



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



**EXCERPTS FROM THE MINUTES OF THE 8th SPECIAL SESSION OF THE
SANGGUNILANG PANLALAWIGAN OF CAVITE HELD ON 07 DECEMBER
2006 AT SESSION HALL, CAPITOL BUILDING, TRECE MARTIRES CITY**

PRESENT:

Hon. Juanito Victor C. Remulla, Jr.	Vice-Governor/Presiding Officer
Hon. Recto M. Cantimbuhan	Pro-Tempore
Hon. Hermogenes C. Arayata III	Majority Floor Leader
Hon. Cesario R. del Rosario, Jr.	Temporary Majority Floor Leader
Hon. Alex L. Advincula	Sanggunian Member
Hon. Eileen R. Beratio	Sanggunian Member
Hon. Hilda P. Mendoza	Sanggunian Member
Hon. Dencito P. Campaña	Sanggunian Member
Hon. Iluminada F. Silao	Sanggunian Member
Hon. Luis T. Pagtakhan	Sanggunian Member
Hon. Rafael S. Rodriguez	Sanggunian Member
Hon. Arleen C. Arayata	ABC Prov'l. Fed. Pres.
Hon. Manolito H. Credo	SB Prov'l. Fed. Pres.
Hon. Sophia Marie G. Pagtakhan	SK Prov'l. Fed. Pres.

ABSENT

None

RESOLUTION NO. 381-S-2006

WHEREAS, there is a rampant incident of theft and robbery of cables, wires, steel bars and even water and electric meters, including fire hydrants, big metal screws of steel bridges and other items made of either aluminum, steel or copper in all cities and municipalities of Cavite;

WHEREAS, junk shops and other establishments engaged in the buying of these metallic materials have either, wittingly or unwittingly, been accomplice of unscrupulous people engaged in the stealing of the aforementioned items made of metals;

WHEREAS, millions of pesos are lost by utility companies, the local governments, and even by private citizens because of the unabated stealing of these cables, wires, and other materials and equipment made of steel, notwithstanding the damages brought about by the stealing of these aforementioned items;

WHEREAS, our law enforcers and even the environmental officials need specific ordinance to equip them with authority in conducting random spot inspections, as well as to document the buying and selling of questionable metal scraps, in which these documents or the absence of these documents, would be the basis for the filing of appropriate charges against persons involved;

NOW, THEREFORE, BE IT ORDAINED, by the Sangguniang Panlalawigan of Cavite in session assembled, that:



PROVINCIAL ORDINANCE NO. 2006-005

“AN ORDINANCE REGULATING THE OPERATION OF ALL JUNK SHOPS AND OTHER SIMILAR BUSINESS ESTABLISHMENTS AND INDIVIDUALS ENGAGED IN THE BUYING AND SELLING OF METAL SCRAPS AND OTHER MATERIALS MADE OF OR CONTAINING METALS WITH MONETARY VALUE, WITHIN THE PROVINCE OF CAVITE AND FOR OTHER PURPOSES.”

Authored by Hon. Cesario “Jun” del Rosario, Jr.

SECTION 1. SCOPE. This Ordinance shall regulate the business and operation of all junk shops, particularly the selling and buying of metals or metallic materials/equipment as defined in letters (d) and (e) of Section 2 of this Ordinance, as well as other juridical person/s, companies and even government entities, who are engaged in similar buying and selling of metals, within the territory of the Province of Cavite.

SECTION 2. DEFINITION OF TERMS

For the purpose of this Ordinance, the following terms shall mean:

- a) Fencing – is the act of any person who, with intent to gain for himself or for another, shall buy, receive, possess, keep, acquire, conceal, sell or dispose of, or shall buy and sell, or in any manner deal in any article, item, object or anything of value which he knows, or should be known to him, to have been deprived from the proceeds of the crime of robbery or theft.
- b) Metals - any of various opaque, fusible, ductile, and typically lustrous substances that are good conductors of electricity, heat and has monetary value in the buying and selling of metal scraps.
- c) Metallic Materials/Equipment – for this Ordinance shall mean any materials or condemned equipment made of or containing steel, aluminum, copper and other metals that have a monetary value in the scrap business.
- d) Junk shops – any business establishments involved in the buying and selling of scrap materials of any kind of value.
- e) Utility Companies – business establishments engaged in the distribution of electricity, water, communication and other forms of services that use copper wire, cables and other metals used to deliver their services to their consumers or subscribers.
- f) Accredited Scrappers – are persons who have been regularly selling their scraps to junk shops, using their own carts, and are known personally by the junk shop owners. These accredited scrappers are not bound to sell his scraps to only one junk shop owner but to others as well, provided the accredited scrappers are personally known and are fully documented by the junk shop owners who had accredited them.
- g) Employed Scrappers – are persons who have been directly employed by the junk shop owner or operator (after scrutinizing their background) to buy scrap metals and other junks, or to look for abandoned scraps and bring these scraps solely to the junk shop owner who had provided them with carts and other support equipment for their trade.



