

Province of Negros Oriental
MUNICIPALITY OF MABINAY
-000-
Office of the Sangguniang Bayan

**EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN OF MABINAY,
PROVINCE OF NEGROS ORIENTAL HELD AT THE SESSION HALL ON TUESDAY, JULY 19, 2016.**

PRESENT:

Hon. Enozario T. Baldoza,	... Municipal Vice-Mayor,
Hon. Joeterry A. Uy,	... Municipal Councilor,
Hon. Irene Y. Baldoza,	... Municipal Councilor,
Hon. Rutillo A. Cabusog,	... Municipal Councilor,
Hon. Odon M. Cueco,	... Municipal Councilor,
Hon. Elan N. Cadayday,	... Municipal Councilor,
Hon. Maria Rita M. Ricaplaza,	... Municipal Councilor,
Hon. Eduardo K. Solon,	... Municipal Councilor,
Hon. Ma. Marlita B. Buscato,	... Municipal Councilor,
Hon. Ma. Rosario F. Oca,	... ABC President,

ABSENT: NONE

RESOLUTION NO. 105

"WHEREAS, Resolution No. 261 dated November 17, 2015 was passed and approved by the Sangguniang Bayan of Mabinay, Negros Oriental enacting Ordinance No. 52, "An Ordinance Prohibiting Any Person to Defecate in Open Places Within the Territorial Jurisdiction of the Municipality of Mabinay, Negros Oriental and Providing Penalties for Violation Thereof and Allocate Funds Therefore."

"WHEREAS, there is a need to modify the above resolution as per comment of the Provincial Health Officer II - Designate, specifically to include Open Defecation in the Definition of Terms under Section 3 of same ordinance;

"NOW THEREFORE, on motion of Honorable SB Member Maria Rita Ricaplaza seconded by Honorable SB Member Eduardo Solon, the council

"RESOLVED, as it is hereby resolved, to enact the following ordinance to wit:

ORDINANCE NO. 24

**AN ORDINANCE AMENDING RESOLUTION
NO. 261, ORDINANCE NO. 52, SERIES OF 2015
ENTITLED "AN ORDINANCE PROHIBITING ANY
PERSON TO DEFECCATE IN OPEN PLACES WITHIN
THE TERRITORIAL JURISDICTION OF THE MUNICI-
PALITY OF MABINAY, NEGROS ORIENTAL AND
PROVIDING PENALTIES FOR VIOLATION THEREOF
AND ALLOCATE FUNDS THEREFORE" BY
INCLUDING OPEN DEFECCATION IN THE
DEFINITION OF TERMS UNDER SECTION 3 OF
SAME ORDINANCE.**

"Be it ordained by the Sangguniang Bayan of Mabinay, Province of Negros Oriental in its Regular Session assembled that:

"SECTION 1 – This municipal ordinance shall apply to any person, young or old who shall defecate in any open places within the territory of Mabinay, Negros Oriental.

"SECTION 2 – Open defecation is prohibited in any open places not intended for defecation within the territory of the municipality of Mabinay, Negros Oriental.

"SECTION 3. Definition of terms:

1. ZERO – a state of total absence or neutrality
2. OPEN – having no enclosing or confining barrier
3. DEFECATE – to void excrement from the bowels through the anus; have a bowel movement
4. MINOR – under the legal age of full responsibility
5. MENTALLY CHALLENGED – persons with physical and mental problems that prohibit them from having a normal life
6. PENALTY – a punishment imposed or incurred for a violation of law or rule
7. COUNSELING – guidance offered by social workers to help a person resolved social or personal problem
8. UNSANITARY – unhealthy or unhealthful; tending to harbor or spread disease
9. TOILET – is a sanitation fixture used primarily for the disposal of human urine and feces
10. **OPEN DEFECATION – manner of excreting/discharging fecal waste in a place, site or location other than the toilet/comfort room or restroom and leaving it exposed to the environment.**

"SECTION 4. Those who shall violate this municipal ordinance as provided in Section 2 hereof shall suffer the following penalty:

First Offense – A penalty of Two Hundred Pesos (P 200.00) and to clean the area where the violation was made; and to appear before the Barangay Lupon for counseling as regards his/her violation.

Second Offense – A penalty of Five Hundred Pesos (P 500.00) and to clean the area where the violation was made; to undergo a seminar on the importance of toilet towards a healthy and clean community under the supervision of the Municipal Health Officer or his duly authorized representative.

Third Offense – A penalty of One Thousand Pèsos (P 1,000.00) and to clean the area where the violation was made; to undergo a seminar on the importance of toilet towards a healthy and clean community under the supervision of the Municipal Health Officer or his duly authorized representative.

In cases where the offender is incapable to pay the corresponding penalties, he/she shall be made to render community service to the barangay where the violation was made under the supervision of Midwife computed at Twenty Five Pesos (P 25.00) per hour until the whole amount shall have been fully paid.

