



Republic of the Philippines
MUNICIPALITY OF BONGABONG
Province of Oriental Mindoro



OFFICE OF THE SANGGUNIANG BAYAN

EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN OF BONGABONG, ORIENTAL MINDORO HELD ON AUGUST 6, 2012 AT THE MUNICIPAL SESSION HALL

Present:

Hon. ALFONSO A. MONTALBO, DMD

VICE MAYOR
Presiding Officer

Hon. JEREMY I. ENRIQUEZ

MEMBER

Hon. ROBERT H. SOSA

MEMBER

Hon. EVELYN B. ALEA

MEMBER

Hon. MARIETA A. SELDA

MEMBER

Hon. RICHARD S. CANDELARIO

MEMBER

Hon. OWEN C. LIWANAG

MEMBER

Hon. ROGELIO C. MAULION

MEMBER

Hon. DOLORES U. DE GALA

MEMBER

Hon. VICTORIA B. PADULLO

ABC Mun. Federation President

On Official Business:

Hon. CLEOPATRA M. ENRIQUEZ

SK Mun. Federation President

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MUNICIPAL ORDINANCE NO. 2012-02

AN ORDINANCE PRESCRIBING RULES FOR JUNK SHOP OPERATIONS IN BONGABONG, AND PENALIZING VIOLATIONS THEREOF

Be it ordained by the Sangguniang Bayan of Bongabong, Oriental Mindoro, that:

SECTION 1. Title. This Ordinance shall be known and cited as the "Junk Shop Ordinance of the Municipality of Bongabong";

SECTION 2. Scope and Limitation. This Ordinance shall cover all junk shops operating in BONGABONG, including those street-level ambulant junk buyers/pickers and junk dealers coming from outside the Municipality.

Shops engaged exclusively in the sale of junk automotive parts shall not be covered by this Ordinance.

SECTION 3. Declaration of Policy. It shall be the policy of the Municipality of BONGABONG to promote legal sources of income, such as junk shop operations and related activities, and regulate their operations in accordance with existing zoning, health, safety and environmental laws and regulations.

At the same time, it shall also be the policy of the Municipality to guide, control and regulate its physical growth and development, and protect the character and stability of residential, commercial, industrial, institutional, parks


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and open spaces within BONGABONG to promote the orderly and beneficial development of these areas.

SECTION 4. Definition of Terms. As used in this ordinance, the terms --

JUNK shall refer to old iron or other metal, glass, paper, or other wastes that may be used again in some form. It shall also refer to second hand, worn or discarded articles.

JUNKSHOP shall refer to any building, including its premises, in which junk is stored. It can be dealing with a particular kind of junk or with all kinds of junk, and it may thus assume a different business name.

JUNKSHOP OWNER/OPERATOR shall refer to any person, firm, association, partnership or corporation who owns and/or operates junk shops for the purpose of buying/ acquiring, and/or selling/dispersing junk.

PUBLIC UTILITY MATERIALS shall refer to any material made of copper, brass, bronze or aluminum, being used by public utility companies, whether government-owned or privately-owned, to provide or deliver telecommunication system, power and water supply.

TRANSPORTATION MATERIALS shall refer to all materials used in the railway operations by the Philippine National Railways, whether parts of its communication line or parts of railway track (e.g. rail, switch component, spike, angle bar, tie plate or bolt); these also include all other parts of vehicle, of any type or make, whether public or private.

PUBLIC SAFETY MATERIALS shall refer to all materials intended or designed to provide safety or directions to people, which include street signages/markers, drainage covers, street lighting materials, and the likes.


OTHER METALLIC MATERIALS shall refer to all other metallic materials originating from historic sites, public places and cemeteries, whether public or private, such materials as historical markers, building or plaza markers, tomb or mausoleum signages or markers, fences or railings.

LAW ENFORCERS shall refer to a team of two coming from the Bongabong Municipal Police Station (BMPS) and from the Sangguniang Barangay or Barangay Police with territorial jurisdiction over the junkshop. The Municipality's Environment and Natural Resources Office (ENRO) shall act as support group to these law enforcers.

AFFIDAVIT OF UNDERTAKING shall refer to a document to be signed by the junk shop owner/operator that categorically states his or her willingness to allow law enforcers to conduct unannounced inspection and verification of Transaction Books or Registers during business hours within the premises of the junk shop.

BUSINESS HOURS and OFFICE HOURS shall refer to the hours from eight o'clock in the morning to 12:00 noon and one to five o'clock in the afternoon, except on non-working holidays.

INFORMANT shall refer to any person, not belonging to law enforcers as herein defined, who provide or supply information to the BMPS and the LGU of Bongabong in connection with the implementation of this Ordinance.


