENRO shall issue the DISPOSAL PERMIT FOR LGU RENTED VEHICLE to the proponent.
- G. ENRO shall pick-up the waste carrying a copy of the disposal permit for rented vehicle and submit same upon entry to the eco-waste center.
- H. ENRO shall issue a Certificate of Work Completed to the requestor to confirm the completion of the request.

SECTION 8.4. CERTIFICATE OF WORK COMPLETED. A certificate issued by ENRO as confirmation for the work completed.

SECTION 9. ACCRUAL OF FEES. All fees collected under Section 3, 6 and 8 of this ordinance shall accrue to the General Fund.





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SECTION 10. PROHIBITION. Septage waste containing oil and grease is not included in this collection service. Disposal of Septage waste to prohibited areas as describe in Section 27, Chapter 5 of R.A. 9275 otherwise known as Philippine Clean Water Act of 2004, is strictly not allowed and subject to penalty when caught, proven and verified.

SECTION 11. PENAL CLAUSE. A penalty of Five Thousand Philippine Pesos (Php5,000.00) shall be imposed to third party haulers or anybody confirmed disposing septage waste with oil and grease to the Ormoc Eco Waste Center and to the prohibited areas as described in Section 27, Chapter 5 of R.A. 9275 otherwise known as Philippine Clean Water Act of 2004.

SECTION 12. REPEALING CLAUSE – All Ordinances and/or Resolutions, or portions thereof, inconsistent with this Ordinance are hereby repealed or modified accordingly.

SECTION 13. SEPARABILITY CLAUSE – If, for any reason any provision of this Ordinance is declared unconstitutional or invalid by any competent court, the other parts or provisions hereof which are not affected thereby shall continue in full force and effect.

SECTION 14. EFFECTIVITY - This Ordinance shall take effect immediately upon approval and after compliance with necessary posting and publication requirements of Republic Act No. 7160, otherwise known as the Local Government Code of 1991.

ENACTED, December 06, 2022.

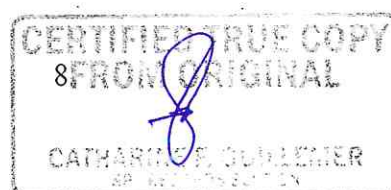
RESOLVED FURTHER, to furnish copies of this Ordinance, one each to, the City Mayor; the City Administrator; the City Legal Officer; the City Budget Officer; the City Accountant; the City Treasurer; the Environment and Natural Resources Office; the City Auditor; the City Health Office; ORWASA; BPLO; the Liga ng mga Barangay President; the City Local Government Operations Officer – DILG; and others concerned.

WE HEREBY CERTIFY to the correctness of the above Tax Ordinance.

MARIA ANTONIETA G. CO HAT
Secretary to the
Sangguniang Panlungsod

REY F. EVANGELISTA
SP Member

NOLITO M. QUILANG
SP Member
Majority Floor Leader
(O.B. – Manila)






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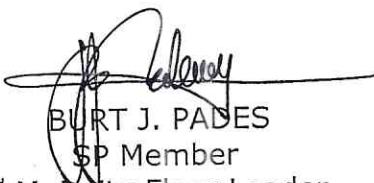

PETER M. RODRIGUEZ
SP Member



GREGORIO G. YRASTORZA III
SP Member



JASPER M. LUCERO
SP Member
1st Asst. Majority Floor Leader

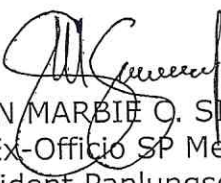

MARIA CARMEN JEAN T. RAMA
SP Member


EDMUND B. KIERULF
SP Member


BURT J. PADES
SP Member
2nd Majority Floor Leader


LALAINA A. MARCOS
SP Member


ESTEBAN V. LAURENTE
Ex-Officio SP Member
Chapter President
Liga ng mga Barangay ng Ormoc


JOAN MARBIE O. SIMBAJON
Ex-Officio SP Member
Chapter President Panlungsod na Pederasyon
ng mga Sangguniang Kabataan ng Ormoc

ATTESTED:


ROLLAND H. VILLASENCO
SP Member
Presiding Officer "Pro-Tempore"

APPROVED:


LUC TORRES GOMEZ
City Mayor

20 DEC 2022

(Date)

