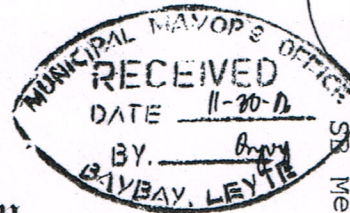




Republic of the Philippines  
Province of Leyte  
Municipality of Baybay



Office of the Sangguniang Bayan

Excerpt from the

MINUTES OF THE 39<sup>th</sup> REGULAR SESSION OF THE SANGGUNIANG BAYAN OF BAYBAY, LEYTE HELD IN THE SESSION HALL ON OCTOBER 31, 2006.

PRESENT:

HON. FLORANTE M. CAYUNDA.....	Municipal Vice Mayor & Presiding officer
HON. ERNESTO M. BUTAWAN.....	Sangguniang Bayan Member
HON. VICENTE G. VELOSO.....	-do-
HON. DEOGRACIAS E. PERNITEZ.....	-do-
HON. JOSE G. GO.....	-do-
HON. EDGARDO R. OMPOY.....	-do-
HON. JUANITO B. MODINA.....	-do-
HON. REX A. RETANA.....	-do-
HON. EDUARDO S. GUINOCOR, JR.....	-do-
HON. MICHAEL L. CARI.....	President, Liga ng mga Barangay
HON. GUALBERTO B. PICAL, JR.....	SK Federation President

ABSENT:

NONE

MUNICIPAL ORDINANCE NO. 004 S. 2006

AN ORDINANCE ESTABLISHING OR CREATING A FIFTY (50) METER RADIUS PERIMETER LINE OR BOUNDARY MARK DELINEATING THE WATER SOURCE OF THE BAYBAY WATER DISTRICT LOCATED AT BRGY. VILLA MAG-ASO, BAYBAY, LEYTE LOCALLY IDENTIFIED AS "LOWER HAYAS" AND "UPPER HAYAS" AS OFF LIMIT FOR ANY HUMAN ACTIVITIES AND PROVIDING ITS PENALTY.

WHEREAS, under Section 5 of PD No. 198, the local water district such as the Baybay Water District may be formed for the purpose of "xxxx improving, maintaining, and operating wastewater collection, treatment and disposal facilities, and conducting such other functions and operations incidental to water resource development, utilization and disposal;

WHEREAS, Section 25 of PD No. 198 provides "The district may exercise all the powers which are expressly granted by this title or which are necessary, implied from, or incidental to the powers and purpose herein stated. For the purpose of carrying out the objectives of this Act, a district is hereby granted the power of eminent domain, the exercise thereof, shall, however, be subject to review by the administration.";

WHEREAS, under the "general welfare clause" of the Local Government Code as provided in Section 16 of RA 7160 "xxx the local government units shall xx promote health and safety xxx and preserve the comfort and convenience of their inhabitants";

WHEREAS, the water sources of the Baybay Water District located at Brgy. Villa Magaso known as the "upper hayas" and "lower hayas" spring were surrounded by the houses of the local inhabitants of said barangay and the risk of contamination due to animal and human waste from the inhabitants is imminent or real;

WHEREAS, aware of the danger posed with the unabated increase of inhaitants surrounding the two water sources, the Baybay Water District in coordination to and with the assistance of the local government of Baybay, Leyte conducted series of consultation talks with the residents living at and the owners of the lots situated at least within the fifty (50) meter radius of the water sources for purposes of resettling the inhabitants and restricting the owners from its ordinary use;



WHEREAS, the inhabitants and the respective lot owners find said purpose noble and the inhabitants agreed to be resettled away from or outside of the fifty meter radius and the lot owners granted the Baybay Water District a "limited right of dominion" over the portion of their respective lots under the fifty meter radius;

WHEREAS, the resettlement of the inhabitants composed of three families namely Mr. & Mrs. Julito Bolas; Mr. & Mrs. Reynaldo Bartolini and Mr. & Mrs. Ildefonso Galvez was already in place and they already vacated from the 50 meter radius while the lot owners namely Ms. Jocelyn Atchecoso, et. al. for Lot No. 10579; Mr. Bartolome Bolas for Lot No. 5318 and Mr. Ernie R. Bartolini; Mr. Ernie R. Bartolini; Ms. Adela R. Bartolini; Ms. Perly R. Bartolini and Ms. Erlind R. Bartolini for Lot No. 10456 with OCT No. 9801 had already signed an agreement giving the Baybay Water District a "limited right of dominion" over their respective lots;

WHEREAS, it is now the intention of the Baybay Water District to permanently insulate the "upper and lower hayas" spring from possible contamination from animal and human waste by isolating the two water sources from the public at least fifty (50) meter radius;

WHEREFORE, on motion of the Honorable SB Member Ernesto M. Butawan, duly seconded by Hon. SB Member Jose C. Go; be it

RESOLVED, as it hereby RESOLVED, that the following municipal ordinance be, as it is hereby, adopted to wit:

AN ORDINANCE ESTABLISHING OR CREATING A FIFTY (50) METER RADIUS PERIMETER LINE OR BOUNDARY MARK DELINEATING THE WATER SOURCE OF THE BAYBAY WATER DISTRICT LOCATED AT BRGY. VILLA MAG-ASO, BAYBAY, LEYTE LOCALLY IDENTIFIED AS "LOWER HAYAS" AND "UPPER HAYAS" AS OFF LIMIT FOR ANY HUMAN ACTIVITIES AND PROVIDING ITS PENALTY.

