



Republic of the Philippines  
 Province of Cavite  
**OFFICE OF THE SANGGUNIANG PANLALAWIGAN**  
 Trece Martires City



**EXCERPTS FROM THE MINUTES OF THE 22<sup>nd</sup> REGULAR SESSION OF THE SANGGUNIANG PANLALAWIGAN OF CAVITE HELD ON DECEMBER 02, 2013 AT THE SANGGUNIANG PANLALAWIGAN SESSION HALL, LEGISLATIVE BUILDING, TRECE MARTIRES CITY, CAVITE**

**PRESENT:**

Hon. Ramon Jolo B. Revilla III	Vice Governor/Presiding Officer
Hon. Edralin G. Gawaran	Majority Floor Leader
Hon. Raul Rex D. Mangubat	Pro-Tempore
Hon. Ryan R. Enriquez	Board Member, 1 <sup>st</sup> District
Hon. Rolando S. Remulla	Board Member, 2 <sup>nd</sup> District
Hon. Arnel M. Cantimbulan	Board Member, 3 <sup>rd</sup> District
Hon. Larry Boy S. Nato	Board Member, 3 <sup>rd</sup> District
Hon. Teofilo B. Lara	Board Member, 4 <sup>th</sup> District
Hon. Marcos C. Amutan	Board Member, 5 <sup>th</sup> District
Hon. Ives Jayne A. Reyes	Board Member, 5 <sup>th</sup> District
Hon. Irene P. Bencito	Board Member, 7 <sup>th</sup> District
Hon. Hermogenes C. Arayata III	Board Member, 6 <sup>th</sup> District
Hon. Felix A. Grepo	Board Member, 6 <sup>th</sup> District
Hon. Mark Joseph T. Mupas	CCL President
Hon. Conrado A. Viado	Liga ng mga Brgy. Prov'l. Chapter Interim President

**ON OFFICIAL BUSINESS:**

Hon. Eileen R. Beratio	Board Member, 7 <sup>th</sup> District
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**ABSENT:**

Hon. Dino Carlo R. Chua	Board Member, 1 <sup>st</sup> District
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**PROVINCIAL ORDINANCE NO. 2013-037**

**AN ORDINANCE AMENDING ARTICLE VI BY INCORPORATING THE INDUSTRIAL AND TOXIC HAZARDOUS WASTE MANAGEMENT TO THE CAVITE ENVIRONMENT CODE.**

*(Authored by: Hon. Irene P. Bencito)*

**WHEREAS**, enshrined in the highest law of the land, The Philippine Constitution, that the State shall promote the ideals of conserving and developing our Patrimony and declares as a policy the rights to a balance ecology when it says "The State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature ";

**WHEREAS**, Presidential Decree no.1152 also known as the "Philippine Environment Code" Stipulated that the environment shall be recognized as a vital concern of the government;

**WHEREAS**, under Section 468,no.1(VI) of the Local Government Code of 1991, the Sangguniang Panlalawigan as a legislative body of the province shall protect the environment and impose appropriate penalties for acts which endangered the environment xxx such as activities which result in pollution acceleration or eutrophication of rivers and lakes or of ecological imbalance;

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**WHEREAS**, the Provincial Government of Cavite has prioritized environmental protection as a basic foundation of the sustainable development of the province;

**WHEREAS**, Provincial Ordinance No.2008-001 known as Cavite Environment Code was enacted, but without a provision on "Industrial and toxic hazardous waste Management";

**WHEREFORE**, on motion of Hon. Irene P. Bencito duly seconded by Hon. Edralin G. Gawara and all the Members present, be it ordained by the Sangguniang Panlalawigan in session duly assembled that:

**ARTICLE VI-A**

**INDUSTRIAL AND TOXIC HAZARDOUS WASTE MANAGEMENT**

**Section 1. Purpose of this article**

- a) To ensure compliance to environmental standards by industrial, manufacturing and other entities known to use, emit or produce toxic and hazardous substances;
- b). To safeguard health and safety of the environment and its populace;

**Section 2. Operative principles**

- a) The PG-ENRO shall ensure that the environmental standards on TOXIC SUBSTANCES AND HAZARDOUS AND NUCLEAR WASTE CONTROL ACT OF 1990(R.A. 6969) set by DENR, DOH and DOT are met by the different small and large scale industries, including privately owned home industries.
- b) The PG-ENRO shall monitor compliance to the environmental standards of practice such as proper waste management as stipulated in RA 9003 and RA 6969 and maintenance of air and water quality as provided in the Philippine Clean Air Act and Water Act.
- c) The PG-ENRO shall keep an inventory of Chemicals that are presently being manufactured, or used indicating among others their existing and possible uses, test data; name of firms manufacturing or using them and such other information as may be considered relevant to the protection of health and the environment.
- d) The PG-ENRO shall monitor and regulate the manufacture, processing, handling, storage, transportation and disposal of chemical substances and mixtures that present unreasonable risk or injury to health or to the environment in accordance with the national policies and international commitments.

