

SANGGUNIANG PANLUNGSOD

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Councilor RAMON L. ENCARNACION and Councilor KRISTIAN ROME T. SY

WHEREAS, Republic Act No. 7160, mandates the enactment and adoption of measures to protect the environment, as well as of the inhabitants of the City from the harmful effects of man-made or natural disasters which endanger the environment, as well as the life, limb and property of its constituents;

WHEREAS, it is observed, that the perennial problem of flooding and inundation is primarily cause by clogged, blocked and unmaintained rivers and waterways;

WHEREAS, said flooding and inundation cause loss of lives and properties to the constituents of the City;

WHEREAS, there are several National Laws, particularly Republic Act No. 9275 (Clean Water Act): Republic Act No. 9003 (Solid Waste Management Act), and various City Ordinances, governing rivers and waterways which are not strictly enforced.

WHEREAS, there is an urgent need to educate all stakeholders and raise public awareness regarding the importance and significance of rivers and waterways; encourage active public participation in its rehabilitation and preservation; improve and upgrade the level of capability of the City Government in its effort to preserve and maintain its rivers and waterways;

NOW THEREFORE, be it ORDAINED as it is hereby ORDAINED by the City Council of Valenzuela in session duly assembled, that:

SECTION 1. TITLE. - This Ordinance shall be known as "BANTAY ILOG ORDINANCE".

SECTION 2. ORGANIZATIONAL COMPOSITION - Bantay Ilog shall be created by the City Mayor under the Floor Control Division of the City External Services Office and shall be composed of officers and members as may be appointed and designated by the City Mayor.

The City Mayor may also deputized any barangay officials or private individuals of good moral probity upon recommendation of the Punong Barangay as member/s of Bantay ilog to assist in the implementation and enforcement of National Laws and City Ordinances pertaining to rivers and waterways protection and preservation within the jurisdiction of their respective barangay.

SECTION 3. FUNCTIONS AND DUTIES - Bantay Ilog personnel shall have the following powers, functions and duties:

(i)

Enforce and implement all existing National Laws (i.e. Republic Act No. 9275, Clean Water Act, Republic Act No. 9003, Solid Waste Management Act, Presidential No. 1067, The Water Code of the Philippines, and the likes) and various City Ordinances pertaining to rivers and waterways protection and preservation;

(ii)

Imposition and collection of administrative fines and issuance of appropriate Environment Violation Receipt (EVR) in case of violation of this Ordinance and other various Ordinances pertaining to the protection of rivers and waterways;

(iii)

Raise public awareness regarding the importance and significance of rivers and waterways and encourage active public participation in its rehabilitation and preservation by conducting, organizing and coordinating trainings, seminars, cleaning programs and such other activities that will promote direct and active participation from all sectors of society;

(iv)

Report and monitor all violations, compliance and condition of all rivers and waterways within the City;

(v)

Assist in the prosecution of violator/s of all existing National Laws and City Ordinances pertaining to rivers and waterways protection and preservation;

(vi)

Such other powers, functions and duties as may be delegated to it.

SECTION 4. VISITOR/ALAND ENFORCEMENT POWERS: Upon filing of a verified complaint, Bantay Ilog personnel shall have the power and authority to enter, inspect and examine the establishment complained of to inquire compliance with the existing laws and ordinances pertinent to the protection and preservation of rivers and waterways, to question any employee or investigate any fact, condition or matter which may be necessary to determine any violation, or which may aid in the effective enforcement of this Act and its implementing rules and regulations, provided that the inspection team shall be duly authorized in writing by the head of City External Service Office to conduct such inspection, specifying therein the date of inspection, the names of inspection personnel and the complaint filed against said establishment.

In the implementation and enforcement of this Section, the inspection team shall be composed of the following members, specialized technical personnel from the City Environment and Natural Resources Office, Bantay Ilog, Office of the Building Official, Task Force Disiplina and in special cases, the Housing Resettlement Office.