"SECTION 5. The liability of any minor who violated Section 2 of this Ordinance shall be assumed by the parent or guardian in accordance with Section 4 of this Ordinance.

First Offense – A penalty of Two Hundred Pesos (P 200.00) and to clean the area where the violation was made; and to appear before the Barangay Lupon for counseling as regards his/her violation.

Second Offense – A penalty of Five Hundred Pesos (P 500.00) and to clean the area where the violation was made; to undergo a seminar on the importance of toilet towards a healthy and clean community under the supervision of the Municipal Health Officer or his duly authorized representative.

Third Offense – A penalty of One Thousand Pesos (P 1,000.00) and to clean the area where the violation was made; to undergo a seminar on the importance of toilet towards a healthy and clean community under the supervision of the Municipal Health Officer or his duly authorized representative.

In cases where the offender is incapable to pay the corresponding penalties, he/she shall be made to render community service to the barangay where the violation was made under the supervision of Midwife computed at Twenty Five Pesos (P 25.00) per hour until the whole amount shall have been fully paid.

"SECTION 6. The liability of the mentally challenged who violated Section 2 of this Ordinance shall be assumed by the parent or guardian in accordance with Section 4 of this Ordinance.

First Offense – A penalty of Two Hundred Pesos (P 200.00) and to clean the area where the violation was made; and to appear before the Barangay Lupon for counseling as regards his/her violation.

Second Offense – A penalty of Five Hundred Pesos (P 500.00) and to clean the area where the violation was made; to undergo a seminar on the importance of toilet towards a healthy and clean community under the supervision of the Municipal Health Officer or his duly authorized representative.

Third Offense – A penalty of One Thousand Pesos (P 1,000.00) and to clean the area where the violation was made; to undergo a seminar on the importance of toilet towards a healthy and clean community under the supervision of the Municipal Health Officer or his duly authorized representative.

In cases where the offender is incapable to pay the corresponding penalties, he/she shall be made to render community service to the barangay where the violation was made under the supervision of Midwife computed at Twenty Five Pesos (P 25.00) per hour until the whole amount shall have been fully paid.

"SECTION 7. Counseling of the offenders will be conducted by the members of the technical working group of the ZOD campaign with the collaboration of the officials of the barangay where the offense is committed.

"SECTION 8. The fines and penalties collected from the violators shall be shared equally (50/50) between the municipal government and the barangays where the violation is committed.

The barangay treasurer is authorized to collect the fines and penalties imposed.

The fines and penalties accrued will be used for health-related projects and services and for the promotion of the campaign.

"SECTION 9. The local government of the municipality of Mabinay, Negros Oriental is allocating an annual budget for the implementation of Sanitation Program of the municipality under the supervision of the Municipal Health Office.

"SECTION 10. The Municipal Health Office through its Sanitation Inspector, the Municipal Link on Pantawid Program in cooperation with the Barangay Officials shall be the primary implementers of this Municipal Ordinance.

"SECTION 11. The Barangay Health Workers of every barangay shall submit to the Municipal Health Office the list of households without toilets including those households with unsanitary toilets to be updated annually.

"SECTION 12. Incentive System. The MHO shall adopt an incentive system to help promote the ZOD program. The level of funding for health-related projects shall be determined by the MHO duly approved by the Municipal Council. The incentive system to be adopted shall include among others, the following:

- a. Conduct for the annual search of the ZOD Barangay/s. The LGU through the technical working group of the ZOD program shall conduct an annual survey of those barangays who have attained and maintained the said program. The technical working group is composed of the Local Chief Executive, the Municipal Health Officer, SB on Health, Sanitary Inspectors, ABC President, District Supervisors, MSWD, MPDC, BHW president and Municipal Link of the Pantawid program.
- b. Provide incentives to barangays which have consistently practiced the Zero Open Defecation Program. The incentives shall be in the form of health-related projects determined by the MHO.
- c. Announcement and recognition of winning barangay/s shall be done during the culmination of the July Nutrition month celebration.

"SECTION 13. The Municipal Health Office shall formulate intensive information drive consistent with the current approach on Community-Led Total Sanitation (CLTS).

"SECTION 14. Any municipal law, ordinance, local executive order or any part thereof inconsistent with this municipal ordinance shall be deemed repealed or superseded.

"SECTION 15. Any ruling of a component court, quasi-judicial body or authority which shall declare any part of this municipal ordinance as inconsistent to any existing laws or put in question its constitutionality, shall not in effect render the entire provisions hereof as ineffective or invalid.


"SECTION 16. This municipal ordinance shall take effect fifteen (15) days after its publication in a newspaper of local circulation and after posting the same in three (3) conspicuous places in the municipality of Mabinay, Negros Oriental.

"APPROVED."


I HEREBY CERTIFY to the correctness of the above-quoted resolution and its subsequent ordinance.

FELICITA DURANGO
Municipal Secretary

ATTESTED BY:


ENOZARITO BALDOZA
Municipal Vice-Mayor
Presiding Officer

APPROVED:


ERMET T. UY
Municipal Mayor