Be it ordained by the Sangguniang Bayan of the Municipality of Baybay, Province of Leyte, in session assembled, that:

SECTION 1. - Definition of Terms.

- a. District - the Baybay Water District
- b. Inhabitants - those residents of Brgy. VillaMag-aso who are actually residing within the fifty (50) meter radius either of two "hayas" spring water sources;
- c. Lot owners - the respective owners of the lot which lots are within the fifty (50) meters radius of either of the two "hayas" spring water sources.
- d. PD 198 - the organic act creating the water districts.
- e. Contract/Agreement - refers to the right of limited dominion granted by the lot owners to the district.
- f. Right of Limited Dominion - refers to the right of the district to prohibit, restrict or ban any person or persons to establish dwelling houses within the fifty meter radius or pasture animals thereon including the owners themselves except to plant, harvest and gathered its produce as provided in the contract/agreement.
- g. Madre de cacao - the plants or shrub used in delineating or identifying the boundary of the fifty (50) meter radius.

EDGARDO R. COMPOY  
SB Member

JOSE C. GO  
SB Member

DEOGRACIAS J. PERNITEZ  
SB Member

VICENTE G. VELOSO  
SB Member

ERNESTO M. BUTAWAN  
SB Member

JUANITO B. MODINA  
SB Member

REX A. PRITANA  
SB Member

EDUARDO S. GUINOCOR, JR.  
SB Member

MICHAEL L. CARI  
SB Member

GUALBERTO B. PICAL, JR.  
SB Member



SECTION 2. - The fifty (50) meter radius is hereby established surrounding each of the upper and lower "hayas" spring water source of the district which is being delineated or marked as boundary marker by a shrub locally known as "madre de cacao";

SECTION 3. - Prohibited Acts.

- a. It shall be unlawful for any person to construct, make and introduce any structures within the fifty meter radius to be used as dwelling place whether temporary or permanent;
- b. It shall be unlawful for any person to pasture or graze their animals, such as horses, carabaos, cows, goats, sheep or maintain and operate a piggery, poultry or flock of duck (duckery) and the likes within the fifty (50) meter radius either intentionally or otherwise;
- c. It shall be unlawful for any person to roam around within the fifty (50) meter radius, except for the owners of the respective lots or any of its representatives.

SECTION 4. Penalty -

- a. Violation of any of the prohibited acts described in Section 3 hereof shall be punished by a fine of P1,000.00 and or an imprisonment of not more than one (1) month but not less than fifteen (15) days;
- b. Any animals found within the fifty meter radius shall be seized and impounded and will be released only to its owner after payment of a fine in the amount of P1,000.00. However, after three days from its seizure or impoundment, any unclaimed seized and impounded animals shall be considered forfeited favor of the Municipality

SECTION 5. Separability of Provision.- If any provision of this ordinance or the application thereof of any person or circumstance, is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

SECTION 6. Effectivity - This ordinance shall take effect upon its approval.

RESOLVED, FURTHER, to let certified copies of this ordinance be furnished to the Honorable Sangguniang Panlalawigan of Leyte and all other offices concerned for their information and appropriate action.

Enacted, October 31, 2006

CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the foregoing ordinance which was duly adopted by the Sangguniang Bayan during its regular session held on October 31, 2006.

AMELITO V. BORNEO  
Secretary to the SB

ATTESTED AND CERTIFIED TO BE  
DULY ADOPTED.

FLORANTE M. CAYUNDA  
Municipal Vice Mayor &  
Presiding Officer

APPROVED BY HIS HONOR

JOSE CARLOS L. CARI  
Municipal Mayor

EDGARDO R. OMPOY  
SB Member

JOSE C. GO  
SB Member

DEOGRACIAS E. PERNITEZ  
SB Member

VICENTE G. VELOSO  
SB Member

ERNESTO M. BUTAMAN  
SB Member

JUANITO B. MODINA  
SB Member

REX A. PASTANA  
SB Member

EDUARDO S. QUINOCOA, JR.  
SB Member

MICHAEL L. CARI  
SB Member

GUALBERTO B. PICAL, JR.  
SB Member