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MAJOR THOROUGHFARES and SECONDARY ROADS shall refer to the main thoroughfares in Bongabong, the usual busy streets leading to the schools, workplaces, churches, malls, transport terminals, recreation centers and public market. These also refer to roads that are being used to divert or re-route vehicular traffic flows when situation demands.

RESETTLEMENT AREAS and HOUSING PROJECTS shall refer to all government, and non-government/private housing projects in BONGABONG, offering lot only or house-and-lot package to target clientele. These shall include subdivision or resettlement projects initiated/owned either by the National Housing Authority (NHA), by the Municipal Government under its housing program, by the Couples for Christ under its Gawad-Kalinga Program, by private housing developers, or by other entities.

SECTION 5. Business Permit Required. It shall be unlawful for any person, firm, association, partnership or corporation to operate or maintain a junk shop or junkyard, or to do business in junk at any place within BONGABONG, in any manner contrary to the provisions of this Ordinance and without first having obtained a license for such purpose, as herein provided.

Junkshops without Business Permit may be ordered summarily closed by the Office of the Municipal Mayor thru the concerned implementing office of the Municipal Government.

SECTION 6. Documentary Requirements. The following documents shall be required to be filed at the Municipal Planning and Development Office (CPDO), from each person or entity obtaining Business Permit for junkshop operation, namely:

6.1 Pro-Forma Application Letter and Information Sheet (to be prepared by MPDO), stating among others the complete name of the applicant, his/her residence address and contact number/s; information whether applicant has been sued/convicted of crime of larceny or crime involving moral turpitude or any crime; information as to ownership of business site and other necessary information. This Application Letter and Information Sheet shall be duly verified or made under oath.

6.2 Xerox copy of applicant's identification: Voter's ID, plus Driver's License or any other valid ID with recent photo and updated Community Tax Certificate;

6.3 Barangay Clearance as to the junkshop's acceptability where it is or will be located;

6.4 Xerox Copy of SEC or CDA Registration, if applicant is a juridical entity;

6.5 Duplicate or certified copy of Partnership Agreement, if applicant is a partnership;

6.6 Location Sketch of existing/proposed site for junkshop operation;

6.7 Proof of Ownership of land and/or building, or Proof of Right to occupy and use property (e.g. land title, lease contract, usufruct agreement, etc.);

6.8 Realty Tax Clearance from the MTO, if property being used for junkshop operation is owned by the applicant;

6.9 Layout Plan of Junk Shop/Yard, to show sufficient area for stockpiling of junks, office area, parking area for loading and unloading, entrance and exit;

6.10 List of Employees or Workers, duly certified by the owner/operator;

6.11 List of Roving Collectors, if any; duly certified by the owner/operator;

6.12 List of Satellite Junkshop/s and their address/es and contact number/s, if any; and

6.13 Affidavit of Undertaking, duly subscribed before a Notary Public.

SECTION 7. Evaluation. A five-man Evaluation Team composed of personnel from the Office of MPDO, who will act as team coordinator, and members from the Municipality Engineer's Office (MEO), Bureau of Fire Protection (BFP), Municipality Health Office (MHO), and Environment and Natural Resources Office (ENRO), shall jointly evaluate the application documents, inspect the proposed site and premises, and make written report of their findings and recommendations whether to grant the application or not. The site inspection and evaluation shall be finished in a week's time. If the findings and recommendation are not favorable, then the MPDO shall return the application immediately citing the reasons therefor. Only when the findings and recommendation is favorable that the MPDO shall endorse the application to the Business Licensing Division of the Municipality Treasurer's Office (MTO) for assessment purposes and collection of license fees and charges, prior to preparation and issuance of a Business Permit.

For purposes of conducting objective evaluation, the team shall only refer to their respective office mandates and the various other statutes and ordinances, bearing in mind the policies enunciated in this Ordinance.

Applications containing information found by the Evaluation Team to be false shall be denied issuance of permit.

SECTION 8. Appeal for Returned Application; Temporary Business Permit. Appeal to the Municipality Mayor may be made by the applicant only when all the major concerns/problems pointed out by the Evaluation Team shall have been positively addressed.

His/her appeal shall initially pass through the Office of MPDO for re-evaluation, and when warranted, the same is endorsed to the Municipal Mayor for consideration and subsequent issuance of a Temporary Business Permit.

All appeals, however, shall be made by the applicant within fifteen (15) calendar days after his or her receipt of the denial or return of application for a Business Permit; thereafter, no appeal or request for reconsideration will be entertained.

