LITIGI AAN

ORDINANCE Numbered 54-88

AN ORDINANCE PENALIZING ILLEGAL DISPOSAL OF REFUSE, EXCREMENT AND EGESTA; REMOVAL OR DESTRUCTION OF RECEPITACLES FOR REFUSE; AND ILLEGAL OBSTRUCTION OF WATERWAYS AND DUMPING INTO BODIES OF WATER; REQUIRING CERTAIN PERSONS, INSTITUTIONS AND ESTABLISHMENTS TO PROVIDE FOR RECEPITACLES FOR REFUSE, TO KEEP SURROUNDINGS CLEAN, AND TO PICK UP LITTER; PROVIDING FOR AMNESTY FROM PROSECUTION; AND FURTHERMORE AMENDING, FOR THE PURPOSE, SECTIONS 472, 475 AND 479 OF ORDINANCE NUMBERED 500, S. 1934, AS AMENDED BY ORDINANCE NOS. 252, 264, 572 AND 601.

Explanatory Note

The City of Baguio has an existing Ordinance Nr. 572 penalizing spitting and littering in public. This ordinance, however, remains more honored in breach than in compliance. The result is that the city's cleanliness, health and sanitation problems have increased, including the clogging and pollution of waterways and other natural bodies of water.

There is a need, therefore, to put more teeth to the implementation and imposition of more strict penalties for violators of this ordinance.


BE IT ENACTED BY THE CITY COUNCIL (SANGGUNIANG PANLUNGSOD)
IN SESSION ASSEMBLED THAT:

SECTION 1. It shall be unlawful for any person to spit or expectorate, discharge mucus from the nose, urinate, throw, dump, leave or scatter pieces of paper, peelings, cigarette or tobacco butt, coil or any kind of refuse or garbage in public places, such as parks, streets, plazas, lagoons, lakes, brooks, roads, canals, alleys, fences, walls, and inside public buildings or enclosures which are open to the public except in receptacles or containers provided for the purpose.
SECTION 2. No person shall throw or dump garbage, waste matter, refuse, and other substances, whether solid or liquid, into canals, drainage systems, curbs and gutters, creeks, rivers, tributaries, rivulets and other natural waterways, including lakes, lagoons, catchbasins, and other natural bodies of water, nor do any act that shall illegally obstruct the flow of water, cause elevation of river bed level, or bring about alluvial formation.

SECTION 3. Owners of buildings abutting on certain streets shall provide receptacles to be placed on the sidewalks or pavement to be used by the public in the disposal of refuse, sputum and/or expectoration, and owners of buildings or enclosures open to the public shall provide such receptacles inside the buildings or enclosures: Provided, that the City Mayor shall promulgate such regulations as may be necessary for the full implementation of this provision of this Ordinance.

SECTION 4. Owners of commercial and industrial establishments such as hotels, restaurants, hospitals, cinema houses, stores, transportation companies, universities, colleges, schools and other similar institutions and/or establishments of any kind, and owners or administrators of commercial and residential lots shall be obliged to keep their areas and surroundings as well as the abutting roads, drainage canals, curbs and gutters, alleys and other passage ways and their immediate premises clean. The above establishments are to be inspected daily, not later than 9:00 o'clock every morning, by police officers and/or persons especially deputized for the enforcement of this Ordinance.

SECTION 5. It shall be the duty of every person in any place, plaza, park, street, garden and similar public areas to pick up litter, garbage, or any debris from it, and any person neglecting to do so and/or refusing to do so upon orders by police officers and/or persons specially deputized for the enforcement of this ordinance shall be penalized with the penalty indicated in Section 7 hereof.

SECTION 6. It shall be unlawful for any person, without authority from the City Health Department, to remove, destroy, cart away or mutilate government-owned garbage cans, drums, concrete garbage receptacles, or any kind of garbage receptacles; Provided, that, for the purpose of this section, garbage cans, drums, concrete receptacles, or any other kind of garbage receptacles donated to the City Government of Baguio or its instrumentalities within the term "government-owned garbage can, drums, concrete receptacles or any kind of garbage receptacles."

SECTION 7. Anybody found violating the provisions, except Sections 1 and 2, of this ordinance shall, upon conviction, be penalized as follows:

a. In the case of private individuals, the penalty for first violation shall be a fine of P50.00 and/or imprisonment for not less than 15 days but not more than 30 days, in the discretion of the court.

b. For the second and for each subsequent violation, the penalty shall be a fine of P100.00 and/or imprisonment for not less than 30 days but not more than 60 days, in the discretion of the court.
c. In the case of establishments mentioned in Section 4 hereof, the owners, proprietors, administrators, occupants, and/or managers shall be subject to penalty of a fine of ₱100.00 and/or imprisonment for not less than 30 days but not more than 60 days, in the discretion of the court.

d. For those found guilty of violating Section 5 hereof, the penalty shall be a fine of ₱100.00 and/or imprisonment for not less than 30 days but not more than 60 days, in the discretion of the court.

e. For those found guilty of violating Section 6 hereof, the penalty shall be a fine of ₱50.00 or imprisonment for 15 days.

SECTION 8. Any violation of Section 1 hereof shall upon conviction be punished, to wit:

a. ₱100.00 fine or imprisonment of not less than 30 days but not more than 60 days, in the discretion of the court.

b. In the case of a person in authority or agents of a person in authority, the penalty shall be a fine of ₱1,000.00 and/or imprisonment for not less than 60 days but not more than 120 days, in the discretion of the court.

c. In the case of owners of establishments (for dumping garbage, soil, waste, and other refuse), the penalty shall be a fine of ₱1,000.00 and/or imprisonment of not less than 90 days but not more than 180 days in the discretion of the court.

SECTION 9. Violation of Section 2 hereof shall, upon conviction, be punished by a fine of ₱300.00 or by imprisonment of not exceeding five days or both in the discretion of the court. In case the violator is a corporation or any artificial or juridical person, the president, manager or any executive officers thereof shall jointly and severally suffer the penalty imposed in this Section.

SECTION 10. Amnesty from prosecution. Any person found violating the provisions of this Ordinance who voluntarily acknowledges his infraction and is willing to pay the fines as herein provided shall not be detained and/or be subject to prosecution for violation of this ordinance and his arrest shall not be recorded in the police blotter and/or in any court record if he shall avail of the provisions of this section by voluntarily paying the corresponding fine to the Clerk of Court, Municipal Trial Court of Baguio, and in his absence, the Desk Sergeant of the Baguio City Police Station on duty, who are hereby obligated and directed to issue corresponding official receipts to the person making the payment and shall require the violator to execute the following acknowledgment:
ACKNOWLEDGMENT

I hereby acknowledge that I have violated the provisions of Ordinance No. 54, s. 1988, and I am availing of the provisions of Section 10 thereof by voluntarily paying the sum imposed in the said Ordinance.

SECTION 17. All previous ordinances or parts thereof inconsistent herewith are hereby repealed, amended or modified as the case may be.

Approved unanimously.

JAIME R. BUGROSEN
Vice Mayor and
Presiding Officer

Jorge M. Manalo
City Secretary

Baron T. Labo, Jr.
City Mayor
June 23, 1988