



JUANITO B. MODINA  
SB Member

EDUARDO S. GUINOCOR, JR.  
SB Member

MICHAEL L. CARI  
SB Member

GUALBERTO B. PICAL, JR.  
SB Member

Excerpt from the

MINUTES OF THE 44<sup>th</sup> REGULAR SESSION OF THE SANGGUNIANG BAYAN OF BAYBAY, LEYTE HELD AT BARANGAY MAKINHAS MULTI-PURPOSE HALL ON DECEMBER 12, 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 C. GO.....	-do-
HON. EDGARDO R. OMPOY.....	-do-
HON. JUANITO B. MODINA.....	-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:

HON. REX A. RETANA..... SB Member, OB, Kananga

MUNICIPAL ORDINANCE NO. 006 s. 2006

AN ORDINANCE DECLARING THE MAIN WATER PIPELINE(S) OF THE WATER SYSTEM OF BARANGAYS KAMBONGGAN, GUBANG, MAKINHAS, IMELDA, BUENAVISTA, AND GAAS, FREE FROM ANY TAPPINGS, INSTALLATION BY ANY INDIVIDUAL, HOUSEHOLD OR ENTITY PUBLIC OR PRIVATE AND PROVIDING FOR ITS PENALTY THEREOF.

WHEREAS, under the "general welfare clause" of the Local government Code as provided in Section 16 of RA 7160 "the local government unit shall preserve the comfort and convenience of their inhabitants" and Section 17 of RA 7160, the Local Government Unit shall provide basic services and facilities such as communal irrigation, small water impounding projects and other similar project, fish ports; artesian wells, spring development, rainwater collectors and water supply systems;

WHEREAS, some barangays of the Municipality of Baybay has been deprived for a considerable period of time access of one of the most basic commodities in life the availability of potable water;

WHEREAS, the Municipality of Baybay and its officials mindful of the need to provide not only basic services to its people but equally also to provide access for the utilization of some basic commodities such as water;

WHEREAS, the barangays of Kambonggan, Gubang, Makinhas, Imelda, Buenavista and Gaas, are one of those barangays which were deprived access to and services of potable water source;

WHEREAS, the Municipality of Baybay as mandated by law, provided a local potable water system among the above-mention barangays for household consumption of all its inhabitants;

WHEREAS, the major facilities provided by the municipality was the installation of main water pipelines from its main source in Brgy. Kambonggan down to Brgy. Gaas, from where the aforesaid barangays draws its water supply and impounded it on their own reservoir or tank;

- more over -

EDGARDO R. OMPOY  
SB Member

JOSE C. GO  
SB Member

DEOGRACIAS E. PERNITEZ  
SB Member

VICENTE G. VELOSO  
SB Member

ERNESTO M. BUTAWAN  
SB Member



MINORAL MAYOR'S OFFICE  
RECEIVED  
DATE 1-23-07  
BY  
SYBAY, L. L.

(Cont'd Mun. Ord. No. 006 s. 2006)

page - 2 -

WHEREAS, it has been observed that along the main water pipeline there are tapping of small pipes for individual, household or even business use which considerably reduces the volume and pressure of water which resulted to stopping the continuous flow and supply of water intended to and for the household use of the inhabitants of the tail under barangays Imelda, Buenavista and Gaas;

WHEREAS, the unabated and widespread tapping from the main pipelines of the water supply is now the perennial problem of these barangays especially Imelda, Buenavista and Gaas as their inhabitants will continuously be deprived of and unduly be denied from equal access and opportunity the free use and consumption of the potable water

WHEREAS, It is now the intention of the Municipality to regulate the use of and consumption by the inhabitants of the water supplied by the main water pipes;

WHEREFORE, on motion of the Honorable SB Member Ernesto M. Butawan, duly seconded by the rest of the members present; be it

RESOLVED, as it hereby does RESOLVE, to adopt An Ordinance declaring the main water system of Barangays Kambonggan, Gubang, Makinhas, Imelda, Buenavista and Gaas, free from any tappings, installation by any individual, households or entity public or private and providing for its penalty thereof.

Section 1. - Definition of Terms.

