

REPUBLIKA NG PILIPINAS
TANGGAPAN NG SANGGUNIANG PANLUNGSOD
LUNGSOD NG BAKOLOD

-oOo-

CITY ORDINANCE NO. 479

February 4, 2009

AN ORDINANCE ALLOCATING FIFTY PERCENT (50%) SHARE TO EACH BARANGAY FROM THE PROCEEDS OF GARBAGE SERVICES CHARGES THAT ARE COLLECTED FROM BUSINESS ESTABLISHMENT, OCCUPATION, CALLING OR UNDERTAKING LOCATED IN THEIR RESPECTIVE BARANGAY AREA OF TERRITORIAL JURISDICTION AS PROVIDED IN ARTICLE 52, SECTION 173 OF THE REVENUE CODE 2009 OF BACOLOD CITY, AS AMENDED.

WHEREAS, Section 173 of Article 52 of the Bacolod City Local Revenue Code of 2009, states that "except as otherwise provided herein garbage service charges shall be collected quarterly from every person (natural or juridical) engaged in business occupation or calling or any undertaking in Bacolod City;

WHEREAS, the City Ordinance No. 310, series of 2002, entitled Revised Solid Waste Management Ordinance, which is part of Article 24, Section 2-B thereof "Mandates the separate allocation by the City be provided to the Barangay for their Clean and Green Program, separate from the City. This enabled the Barangays to hire local residents to clean up the Barangay and at the same time provide them temporary employment for their economic assistance;

WHEREAS, Chapter IV, Section 45 (a) of Republic Act No. 9003, also known as the "Act providing for an Ecological Solid Waste Management Program, creating the necessary institutional mechanism and incentive declaring certain acts prohibited and providing penalties, appropriating funds therefore and for other purposes state rewards, monetary or otherwise shall be provided to individual, organization and entities xxx";

WHEREAS, in order to ensure the effective participation of the Barangay and its officials in the implementation of various projects and programs and to promote measures relating to Environmental/Sanitation/Beautification/Solid Waste Management, to embark on the City program and projects, to effectively and efficiently implement Republic Act No. 9003, City Ordinance No. 313, dated November 21, 2002. City Ordinance and its monitoring garbage collection, implement solid waste management, composting and cleaning of streets and roads and the clean and green project to help the City maintain as an awardees of National Clean and Green, the Barangay needs funds or assistance to carry-

WHEREAS, as **INCENTIVES** to the Barangay, the proceeds of the annual collection of Garbage Service Charges shall be shared between the City and the Barangay in promotion of City Garbage Service and Beautification Projects for the benefit of the city.

NOW THEREFORE, be it ordained by the Sangguniang Panlungsod of the City of Bacolod in regular session assembled that:

ARTICLE I

Section 1. Title – This Ordinance shall be known as the “**GARBAGE SERVICE INCENTIVES OF BACOLOD CITY.**”

ARTICLE II

Section 1 – Definition of Terms. As used in this Ordinance, the following terms shall mean:

- a. **Business** – shall mean trade or commercial activity regularly engaged in as a means of livelihood or with a view to profit.
- b. **Charges** – refers to pecuniary liability, as rents or fees against person property.
- c. **Fee** – a charge fixed by laws or ordinance for the regulation or inspection of a business activity or the services of a public.
- d. **Garbage** – shall mean as a discarded food waste or any other unwanted or useless material
- e. **Person** – means every natural or juridical being susceptible of rights and obligation or being the subject of legal relations.
- f. **Profession** – every physical or models, real or juridical and legal being susceptible of rights and obligation or being the subject of legal relations
- g. **Resident** – refers to natural persons who have their habitual residence in the City where they exercise their civil rights and fulfill their Civil obligation, and to judicial persons for which the law or any other provision creating or recognizing them fixes their residence in the City on the absence of such law-juridical persons are residents of the City where they have their legal residence or principal place of business. Or where they conduct their principal business or occupation.