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SECTION 3. LICENSING. No person shall maintain and operate junk shop, or be engaged in the buying and selling of metallic materials as defined in Section 2 of this Ordinance, without first securing necessary permits and clearances from the concerned local government unit in the province of Cavite, and such clearance shall include environmental clearance from the Provincial Environment Officer or his counter-part in the municipal/city level.

SECTION 4. JUNK SHOPS. Junk shops can be tapped in the solid waste management of a city or municipality. If properly motivated, monitored and regulated, these junk shops are good partners in the solution of our solid waste managements and in controlling the rampant stealing of metals and metallic materials/equipment in the province of Cavite. In line with this, junk shop owners are required to strictly operate based on the following:

- 4.1 **Display of Permits** - All operators of junk shops shall visibly display their respective business/mayors permits, to include their provincial environmental clearance, before they can operate their respective junk shops. However, junk shop without business or mayor's permit issued by the concerned local government unit shall be closed automatically and shall cease operation until such time that the owner had completed all the necessary permits and clearances.
- 4.2 **Site/Location** - Junk shops, being hazardous to health and have the potential to adversely affect environment, shall be located to sites within the zoning restrictions of the respective municipality/city.
- 4.3 **Structure/Perimeter** - Structures and the perimeter areas of the junk shops shall be in accordance with the requirements, restrictions, and policies of the Department of Environment and Natural Resources (DENR), as represented by the Provincial Environment Officer, as well as in accordance with the Building Code of the Philippines.
- 4.4 **Employment/Accreditation of Scrapers** - Junk shop owners shall have a list of scrapers whom they had accredited and registered to buy and sell to them metal scraps and other scrap materials/equipment. These scrapers may be directly employed or be accredited by the Junk Shop owner. Either way, the Junk Shop Owner/s shall be directly responsible for the items sold to them by their employed or accredited scrapers. Junk shop owner shall require all his scrapers to secure and submit to him the following:

- 1- a barangay clearance from their respective Barangay Captain
- 2- latest picture attached to the biodata

Barangay officials shall not, for humanitarian reason, ask payment for the issuance of a barangay clearance to the scrapers. At the same time, individual pictures of the scrapers shall be shouldered by the junk shop owners.



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4.5 Employment of Children in Junk Shops – Junk shop owners employing children or accrediting children in the junk shop trade shall submit the names of these children to their respective Municipal/City Social Welfare Office for monitoring purposes. Junk Shop Owners shall also take into consideration the provisions stated in *R. A. 7610, (Special Protection of Children against Child Abuse, Exploitation and Discrimination Act) and RA 7658 (Its Amendment) and Implementing Rules and Regulations.*

4.6 Buying of Metals Scraps – Owners of Junk shops shall only accept scraps from their employed scrappers or buy scraps from their accredited scrappers. The Owner/Operator of a junk shop could, however, directly buy from the Originator (original owner), provided, that the name of the originator/original owner of the scrap item/equipment (after verification through identification cards), is logged in the Junk Shop Metal Log Book, with the corresponding signature of the Originator/Original owner.

4.6(a) All scrap metals, either in their original form (as in wire, cable, electric or water meters, and other metallic materials/equipment as defined in Section 2 of this Ordinance), or, metals or metallic equipment/materials that have been transformed/alterd from its original form (by way of heating or any other chemical or physical methods) shall be registered in the day-to-day junk shop metal log book.

4.6(b) Information in the said logbook shall contain the following, but not limited to the:

DATE	ITEM	QTY	AMOUNT	ORIGINATOR	ADDRESS
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In particulars, Date corresponds to the specific date of the transaction; Item to the kind of metal scrap that had been acquired by the concerned junk shop owner; Quantity as to the weight or number of items acquired by the junk shop; the Amount as to how much was the item bought from the accredited/employed scrappers; Originator can be the employed or accredited scrappers, or, if the Junk Shop Owner had directly bought the item from a person other than his employed/accredited scrappers, then Originator shall be the original owner of the item and shall follow the instruction specified in Section 4.6 of this Ordinance; Address shall be included only if the Junk Shop Owner directly bought the scrapped metallic equipment/materials or metals from the Original Owner as specified in Section 4.6.