- a. main water pipelines/pipes - the water pipes installed directly from the water source at Brgy. Kambonggan, down to Brgy. Gaas.
- b. Reservoir or tank - the impounding facilities of each barangay where it could collect water for the distribution of its inhabitants;
- c. Tapping - is the act of installing pipes or receptacle from the main pipelines for the purpose of getting water supply for its consumption;
- d. Household use - refer to the use of the water for purposes of drinking, washing dishes, clothes, and bath but not for cleaning livestock, poultry, and piggery or maintaining a fish pond or lagoon;

Section 2. - Reservoir/impounding facilities or water tank.

Each of the aforementioned barangays shall provide for its own use an impounding facility where it could stock water for distribution of its inhabitants. Each barangay may construct as many facilities as it want provided that only one impounding facility shall be directly tapped from the main water pipe;

Section 3. - Barangay Water Management Council

There shall be created a Water Management Council composed of the Brgy. Council represented by its Chairmen of Barangays Kambonggan, Gubang, Makinhas, Imelda, Buenavista and Gaas who shall be responsible for the supervision, management, and control the operation of their local water system and the maintenance of the main water pipes.

Section 4. Illegal Tapping.

- a. No person or entity either private or public shall tap from the main water pipe except in case of extreme necessity without approval from the Office of the Mayor as recommended by the Sangguniang Bayan.

- more over -

EDGARDO R. OMPOY  
SB Member

JOSE C. GO  
SB Member

DEGRACIAS E. PERNITEZ  
SB Member

VICENTE G. VELOSO  
SB Member

ERNESTO M. BUTAWAN  
SB Member

JUANITO B. MODINA  
SB Member

EDUARDO S. QUINOCOR, JR.  
SB Member

MICHAEL L. CARI  
SB Member

GUALBERTO B. BICAL, JR.  
SB Member



b. All existing installation tapped at the main water pipe shall be removed immediately by the concern individuals and entities upon approval of this ordinance otherwise it shall be removed by the municipality and all implements shall be confiscated in its favor, unless said installation or tap has the recommendation of and approval by the Sangguniang Bayan and the Municipal Mayor, respectively.

Section 5. Other Prohibited Acts.

- a. It shall be unlawful for any person to remove, destroy, or alter any receptacles connected to or used in the main water pipes which will change or reduce the usual flow or pressure of water supply;
- b. It shall be unlawful for any person to destroy or attempt to destroy any part or portion of the main water pipes;

Section 6. - Penalty.

Any person who violate any provisions mentioned in Section 3 and 4 of this ordinance shall be penalized by a fine of Two Thousand Pesos (P2,000.00) and or any imprisonment of not more than fifteen (15) days but not less than five (5) days at the discretion of the court. In case the violator is an entity the highest officer shall also be equally liable together with his employee(s) who violated the provision.

Section 7. Separability Clause- Any provision of this ordinance will be rendered null and void shall not affect the validity of the entire ordinance.

Section 8. Effectivity.

This ordinance shall take effect fifteen days from its approval and be made effective after 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, December 12, 2006

I HEREBY CERTIFY to the correctness of the foregoing ordinance which was duly adopted by the Sangguniang Bayan during its regular session held on December 12, 2006.

*Amelito V. Borneo*  
**AMELITO V. BORNEO**  
Secretary to the SB

*ATTESTED AND CERTIFIED TO BE  
DULY ADOPTED.*

*Florante M. Cayunda*  
**FLORANTE M. CAYUNDA**  
Municipal Vice Mayor &  
Presiding Officer

*APPROVED BY HIS HONOR*

*Jose Carlos L. Cari*  
**JOSE CARLOS L. CARI**  
Municipal Mayor

*Edgardo R. Modina*  
**EDGARDO R. MODINA**  
SB Member

*Jose C. Go*  
**JOSE C. GO**  
SB Member

*Deogracia E. Pernitez*  
**DEOGRACIA E. PERNITEZ**  
SB Member

*Vicente G. Veloso*  
**VICENTE G. VELOSO**  
SB Member

*Ernesto M. Butawan*  
**ERNESTO M. BUTAWAN**  
SB Member

*Juanito B. Modina*  
**JUANITO B. MODINA**  
SB Member

*Eduardo S. Guinocof, Jr.*  
**EDUARDO S. GUINOCOF, JR.**  
SB Member

*Michael L. Cari*  
**MICHAEL L. CARI**  
SB Member

*Gualberto B. Piccal, Jr.*  
**GUALBERTO B. PICCAL, JR.**  
SB Member