All Temporary Business Permits issued by the Municipality shall automatically become void and legally ineffective after six (6) months from the

date of issuance and no further extension of temporary business permit shall be permitted. Any act to circumvent this provision, such as changing of shop owner's name or business name, is enough ground to warrant automatic denial of application for a Business Permit.

SECTION 9. Entrances, Exits, Fences & Orderliness of Junk Yards.

Any premises, piece or parcel of land, licensed and used as junkshop whether existing now or hereinafter created, shall have gated entrances and exits and shall be properly and neatly enclosed or separated from adjoining lots by walls or fences not less than 2.4 meters in height such that all junk materials shall be stocked inside the junkshop premises and not be visible to the public. Orderliness and sanitation within the premises shall always be maintained by the junk owner/operator. Failure to observe this provision will be a cause for revocation or denial of Business Permit.


SECTION 10. Recording Duty of Junk Shop Owners/Operators. Every junk shop owner/ operator shall maintain two (2) kinds of Transaction Books or Registers, one to record acquisitions or purchases and another to record disposals or sales of junk materials herein being monitored and regulated. The Transaction Book or Register specific for acquisitions or purchases shall contain the following information: the seller's name, address, sex, age and the Driver's License or any other valid Identification Card, plus the updated Community Tax Certificate; the date, time and place of acquisition of such materials; the description and quantity of such materials; and the name and address of the person or persons from whom the seller acquired such materials, if any. The Transaction Book or Register specific for disposals and sales shall contain the following information: the buyer's name and address, sex, age and Driver's License or any other valid Identification Card, plus updated Community Tax Certificate; the date, time and place of sales or delivery; and the description and quantity of materials sold or delivered.

Such books or registers shall be made available to law enforcers for inspection during business hours, and they shall be preserved for a period of at least three years after the date of last transaction is recorded in such book.

Prior to their use, such Transaction Books or Registers shall both be presented to and accredited by the BMPS.

SECTION 11. Additional Duties. To facilitate monitoring purposes, the following duties shall also be performed by the junk shop owners/operators, to wit:

- A. To stockpile separately and apart from other purchased or acquired junks, the public utility materials, transportation materials, public safety materials, and other metallic materials defined in Section 4 and herein being monitored and regulated;
- B. To report to the BONGABONG PNP, preferably in writing or at least by phone, the purchase of regulated materials, within twenty four (24) hours, if such materials are purchased and/or stockpiled within the Municipality;
- C. To permit law enforcers to conduct inspection of junkshop premises and transaction books or registers, and to present proof of purchases when requested;
- D. To ensure registration of his roving junk collectors;
- E. To report to the BONGABONG PNP registered ambulant/itinerant junk buyers/pickers and junk dealers from outside Bongabong, for appropriate action.


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SECTION 12. Registration of Ambulant Junk Buyers/Pickers. All ambulant/itinerant junk buyers, or street-level junk collectors/pickers, shall register annually at the Municipal Hall, and be issued Identification Cards (IDs) after attending a half-day seminar on Anti-Fencing Law and on Anti-Pollution/Environmental Protection to be conducted jointly by the MENRO. For this, a fee of One Hundred Pesos (P100.00) shall be collected to defray the cost of seminar, handouts and ID.

SECTION 13. Registration of Junk Dealers From Outside the Municipality. All junk dealers coming from outside the Municipality shall register at the Municipal Hall through the Business and Licensing Office of the Municipal Treasurer's Office, and be issued sticker, or when not available, a registration certification, after submitting documentary requirements and paying regulatory fees. For purposes of identifying the vehicles that these junk dealers use in the Municipality, the type, model and plate number of these vehicles shall be recorded during the registration and their pictures are filed.

SECTION 14. Unlawful Transport. It shall be unlawful for any person or entity to transport or cause to be transported for himself or another from any point within the Municipality or to any point outside the Municipality of any materials described in Section 4 and herein being monitored or regulated, except when it is the same kind and quantity, or of lesser quantity, of purchased or acquired material that was reported to the authorities and recorded in the Transaction Book or Register kept by the junk shop owner/operator.

For purposes of transporting the junk materials being monitored and regulated hereof, the junk owner/operator shall inform, preferably in writing or at least by phone, the BONGABONG PNP prior to the actual loading of said materials. The BONGABONG PNP may monitor the actual loading of junk materials.

SECTION 15. Duties of the BONGABONG PNP. It shall be the duty of the BONGABONG PNP to keep the report or information supplied by the junkshop owner/operator in a separate Book or Register maintained in their respective offices as a public record available for verification by any person during office hours.