ARTICLE III

Section 1. Sites of the Garbage Service Charges. – For purpose of the Garbage Service Charges collection from different business establishment, occupation or other calling in the City of Bacolod, its location in the Barangay territorial zone shall accrue to the said Barangay.

ARTICLE IV

Section 1. Disposition of the Garbage Service Charge Collection – The disposition of the annual collection of Garbage Service Charges collected from every person (natural or juridical engaged in business, occupation or calling or any undertaking in Bacolod City shall be distributed as follows:

- (a) Fifty Percent (50%) shall accrue to the general fund of the City; and
- (b) Fifty Percent (50%) shall be distributed among the component barangay of the City in the following manner:
 - 1. Fifty Percent (50%) shall accrue to the barangay where the business establishment occupation or calling or any undertaking is located.
 - 2. Fifty Percent (50%) shall accrue equally to all component barangay of the City.

The proposed share of each barangay shall be released, without the need of any further action, directly to the Barangay Treasurer on a quarterly basis within five (5) days after each quarter and which shall not be subject to any lien or holdback that may be imposed by the City Treasurer for whatever purpose.

ARTICLE V

Section 1. The Barangays are mandated to submit to the City Treasurer's Office the list of all persons (natural or juridical) engaged in business, trade, profession or occupation in the City of Bacolod including those listed under Section 173, Article 52 Revised Local Revenue Code of Bacolod City 2009 such as (a) aircraft and water craft companies, (b) amusement places, (c) water, electric and power companies, (d) financial institutions, (e) gasoline service filling stations, (f) private hospitals and medical clinics, (g) hotels, apartels, pensions, inns, boarding house, lodging house, dormitories, dwelling and other spaces for lease and rents, (h) institutions of learning, (i) liquefied petroleum, (j) markets stall holders, (k) media facilities, (l) telegraph, teletype, cable and wireless communication companies, etc., (m) telephone companies, (n) terminal/garage for bus, taxi and other public utility vehicle, located in their barangay jurisdiction or area of responsibility for speedy, identification determination of service charge

ARTICLE VI

Section 1. Duties and Function of the Barangay in the enforcement of said Ordinance in partnership with the City with regards to solid waste management, street cleaning and clean and green projects. – It shall be the primary duty of the Barangays to closely coordinate with the City in the exercise of the following devolved function within their respective jurisdiction, to wit:

1. Garbage collection in the residential areas and in the commercial areas outside the quadrant identified by the Department of Public Service (DPS);
2. Implementation of waste segregation and composting;
3. Conduct information and education campaign (IEC) with regards to the immediately preceding letter assisted by the City and IEC task force;
4. Cleaning of streets and roads;
5. Propagation and maintenance of the greening projects which includes City's Median Islands and;
6. Hire the needed personnel in the implementation of the above-mentioned functions.

ARTICLE VII

Section 1. Submission and Approval of the Programs and Projects of the Barangay Solid Waste Program and Garbage Service to City Planning Development Office (CPDO) and Department of Public Services (DPS) who will coordinate, monitor, supervise and render assistance to barangays who did not own garbage trucks to collect their garbage receptacles in their respective area according to the schedules assigned to each non-garbage trucks barangays to the dumpsite of the City.

ARTICLE VIII

Section 1. The financial share of Garbage Service Charge for each Barangay would depend on the total payment of the garbage service charge that will receive. The barangay officials, especially their Barangay Treasurer is mandated to campaign by encouraging those, to pay their business permit and garbage service charge on time and those who fails to pay, the Barangay Treasurer will inform the City Treasurer's Office or the City Legal Office for appropriate legal sanction.

ARTICLE IX

Section 1. The Barangay Officials are mandated to augment the City in their campaign for early payment of their business permit and garbage fee in their area of coverage.