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- e) The PG-ENRO shall lead to inform and educate the populace regarding the hazards and risks attendant to the manufacture. Handling, storage, transportation and disposal of toxic chemicals and other substances and mixture.
- f) The PG-ENRO shall prevent the unauthorized entry, even in transit, as well as the keeping or storage and disposal of hazardous and nuclear wastes into the Province of Cavite for whatever purposes.
- g) The PG-ENRO, in coordination with the bureau of Fire protection shall carry out the following tasks:
- i. To keep an updated inventory of chemicals that are presently being manufactured or used indicating among others, their existing and possible uses, quality, test data, list of firms manufacturing or using them and such other information relevant to the protection of health and the environment;
  - ii. To coordinate with DENR and be furnished copies of the test reports on chemical substances and mixtures that present unreasonable risk or injury to health or to the environment pursuant to section 6 of Toxic Substances and Hazardous and nuclear Waste Control Act.
  - iii. To identify and compare the characteristics of chemicals that have been tested to determine their toxicity and the extent of their effects on health and the environment;
  - iv. To conduct inspection of any establishment in which chemicals are manufactured, processed, stored or held before or after their commercial distribution and to make recommendations to the proper authorities concerned;
  - v. To recommend the impounding of toxic and hazardous chemicals whose possession are against the law;
  - vi. To call on any Department, bureau, office, agency, state university or college and other instrumentalities of the government of the government for assistance;
  - vii. To disseminate information and conduct educational awareness campaigns on the effects of chemical substances, mixtures, and wastes on health and environment; and
  - viii. To exercise such powers and perform such other functions as may be necessary to carry out its duties and responsibilities under this code upon approval of the Provincial Governor.



**Section 3. Regulatory Provisions.**

The PG-ENRO shall monitor and ensure that the provisions embodied in RA 6969 are strictly followed. Hence the PG-ENRO shall have the following functions:

- a) To organize a technical working group to assist the PG-ENRO and the Bureau of Fire Protection on management of these materials within the boundary of the province;
- b) To prepare and update the inventory of chemical substances and mixtures that fall within the coverage of this code;
- c) To conduct preliminary evaluation of the characteristics of chemical substances and mixtures to determine their toxicity and effects on health and environment and make necessary recommendation to DENR;
- d) To Perform such other functions, as the city government in compliance with the requirements of DENR may, from time to time require.

**Section 4. Chemicals subject to testing.**

Upon recommendation of the PG-ENRO, all such chemicals shall be subjected to testing by the DENR accredited laboratory where 1) there is reason to believe that the chemical substances or mixture may present unreasonable risk to health or to environment or there maybe substantial human or environmental exposure thereto 2) There are insufficient data and experience for determining or predicting the health and environmental effects of the chemical substance or mixture and 3) The testing of the chemical substance or mixture is necessary to develop such data.

The Manufacturers and processors shall shoulder the cost of testing the chemical substance or mixture that will be manufactured or processed.

**Section 5. Creation of Toxic and Hazardous Substances(THS) Multisectoral Management Board**

The Provincial Governor shall organize and maintain the continuous and effective operation of the THS Multisectoral Management Board to be composed of the Provincial Governor as the Chairperson, PG-ENRO, a licensed chemist, Provincial Health Officer, DENR, BFP, and DA as members, including representatives from private industries. The PG-ENRO shall serve as the permanent secretarial of the board, The Board shall be vested with the following duties and responsibilities:

- a) To prepare a document for a complete list of all industries, business establishments, small and large scale, other users which can be considered generators of toxic and hazardous chemicals, substances, mixtures and even raw materials.

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- b) To assess, review quarterly reports and documents which are submitted to the council and propose solutions to address problems, issues and concerns;
- c) To implement the approved action/plans/programs, making sure that this endeavor is a continuing program of the Provincial Government to avoid risk exposure, accidental spillage or dangers of explosions, and others that will affect the health of the people as well as environmental deterioration.
- d) To discuss the pooling of resources for the acquisition of equipment necessary in handling substances and controlling accidents cause by these, as well as the maintenance of the equipment

The Multisectoral THS board upon condition and within 30 days from the date of filing of the notice of manufacture and processing of a chemical substance or mixture, shall decide whether or not to regulate or prohibit its manufacture and process, sale, distribution, use or disposal, however, the 30 day pre manufacture period may be extended for justifiable reason(s).

**Section 6. Handling Toxic and Hazardous Chemicals**

Handling Storage, use and disposal of used equipment containing persistence organic pollutants (POPs) like banned pesticides and industrial chemical ( Aldrin, Chlordane, DDT, dieldrin, endrin, heptachlor, hexachlorobenzene, polychlorinated biphenyls (PCBs) must be restricted to authorized individuals or service producers duly accredited by DENR.

**Section 7. Handling Metals and Electronics Waste Disposal**

To prevent the dispersion of heavy metals in the province and electronic wastes such as used dry cell batteries, used TV and Computer Monitors, PG-ENRO will recommend a day in each month for the collection of these wastes. Secure and safe storage facility must be constructed before the start of collection program.