To attain the purpose and full intent of this Ordinance, it shall likewise be the duty of the BONGABONG PNP to conduct orderly, unannounced but coordinated inspection of junkshop premises, and verification of stocked junks and records, during business hours, at such an interval or regularity they deem proper but not less than once a week.

Likewise, it shall be the duty of the law enforcers from PNP, including the Barangay Police, to apprehend ambulant/itinerant junk buyers who do not possess IDs issued by the Municipality Hall pursuant to Section 12 hereof, and those junk dealers from outside the Municipality who did not register with the Business and Licensing Section, Municipal Treasurer's Office pursuant to Section 13 hereof.

SECTION 16. Protection of Junkshop Owner's/Operators Rights. Junkshop owners/operators duly issued Business Permit in the Municipality of BONGABONG shall be encouraged to organize among themselves, or if organization is already existing, to become members of said organization. They shall be protected from any form of abuse that could be committed by law enforcers. In this connection, law enforcers shall not require anything from the


junkshop owner/operator other than what are expressly required under this ordinance. Conduct of inspections and verifications by law enforcers, as a general rule, shall be done only during business hours; however, if conducted beyond business hours, the law enforcers must present an Order issued by a competent Court. In addition, no seizure or confiscation of junks shall be done by law enforcers unless with valid Court Order.

Inspecting law enforcers from PNP shall be specifically authorized in writing by the PNP Municipality Chief; and those from Barangay Police or Tanod, by the concerned Punong Barangay.

SECTION 17. Preference During Bidding. Notice or Invitation to Bid for junk materials in the Municipality Government of BONGABONG shall be extended to all licensed junk shop owners and operators in BONGABONG.

SECTION 18. Penalties. Any person or entity found violating any provision of this Ordinance shall be penalized accordingly, as follows:

- A. For violating Section 5 hereof, the penalty shall be: for the first offense, summary closure of the junkshop without any Court Order and administrative fine of five hundred Pesos (P500.00); for second offense, summary closure of junkshop and administrative fine of one thousand Pesos (P1,000.00); for third offense, summary closure of junkshop and administrative fine of two thousand five hundred Pesos (P2,500.00). In this violation, all junks, and including tools and equipment for junkshop operation, may be restrained or confiscated as the case may be.
- B. For violating Sections 10 and/or any provision of Section 11 hereof, the junk shop owner/operator, for the first offense, shall be administratively fined one thousand Pesos (P1,000.00); for the second offense, the owner/operator shall be administratively fined with two thousand Pesos (P2,000.00), in addition to permanent revocation of Business Permit and confiscation of junk;
- C. For violating Section 14 hereof, the junkshop owner/operator shall, for the first offense, be administratively fined one Thousand Pesos (P1,000.00) in addition to impounding, by any law enforcer as defined in this ordinance, of vehicle/s being used for transporting junk materials including its/their cargo until such time that cargo have been accounted for and found to be in order; for the second offense, the junk shop owner's/operator shall pay administrative fine of two Thousand Pesos (P2,000.00) without prejudice to impounding of vehicle/s being used for the trade; and for the third offense, the junkshop owner's/operator's Business Permit shall be revoked permanently, in addition to administrative fine of two thousand Five hundred Pesos (P2,500.00) and confiscation of junks and issuance of Notice of Restraint against the vehicle/s and the junks therein.
- D. For violating Section 12 hereof, ambulant/itinerant junk buyers/pickers shall, for the first offense, be warned and advised to register at the Municipal Hall and secure appropriate ID within fifteen (15) days; for the second offense, be required to pay administrative fine of Two Hundred Pesos (P200.00) or eight hours of community service in addition to impounding of vehicle/s being used for the trade until he/she shall have complied with the registration requirement;


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- E. For violating Section 13 hereof, the junk dealer coming from outside the Municipality shall, for the first offense, be administratively fined One Thousand Pesos (P1,000) in addition to impounding of vehicle/s until he/she has registered at the Business and Licensing Section, Municipal Treasurer's Office and is issued sticker or registration certification; for the second offense, impounding of the vehicle/s being used and payment of administrative fine of two Thousand Pesos (P2,000.00); and for the third and succeeding offenses, impounding of the vehicle/s and administrative fine of two thousand five hundred Pesos (P2,500.00).
- F. For non-observance of target dates pursuant to Section 21 hereof, an administrative fine of One Thousand Pesos (P1,000.00) for every violation committed.
- G. For removal or defacement of public information device used in summary closures of junkshops without Business Permit, an administrative fine of Two Thousand Pesos (P2,000.00) plus the cost of lost or defaced information device.

