NATIONAL ADMINISTRATIVE REGISTER · JANUARY 24, 2013

REQUIRING THE LOCAL GOVERNMENT UNITS WITHIN THE LAGUNA DE BAY REGION TO IMPLEMENT THE PROVISIONS OF SECTION 4 (L), REPUBLIC ACT NO. 4850, AS AMENDED, AND SECTION 4 (E) OF EXECUT...

LLDA RESOLUTION NO. 439, S. 2013, January 24, 2013

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WHEREAS, Sec. 4 (I) of R.A. No. 4850, as amended expressly provides that the Authority shall have the powers and functions to require the cities and municipalities embraced within the region to pass appropriate zoning ordinances and other regulatory measures necessary to carry out the objectives of the Authority and to enforce the same with the assistance of the Authority;

WHEREAS, Sec. 4 (e) of E.O. No. 927 explicitly provides that the subdivisions, condominiums ... located within the Laguna de Bay region are required to put up appropriate central sewerage system, which provision is hereby quoted hereunder:

> "Section 4 (e) Issue, renew, or deny permits, under such conditions as it may determine to be reasonable, for the prevention and abatement of pollution, for the discharge of sewage, industrial waste, or for the installation or operation of sewage works and industrial disposal system or parts thereof: Provided, however, that the Authority, by rules and regulations, may require subdivisions, condominiums, hospitals, public buildings and other similar human settlements to put up appropriate central sewerage system and sewage treatment works, except that no permits shall be required of any new sewage works or changes to or extensions of existing works that discharge only domestic or sanitary wastes from a single residential building provided with septic tanks or their equivalent. The Authority may impose reasonable fees and charges for the issuance or renewal of all permits herein required."

WHEREAS, Section 16, Chapter I, Title I, Book I of R.A. No. 7160, otherwise known as the Local Government Code of 1991 expressly provides, as follows:

> "Section 16. General Welfare. Every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare. Within the respective territorial jurisdictions, local government units shall ensure and support, among other things, the preservation and enrichment of culture, promote health and safety, enhance the right of the people to a balanced ecology, encourage and support the development of appropriate and self-reliant scientific and technological capabilities, improve public, morals enhance economic prosperity and social justice, promote full employment among their residents, maintain peace and order, and preserve the comfort and convenience of their inhabitants."

WHEREAS, under Section 7.2 of the Clean Water Act (RA 9275) and its Implementing Rules and Regulations, the role of LGUs concerning their sewerage and septage management program, that through the enactment of an ordinance it may appropriate the necessary land including the required rights-of-way/ road access to the land for the construction of the sewage and/or septage treatment facilities. For that matter, LGUs may enact ordinances adjusting local property taxes or imposing a service fee system to meet necessary expenses for the operation and

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maintenance of sewerage treatment or septage management facility servicing their area of jurisdiction;

WHEREAS, pursuant to Title XII (Local government) of the Administrative Code of 1987 and Sec. 25 of the Local Government Code of 1991, the DILG, in exercising the President's power of general supervision and its duty to promulgate guidelines in establishing waste management programs under Sec. 43 of the Philippine Environment Code (PD 1152), shall direct all Local Government Units (LGUs) in Metro Manila, Rizal, Laguna, Cavite, etc., to determine whether they have wastewater treatment or hygienic septic tanks as prescribed by existing laws, ordinances, rules and regulations. If none be found, these LGUs shall be ordered to require non-complying establishments and homes to set up facilities or septic tanks within a reasonable time to prevent industrial wastes, sewage water, and human wastes from flowing into rivers, waterways, esteros, and the Manila Bay, under pain of closure or imposition of fines and other sanctions (Supreme Court EN BANC Resolution in G.R. Nos. 171947-48, February 15, 2011);

WHEREAS, before the Public Hearing Committee of this Authority, there are pending cases against the owners/developers of subdivisions and condominiums situated within the region that were established and constructed without first securing its LLDA Clearance before this Authority;

NOW THEREFORE, premises considered, BE IT RESOLVED, as it is hereby RESOLVED, that the LLDA Board of Directors shall require all the local government units located within the Laguna de Bay Region to implement the above cited provisions of RA 7160 (Local Government Code) and RA 4850, as amended by Sec. 4(e), E.O. 927 to owners/developers of all subdivisions and condominiums located within their areas;

RESOLVED, FURTHER, to require all LGUs within the region to require all owners/developers of subdivisions and condominiums applying for its Development Permit, Building Permit and Business Permit to put up in their projects appropriate central sewerage system and sewage treatment works. The putting up of a central sewerage system and sewage treatment works for subdivisions and condominiums shall also be one of the permit conditions stated on the issued Development Permit, Building Permit and Business Permit by the LGUs;

RESOLVED, FURTHER, that the owners/developers of subdivisions and condominiums situated within the Laguna de Bay region shall be required to secure LLDA Clearance and Discharge Permit for its sewerage treatment facilities before this Authority;

RESOLVED, FINALLY, that the LLDA bonafide inspectors shall be allowed to inspect any developmental activities, projects, as well as, the installations/ construction or maintenance of the existing sewage works and waste disposal systems in any subdivisions and condominiums.

This Board Resolution shall take effect fifteen days from its publication in a newspaper of general circulation and registration with the National Administrative Register, UP Law Center.

RAMON JESUS P. PAJE (Absent)
Chairman

(SGD.) J.R. NEREUS O. ACOSTA, PhD.
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Director

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Director

ELIONOR I. PILLAS (Absent)
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(SGD.) GILBERT G. LOZADA
Director

Attested by:

(SGD.) CEASAR QUINTOS
Acting Board Secretary

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