**Section 8. Information and Education Program**

The PG-ENRO in cooperation with universities, industries and DOST, shall develop training programs on cleaner production/Pollution prevention, waste minimization, environmental performance evaluation and environmental management system for small and medium enterprises universities, colleges, hospitals, malls, public market administrators and hotels among others.

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**Section 9. The Cavite Industrial Waste Management and toxic Hazardous waste programs and plans**

The PG-ENRO shall initiate a meeting among establishment which are processors, users and generators of toxic waste to formulate an action plan to make an inventory of substances and come up with a mechanism to pool resources necessary to handle substances and control accidents. All processors and generators of waste shall submit to PG-ENRO, BFP and the THS Multisectoral Board their industrial wastes and toxic and hazardous waste management programs including mitigating measures.

All businesses involved in transport, handling, storage, utilization of toxic and hazardous waste shall be required to disclosed to the bureau of fire protection this kind volumes and facilities used for the toxic and hazardous materials, products produced with these materials and provide environmental risk management plans as a requirement for the renewal of their Environmental Permit to operate (EPO). The BFP needs these information for planning and procurement of needed equipment and for training of employees particularly for establishments handling chemicals to address potential accidents. The BFP and PG-ENRO in cooperation with DENR, EMB, industries and academic institutions shall develop training programs for various sectors on management of toxic and hazardous materials. After the necessary institutional capability building are put in place, prohibited acts shall be implemented.

**Section 10. Prohibited and Punishable Acts**

- a) No individual, group or company shall dispose toxic and hazardous chemical substances, metals or electronic waste in easily contaminated places such as rivers, seas or any bodies of water, as well as on any land surface within the Province
- b) No chemicals or possible materials or substances shall be delivered, conveyed, hauled, transported, passing the jurisdiction of the Province without the knowledge and permission of the PG-ENRO.
- c) No person or group shall open or start business that can be potential source of air, water and land pollution without installing any pollution devices, equipment, fixtures and /or machineries in compliance with existing laws and regulations and as recommended or deemed necessary by the PG-ENRO. In case the establishments could not and/or not install such devices, they are required to submit a waste management plan to the PG-ENRO.

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- d) Enterprises or Companies that are involved in various business or industrial activities involving toxic and hazardous materials but failed to comply with the provisions stipulated in this code will be reported to PG-ENRO and DENR-EMB. Failure to comply with the provision of the issued ECC within reasonable period, The BFP and PG-ENRO will recommend the suspension of Business Permit until such time the violator complied. Violators shall do the clean up of the polluted environment and shall be legally liable on the damage to private or Government properties and communities affected by the dispersion of pollutants. Cost incurred by the BFP and PG-ENRO in addressing such environmental offense shall be paid by the erring party.

**Section 11. Fines and Penalties**

Violators of Article VI-A, Section 10(a),(b) and (c) shall do the clean-up of illegally disposed materials and be fined the amount of Php 5,000.00 per offense or imprisonment of not more than one (1) year or both at the discretion of the court.

If the Offense is committed by a corporation, partnership or other juridical entity, The Chief Executive Officer, President, General Manager or Person in charge shall be held liable.

**Section 12. EFFECTIVITY CLAUSE** – This Ordinance shall take effect immediately upon approval.

**UNANIMOUSLY APPROVED.**

I hereby certify to the correctness of the foregoing ordinance duly enacted by the Sangguniang Panlalawigan of Cavite during its 22<sup>nd</sup> Regular Session on December 02, 2013.

*hans*  
**MICHELLE E. ALCID**  
 Provincial Board Secretary



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**EDRALIN G. GAWARAN**  
Majority Floor Leader

**DINO CARLO R. CHUA (Absent)**  
Provincial Board Member

**ROLANDO S. REMULLA**  
Provincial Board Member

**LARRY BOY S. NATO**  
Provincial Board Member

**MARCOS C. AMUTAN**  
Provincial Board Member

**HERMOGENES C. ARAYATA III**  
Provincial Board Member

**EILEEN R. BERATIO (OB)**  
Provincial Board Member

**MARK JOSEPH T. MUPAS**  
CCL President

ATTESTED BY:

**RAMON JOLO B. REVILLA III**  
Vice Governor/ Presiding Officer  
Date Signed: 12.11.13

MFA/jnc/menchis

**RAUL REX D. MANGUBAT**  
Pro-Tempore

**RYLAN R. ENRIQUEZ**  
Provincial Board Member

**ARNEL M. CANTIMBUHAN**  
Provincial Board Member

**TEOFILO B. LARA**  
Provincial Board Member

**IVEY JAYNE A. REYES**  
Provincial Board Member

**FELIX A. GREPO**  
Provincial Board Member

**IRENE P. BENCITO**  
Provincial Board Member

**CONRADO A. VIADO**  
Liga ng mga Barangay Interim President

APPROVED BY:

**JUANITO VICTOR C. REMULLA, JR.**  
Provincial Governor