ARTICLE X

Section 1. Submission and approval of the programs and projects of the Barangay to the City Planning and Development Office (CPDO). The Barangay is required to submit to the CPDO, their two (2) years programs and projects on the first week of January after the supposed expiration.

ARTICLE XI

Section 1. Source of Funds for Barangays aside from their share of Garbage Service Charges collected by the City Treasurer's Office. – To secure the viability and smooth operation of the different Barangays in the discharge of their respective function, they shall have the following source of funds:

- a. Financial assistance from the City to be taken from its funds for the Solid Waste Programs and Management.
- b. Collection of Solid Waste Management Fees within the jurisdiction of the Barangay pursuant to Section 47 of Republic Act 9003.

The financial share of each Barangay is subject to COA regulations and government accounting.

ARTICLE XII

Section 1. 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 2. Effectivity. – This Ordinance shall take effect fifteen (15) days after its publication in a newspaper of local circulation.

CARRIED BY THE VOTE OF:

Affirmative:

Councilors : Greg G. Gasataya, Homer Q. Bais, Dindo C. Ramos,
Wilson C. Gamboa, Jr., Al Victor A. Espino, Napoleon
A. Cordova, Celia Matea R. Flor, Catalino T. Alisbo,
Edwin M. Bais, Alvin S. Espino, Francisco T. Espino

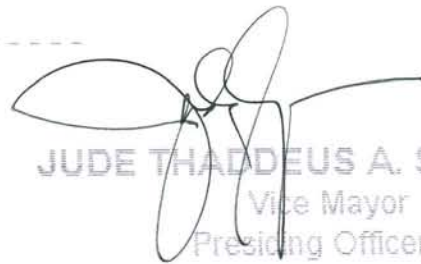
Negative : None.

Absent : None.


Author : Councilor Catalino T. Alisbo.

Passed : February 4, 2009 (83rd Regular Session)


Comments: Passed.
Councilors Jocelle Batapa-Sigue, Diosdado A. Valenzuela and Kevin Daniel L. Ramos were not around when this ordinance was passed.


JUDE THADDEUS A. SAYSON
Vice Mayor
Presiding Officer

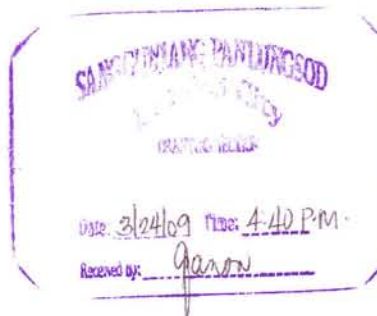
ATTESTED:


ATTY. NILO T. ALEJANDRINO
Secretary to the Sanggunian

APPROVED: MARCH 19, 2009
February , 2009.


EVELIO R. LEONARDIA
City Mayor

NTA/HPL/jbz





Republika ng Pilipinas
Tanggapan ng Sangguniang Panlungsod
Lungsod ng Bacolod

CERTIFICATION

This is to certify that **City Ordinance No. 479**, Series of 2009, passed on February 4, 2009, entitled:

“AN ORDINANCE ALLOCATING FIFTY PERCENT (50%) SHARE TO EACH BARANGAY FROM THE PROCEEDS OF GARBAGE SERVICES CHARGES THAT ARE COLLECTED FROM BUSINESS ESTABLISHMENT, OCCUPATION, CALLING OR UNDERTAKING LOCATED IN THEIR RESPECTIVE BARANGAY AREA OF TERRITORIAL JURISDICTION AS PROVIDED IN ARTICLE 52, SECTION 173 OF THE REVENUE CODE 2009 OF BACOLOD CITY, AS AMENDED.”

was published in the April 7, 2009 issue of Sun.Star Bacolod, as required under the above mentioned City Ordinance and is now therefore in effect.

Bacolod City, Philippines, April 22, 2009.

ATTY. NILO T. ALEJANDRINO
Secretary to the Sanggunian

NTA/rgl