SECTION 5. IMPOSITION OF ADMINISTRATIVE PENALTY. - In addition to the penalty imposed by existing laws and ordinances, any person, corporation, partnership or entity found violating the provisions of this Ordinance and other various Ordinances pertaining to the protection of rivers and waterways or its implementing Rules and Regulations, shall upon notice of violation, be assessed and fined as follows:

FOR INDIVIDUAL OFFENDER/S:

- a. FIRST OFFENSE - an administrative fine of ONE THOUSAND PESOS (Php1,000.00);
- b. SECOND OFFENSE - an administrative fine of THREE THOUSAND PESOS (Php3,000.00);
- c. THIRD OFFENSE AND SUCCEEDING INFRACTION - an administrative fine of FIVE THOUSAND PESOS (Php5,000.00);

FOR CORPORATION, PARTNERSHIP, COMMERCIAL OR BUSINESS ENTITIES:

- a. FIRST OFFENSE - An administrative fine of THREE THOUSAND PESOS (Php3,000.00)
- b. SECOND OFFENSE - An administrative fine of SEVEN THOUSAND PESOS (Php7,000.00) and temporary closure pending compliance/rectification of the violation/s;
- c. THIRD OFFENSE AND SUCCEEDING INFRACTION - An administrative fine of TEN THOUSAND PESOS (Php10,000.00) ;

The imposition, assessment and collection of administrative fine is without prejudice to the filing of a criminal action against the violator/s.

SECTION 6. ADDITIONAL PENALTY. - The following penalty shall be imposed on violator/s including lot or structure owners and administrators who shall refuse to allow the Bantay Hog personnel or Team from entering their lot or structure for inspection:

- FIRST OFFENSE - Notice;
- SECOND OFFENSE - Written Warning;
- THIRD OFFENSE - An administrative penalty equivalent to FIVE THOUSAND PESOS (Php5,000.00) for individual and TWENTY THOUSAND PESOS (Php20,000.00) for corporation.

SECTION 7. ALLOCATION OF ADMINISTRATIVE PENALTY. - All penalties collected by Bantay Ilog personnel shall fully accrue to the City Government of Valenzuela.

The administrative penalties collected in the enforcement of this Ordinance shall be exclusively earmarked for the following programs and activities:

(i)

Preservation and conservation of rivers and waterways;

(ii)

Information dissemination and public awareness campaign regarding the importance and significance of rivers and waterways and encourage active public participation in its rehabilitation and preservation by conducting, organizing and coordinating trainings, seminars, cleaning programs and such other activities that will promote

direct and active participation from all sectors of society;

(iii)

Procurement of equipment and maintenance thereof;

(iv)

Compensation, emolument and allowance of Bantay Hog Personnel; and

(v)

Other programs and activities analogous to the foregoing

SECTION 8. IMPLEMENTING AUTHORITY AND RULES. - The Office of the City Mayor shall be the sole implementing authority for this ordinance and may issue such necessary executive and any other orders for the purpose. Whenever the City Mayor so determines, Bantay Ilog, thru the Office of the City Mayor is hereby given the authority to promulgate the implementing rules and regulations for the effective and efficient implementation of this Ordinance.

SECTION 9. FUNDINGS. - The Office of the City Mayor may allocate initial fundings for the compensation, recruitment, training and acquisition of equipments of Bantay Ilog personnel to be sourced out from the available funds of the City Government.

SECTION 10. SEPARABILITY CLAUSE - In the event that any part or provision of this Ordinance shall be held invalid, the other parts or provisions hereto which are not affected thereby shall continue to be in full force and effect.

SECTION 11. EFFECTIVITY. This ordinance shall take effect within fifteen (15) days after publication in newspaper of general circulation.

ENACTED.

MAY 26, 2014.

VALENZUELA CITY, METROPOLITAN MANILA.

(Sgd.) HON. ANTONIO R. ESPIRITU

Councilor

Majority Floor Leader HON. ROSALIE ESTEBAN-CAYCO

Councilor

Minority Floor Leader

(Sgd.) HON. MARCELINO G. MORELOS

Councilor (Sgd.) HON. LORENA NATIVIDAD-BORJA

Councilor

Asst. Majority Floor Leader

(Sgd.) HON. ROVIN ANDREW M. FELICIANO
Councilor (Sgd.) HON. LAILANIE P. NOLASCO
Councilor

HON. CORAZON A. CORTEZ
Councilor (Sgd.) HON. KIMBERLY ANN D.V. GALANG
Councilor

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Councilor

(Sgd.) HON. JENNIFER PINGREE-ESPLANA
Councilor (Sgd.) HON. KRISTIAN ROME T. SY
Councilor

(Sgd.) HON. RAMON L. ENCARNACION
Councilor
(President, League of Barangays)

ATTESTED:

(Sgd.) FLAVIO C. DIAZ
Secretary

CERTIFIED CORRECT:

(Sgd.) HON. ERIC M. MARTINEZ

Presiding Officer
City Vice Mayor

APPROVED:

(Sgd.) HON. REXLON T. GATCHALIAN
City Mayor

Date Signed: _____

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