4.7 Identification/Specification of Scrap Metals and Metallic Materials/Equipment. Junk Shop owners shall put a tag of every metal scrap or metallic materials/equipment for easy identification and tracing of any questionable scrap in his junk shop.

4.8 Territorial Limitation of Junk Shops. Since it is the concerned local government unit who is issuing business permit to junk shop owners, it follows that junk shop owners can only operate within the territorial jurisdiction of the issuing authority. No scrappers, whether accredited or directly employed by the concerned junk shop, shall cross over the territorial boundary of the local government unit who had issued the business permit to the concerned junk shop.



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4.9 Possession of questionable metal scraps by any person and violation of Section 4.8 of this Ordinance.

Any person, including accredited or directly employed scrapper of a junk shop, found to be in possession of questionable metal scraps by any competent law enforcers, specifically, barangay officials, shall be apprehended and be brought to barangay hall for questioning. Upon determination of possible probable cause, the said person shall be turned over to appropriate police station for further investigation and action. This section shall also be applied to scrapper found to be violating Section 4.8 of this Ordinance.

4.10 Role of the Law Enforcers, Barangays and Environment Officers.

There shall be a random check/inspection of junk shops in all municipalities and cities of the province of Cavite to make sure that all scrapped metal and metallic materials/equipment bought by a junk shop have been properly recorded and that no questionable metals/metallic materials/equipment have been bought by the concerned junk shop.

4.10(a)- Law Enforcers, either PNP, or in the absence of the member/s of the Philippine National Police, the Barangay officials, shall accompany Municipal/City Environment Officers, or if there is no available or designated Municipal/City Environment Officers, the Provincial Environment Officer, in random inspection of junk shops in their (municipal/city environment officers) respective municipality/city.

4.10(b)- Junk shop owner or his representative shall cooperate fully with the law enforcer and the environment officer in conducting a surprise inspection of his junk shop.

4.10(c)- Junk shop Inspectors are expected to record all discrepancies found in the junk shop, and, to recommend to the concerned local chief executive, the appropriate action that has to be taken against the erring junk shop owner, or, if the Junk Shop Inspectors deemed it necessary to file criminal charges, then they should initiate the said legal action against the junk shop owner/s.

4.10(d)- Law enforcers and environment officers assigned to this task, and other government officials who are found to have been protecting or conniving with the junk shop owners or individuals engaged in the buying and selling of scrap metals or metallic materials/equipment, or, if they are found to be not performing their supposed duties and responsibilities with regards to the implementation of this Ordinance, shall be liable in accordance with *Section 3 R.A 3019 (The Anti Graft and Corrupt Practices Act)* as the case may be.

4.11 Role of the City and Municipal Councils in the Routine Junk Shop Inspection and Monitoring.

To effectively implement this inspection as mandated in this Ordinance, all municipal and city councils in Cavite shall formulate their respective policies and procedures, to include allocation of budget if needed, of this routine inspection. The city and municipal councils, through the provincial league of municipal/city councilors, shall also formulate ways of color-coding junk shop carts in their respective municipality/city by way of an ordinance.



4.12 Role of the Barangay Captains and other Barangay Officials in the Monitoring/Inspection of the operation of junk shops in their respective jurisdiction. The Barangay Captain, being the chief executive of his locality, and considering he is in the best position of having a personal and thorough knowledge of almost, if not entirely, all the activities in his jurisdiction, shall immediately inform the municipal/city environment officer, or, if the said Environment Officer is not available, the Provincial Environment Officer, if, in his assessment the subject junk shop has questionable transaction, or, is not operating in accordance with this ordinance. The barangay captain or his representative shall assist, as always, law enforcers and environment officers, if his assistance is needed in the inspection.

SECTION 5. SELLING OF METAL SCRAPS FROM JUNK SHOPS, INDIVIDUALS, COMPANIES, AND GOVERNMENT ENTITIES TO MAJOR SCRAP METAL BUYERS.

5.1 Securing of permit/s by companies, individuals, government entities and other establishments other than junk shops.

All individuals, companies and business establishments (excluding junk shops that have already business permits) and government entities who are disposing of and selling their scrap metals directly to major scrap metal buyer shall register to the Provincial Environment Office and shall secure a permit for the proper disposal of their scrap metals/metallic materials/equipment.