SECTION 19. Grant of Incentives. The Municipal Mayor's Office shall formulate guidelines for granting incentives to law enforcers and informants for the effective implementation of this Ordinance. However, the guidelines, among others, shall set the criteria and procedures for the grant of incentives, define the various forms of incentives to be given, protect the identity of informants, and encourage participation by public utility companies or by private person or entity. Financial incentives, if any, shall be subject to government accounting and auditing rules and regulations.

SECTION 20. Regulation as to Location. The location of junkshops within the Municipality of BONGABONG shall be governed by the following rules:

- A. Junkshops shall be PROHIBITED or REGULATED in the following areas:
 1. In the five urban barangays;
 2. Along the national highway and inter-town roads,
 3. Major thoroughfares and secondary roads,
 3. Beside or within 50 meters from any body of water,
 4. In resettlement areas or housing projects, except Material Recovery Facilities (MRFs) sanctioned by the Municipal Government.
- B. Barangay Sagana and Barangay San Isidro are hereby designated as Special Zone for junkshops, and, for the purpose of this ordinance, the properties therein may be re-zoned from residential/agricultural to commercial area. Thus, junkshops are hereby encouraged to locate their businesses to the said area, subject to some business-related incentives that may be granted by the Municipal Government under guidelines to be prepared by the MPDO in consultation with the Municipal Mayor and to be approved by the Sangguniang Bayan.
- C. No new junkshop, when this ordinance takes effect, shall be allowed to open in the prohibited or regulated areas. Existing junkshops with business permit shall not be allowed to expand or put up satellite shops within said areas.
- D. Existing junkshops that fail to secure Business Permit within ten (10) days after the publication of this Ordinance shall no longer be issued permit unless he/she transfers to a new location not herein prohibited.
- E. Junkshops presently located in prohibited or regulated areas, but were subsequently issued Business Permit, shall be allowed to continue their business subject to duration herein specified; Provided, that they

strictly comply with Section 5 and Section 9 hereof. Violation of Section 5 and/or Section 9 is a ground for revoking the privilege of being allowed to continuously conduct junkshop operation in any prohibited or regulated area. The cancellation of this privilege, or the non-operation of business for at least three months, disqualifies a person or entity from re-opening his/her junkshop in the same area.

- F. The duration for junkshops located beside or within fifty (50) meters from any body of water may be allowed up to one year from the effectivity of this ordinance only; and those located along the national highways and inter-town roads, and major thoroughfares and secondary roads within the Municipality, for a maximum of one (1) year from the effectivity of this ordinance; provided further that this limitation shall not cover junkshops operators that own the land where their business is located. Phase-out scheme for junkshops covered by this limitation shall be prepared, implemented and monitored by concerned offices in the Municipal Government.

SECTION 21. Transitory Provision. The mandatory Transaction Books or Registers pursuant to Section 10 hereof, shall be ready for use by those with Business Permit at the start of the effectivity of this ordinance.

Stockpiling of junks pursuant to Section 11 (A) hereof shall be deemed to have been done and ready for inspection by the law enforcers after fifteen (15) days from the effectivity of this ordinance.

All other junkshops, regardless of size, capitalization or location, operating without Business Permit shall secure Business Permit within ten (10) days after the publication of this Ordinance; otherwise, they shall be summarily closed. These junkshops that were able to secure Business Permit shall likewise be required, within fifteen (15) days after issuance of permit, to prepare and make ready the Transaction Books or Registers pursuant to Section 10 hereof and the required stockpiling pursuant to Section 11 (A) hereof.

Junkshops summarily closed by the Municipality shall not remove or deface any of the signages, placards/postings, barriers, or any other device used to signify to the public the message that the establishment is closed. Any removal or defacement of these public information device, whether partially or wholly, shall be strictly prohibited and will be presumed to have been committed by the junkshop owner/operator concerned, or his/her agents/representative.


SECTION 22. Repealing Clause. All ordinances, resolutions, and executive issuances inconsistent with any provision of this Ordinance are hereby repealed, modified and amended accordingly.

SECTION 23. Separability Clause. If, for any reason or reasons, any part or provision of this Ordinance shall be held to be unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.


SECTION 24. Effectivity. This Ordinance shall take effect ten (10) days after its publication in at least one newspaper of local circulation or posting in conspicuous places as provided for by RA 7160.

ENACTED this August 6, 2012.

I hereby certify to the truth of the foregoing.


Atty. EDUARDO M. MAGSINO
Secretary to the Sangguniang Bayan

Attested:


ALFONSO A. MONTALBO, DMD
Municipal Vice-Mayor
Presiding Officer

Approved/Disapproved:


HERCULES A. UMALI
Municipal Mayor

Date: _____