Republic of the Philippines
Province of Samar
Municipality of Pinabacdao
OFFICE OF THE SANGGUNIANG BAYAN

EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN OF PINABACDAO, SAMAR HELD AT THE SESSION HALL ON MARCH 7, 2022

PRESENT:

HON. ROSEMARIE T. BADENAS	VICE-MAYOR
HON. ELISEO B. CABORNAY JR.	SB MEMBER
HON. MARIBEL P. GERMANO	SB MEMBER
HON. JOSE SANTIAGO T. QUIJANO	SB MEMBER
HON. DODY B. CABORNAY	SB MEMBER
HON. ROBERTO M. BALUNDO	SB MEMBER
HON. CLEMENTE O. SEVILLANA	SB MEMBER
HON. JOSE O. REFUERZO	ABC PRES./SB Member
HON. ALLEAH JOY L. SACAGUING	SK FED.PRES./SB Member

ABSENT:

HON. LOLITO M. SABUCO	SB MEMBER

EXPLANATORY NOTE

WHEREAS, the 1987 Constitution of the Republic of the Philippines declares that the state shall protect and promote the right to health of the people and instill health consciousness among them;

WHEREAS, the Local Government Code of 1991 (RA 7160) accords every local government unit power and authority to promote general welfare within its territorial jurisdiction including the promotion of health and safety of its constituents;

WHEREAS, the Local Government Unit of the Municipality of Pinabacdao is vigilant as to the effects of unsanitary disposal of human wastes in health and well-being of its citizens;

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WHEREAS, the Local Government Unit of the Municipality of Pinabacdao is committed to implement the Zero Open Defecation (ZOD) Policy of the Province of Samar;

THUS, this Ordinance.

MUNICIPAL ORDINANCE NO. 22-003

AN ORDINANCE IMPLEMENTING THE ZERO OPEN DEFECATION (ZOD) IN THE MUNICIPALITY OF PINABACDAO, SAMAR, IMPOSING FINES AND PENALTIES FOR VIOLATIONS AND PROVIDING FUNDS THEREOF

Introduced by Hons. Eliseo B. Cabornay Jr. and Hon. Jose Santiago T. Quijano

Be it enacted by the Sangguniang Bayan of the Municipality of Pinabacdao, in regular session assembled, that:

SECTION 1. Title. This Ordinance shall be known as the "**AN ORDINANCE IMPLEMENTING THE ZERO OPEN DEFECATION (ZOD) IN THE MUNICIPALITY OF PINABACDAO, SAMAR, IMPOSING FINES AND PENALTIES FOR VIOLATIONS AND PROVIDING FUNDS THEREOF**"

SECTION 2. Objective – To promote zero open defecation, to safeguard public health and well-being of all constituents by allocating funds annually for sustainable sanitation programs relative hereto.

SECTION 3. Coverage – This ordinance shall be applicable to all persons, natural, or juridical resident or non-resident within the territorial jurisdiction of the Municipality of Pinabacdao.

SECTION 4. Definition of Terms. For the purpose of this ordinance, the following terms are defined:

- Zero Open Defecation (ZOD) – 100% absence of open defecation practice.
- Defecate – to excrete/discharge fecal waste from the body or to have a bowel movement.
- Open Defecation – the manner of excreting/discharging fecal waste on a place, site or location other than the toilet/comfort room or restroom and leaving it exposed to the environment.

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- Public Place/s – all places that are accessible or open to the people in a community or places for collective use regardless of ownership which include outdoor spaces for gatherings but not limited to playgrounds, public squares or plazas, school ground, church grounds and the like.
- Minor - a person under eighteen (18) years of age.
- Community Service – refers to the services rendered to the community for public service.

SECTION 5. Prohibited Acts – The following acts are declared unlawful, prohibited and deemed punishable by this ordinance:

- Open defecation in open places as defined in Section 4 of this ordinance.
- Throwing, leaving or depositing fecal waste in open places expose to the environment.

SECTION 6. Fines and Penalties. – Fines and Penalties shall be in accordance with the Environmental Code of the Municipality of Pinabacdao.

1. Any person who violates Sec. 5, shall, upon conviction, be punished with a fine of not less than one thousand pesos (P1,000.00) but not more than two thousand five hundred pesos (P2,500.00) or imprisonment of not less than fifteen (15) days but to not more than six (6) months, or both;
2. If the offense is committed by a corporation, partnership, or other juridical identity duly recognized in accordance with the law, the chief executive officer, president, general manager, managing partner or such other officer-in-charge shall be liable for the commission of the offense penalized under this Act.
3. If the offender is an alien, he shall, after service of the sentence prescribed above, be deported without further administrative proceedings.
4. The fines herein prescribed shall be increased by at least ten (10%) percent every three (3) years to compensate for inflation and to maintain the deterrent functions of such fines.

SECTION 7. Creation of Barangay Sanitation Control Team – The barangay Sanitation Control Team created by the Municipal Mayor shall be composed of the Brgy. Captain as Chairman, Brgy. Midwife as Vice Chairman, Brgy. Kagawad in-charge of the Committee on Health and the Brgy. Health Worker with the following duties and responsibilities:

- Creation and implementation of barangay sanitation program;
- Assist in the enforcement of this ordinance, interrogation of the violator and imposing fines and penalties which may be deemed in the barangay;
- To undertake information campaign in the barangay;

- The Barangay Health Worker shall make a periodic accomplishment report for submission to MEMO and the Municipal Health Office.

SECTION 8. Funding. The Local Government Unit shall allocate funds in the amount of One Hundred Thousand Pesos (100,000.00) to defray the cost of information dissemination and educational materials, briefings, meals and transportation of activities. Funds shall be allocated for direct assistance and other expenses relative thereto.

SECTION 9. Separability Clause. If any part of this Ordinance is declared not valid, unconstitutional or unlawful, such declaration shall not affect or impair the remaining provisions, sections or parts thereof, which shall remain or continue to be in full force and effect.

SECTION 10. Repealing Clause. All previous ordinances and provisions inconsistent with this Ordinance shall be deemed repealed or modified accordingly.

SECTION 11. Effectivity. This Ordinance shall take effect upon approval and compliance to the mandatory posting and publication requirement prescribed under R.A. 7160, otherwise known as the Local Government Code of 1991.

ENACTED: March 21, 2022

I HEREBY CERTIFY to the correctness of the foregoing ordinance which was duly enacted by the Sangguniang Bayan during its regular session held at SB Session Hall, this Municipality on March 21, 2022.

MARY BERNARDETTE T. QUIJANO, LPT
Secretary to the Sangguniang Bayan

HON. ROSEMARIE T. BADENAS
Vice- Mayor/Presiding Officer

HON. ELISEO B. CABORNAY JR.
SB Member

HON. MARIBEL P. GERMANO
SB Member

HON. JOSE SANTIAGO T. QUIJANO
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ABC Pres./Ex-Officio Member

HON. ALLEAH JOY L. SACAGUING
SK Fed. Pres./Ex-Officio Member

APPROVED:

ENGR. TEODORICO A. MABAG
Municipal Mayor

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