5.2 Police clearance required.

All junk shops, individuals, companies and government entities that are about to sell or are selling scrap metals directly to major metal scrap buyer shall also secure a clearance from the police who has jurisdiction over the point of origin of the metal scraps and metallic materials/equipment. The police, before issuing the said clearance, shall ensure that the scrapped metals are properly documented and legally acquired from original owners.

5.3 Hauling of Scrap Metals and Metallic Materials/Equipment

Operator (or his representative) of trucks/haulers of metal scrap buyer or the metal scrap buyer himself if he owns the truck/hauler, shall also secure a permit from the Provincial Government of Cavite, particularly from the Provincial Environment Office, before he can operate in the hauling of metal scraps. Environment officer shall ensure that no environmental hazard is hauled, and, if ever there is, the hauler is expected to contain it and transport it safely to its destination.

SECTION 6. PENALTIES

6.1 Owners/Operator of a junk shop who has violated any of above-mentioned provisions shall:



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- 1st Offense** - Pay the concerned local government unit a fine of **P3,000.00** or an imprisonment of three (3) months to four (4) months or both, at the discretion of the Court.
- 2nd Offense** - Pay the concerned local government unit a fine of **P4,000.00** or an imprisonment of four (4) to five (5) months, or both, at the discretion of the Court.
- 3rd offense** - Pay the concerned local government unit a fine of **P5,000.00** or an imprisonment of six (6) months to one (1) year, or both, at the discretion of the Court, and the revocation of Permit to Operate and the closure of the junk shop.

These penalties, notwithstanding the other violations that could result in the filing of criminal cases by law enforcers, such as, but not limited to, violation of the Anti-Fencing Law against the owner and/or operator of the junk shop, shall be separate legal action by the local government unit against the owner/operator of the junk shop.

- 6.2 Individuals and officials of companies, business establishments (excluding junk shops), and of government entities who are directly involved in the disposal of and selling of scrap metals who violated the provisions of this Ordinance shall be meted with the following penalties:

1st Offense and 2nd Offense – penalties are similar to Section 6.1.

3rd Offense – Pay the concerned local government unit a fine of **P5,000.00** or an imprisonment of six (6) months to one (1) year, or both, at discretion of the court, and termination from his/her employment (if employed and the company had nothing to do with the transaction), and in the case of a government official, termination and disqualification to hold government office for one year. In case the Company's top level management had a direct hand in the violation of this Ordinance, then, the business permit of the company shall be revoked.

- 6.3 Operator of a truck and hauler of scrap metals who violated this Ordinance shall be penalized with the following:

- 1st Offense** - Pay the local government unit a fine of **P1,000.00** or an imprisonment of one (1) month to two (2) months.
- 2nd Offense** - Pay the local government unit a fine of **P2,000.00** or an imprisonment of two (2) months to three (3) months and the impounding of his truck. The said truck shall only be released upon payment of impounding fees of **P5,000.00** for the first day, and additional P500.00/day to the Provincial Government of Cavite.
- 3rd Offense** - Pay the local government unit a fine of **P3,000.00** or an imprisonment of three (3) months to four (4) months of both, at the discretion of the court, to include the impounding of his truck and the banning permanently of all his trucks from the province of Cavite.



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SECTION 7. IMPLEMENTATION AND COMPLIANCE

Due to rampant stealing of metals and other metallic materials and equipment in the province of Cavite, all local government executives are requested to strictly enforce this Ordinance immediately upon its approval and effectivity. On the other hand, junk shop owners, individuals, companies and other business establishments, including government entities engaged in the selling of metal scraps, are given forty-five (45) days to comply with all the provisions of this Ordinance (except Section 4.10 which understandably would take a much longer time) from the date of its effectivity, unless otherwise extended or limited by the concerned local chief executive through a municipal/city resolution. Such resolution shall be submitted to the Sangguniang Panlalawigan for the information of the Provincial Board Members.

SECTION 8. EFFECTIVITY. This ordinance shall take effect after its publication to any newspaper of local circulation.

UNANIMOUSLY APPROVED.


I hereby certify to the correctness of the foregoing.


JOSE R. DE CASTRO SR.
Provincial Board Secretary

ATTESTED:


JUANITO VICTOR C. REMULLA JR.
Vice Governor/Presiding Officer

APPROVED:


AYONG S. MALIKSI
Provincial Governor

JRC/oida