

Sangguniang Panlalawigan

BATAAN CAPITOL, BALANGA CITY



OF THE REGULAR SESSION OF THE **EXCERPT FROM** THE MINUTES SANGGUNIANG PANLALAWIGAN OF BATAAN HELD AT THE SANGGUNIANG BAYAN SESSION HALL, LIMAY, BATAAN ON SEPTEMBER 3, 2019

PRESENT:

Hon. Ma. Cristina M. Garcia, Vice Governor and Presiding Officer

FIRST DISTRICT:

Hon. Benjamin C. Serrano, Jr., Board Member

Hon. Jomar L. Gaza J.D., Board Member

Hon. Reynaldo T. Ibe, Jr., Board Member

Hon. Godofredo B. Galicia, Jr., Board Member

Hon. Maria Khristine G. Dela Fuente, Board Member

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SECOND DISTRICT:

Hon. Maria Margarita R. Roque, Board Member

Hon. Manuel N. Beltran, Board Member

Hon. Edgardo P. Calimbas, Board Member

Hon. Jose C. Villapando, Sr., Board Member

Hon. Romano L. Del Rosario, Board Member

Hon. Noel Joseph L. Valdecaňas, Board Member (PCL President)

Hon. Precious D. Manuel, Board Member (SKF President)

Hon. Rosita N. Sison, Board Member (IPM Representative)

ABSENT:

Hon. Doroteo M. Austria, Board Member (FABC President)

ORDINANCE NO. 8 Series of 2019

THE REVISED ORDINANCE REGULATING THE OPERATION OF PIGGERIES, POULTRY FARMS AND OTHER LIVESTOCK RAISING ENTITIES IN THE PROVINCE OF BATAAN.

Sponsored by

HON. JOMAR L. GAZA J.D.

Co-Sponsored by

HON. BENJAMIN C. SERRANO, JR.

HON. GODOFREDO B. GALICIA, JR., M.D.

ARTICLE I TITLE

Section 1. This Ordinance shall be known as "The Revised Ordinance Regulating the Operation of Piggeries, Poultry Farms and Other Livestock Raising Entities in the Province of Bataan";

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ARTICLE II PURPOSE

Section 1. As declared in the 1987 Philippine Constitution, it is the policy of the State to protect and promote the right to health of the people, and to protect and advance its right to a balanced and healthful ecology in accord with the rhythm and harmony of nature. The State also recognizes the indispensable role of the private sector and encourages private enterprise. This Ordinance is enacted pursuant to these policies and with the end in view of striking a balance between the protection of the environment and the right to health on one hand, and the promotion of private business enterprises on the other, through the proper regulation of the operation of piggeries, poultry farms and other livestock raising entities.

ARTICLE III OBJECTIVES

Section 1. To ensure that all piggeries, poultry farms and other livestock raising entities in the Province of Bataan are compliant with all pertinent laws, rules and regulations, including but not limited to those issued by the Department of Environment and Natural Resources, Department of Agriculture, Housing and Land Use Regulatory Board and relevant local legislative bodies.

Section 2. To protect public health and safety and promote the general welfare, with particular focus on minimizing, if not entirely eliminating, health and environment hazards such as foul odor, fly infestation, and water pollution, which are associated or arising out of the operations of piggeries, poultry farms and other livestock raising entities.

Section 3. To assist and promote the responsible growth of private business enterprises dealing with the operations of piggeries, poultry farms and other livestock raising entities in the Province through responsive and fair regulations.

ARTICLE IV SCOPE AND COVERAGE

Section 1. This Ordinance shall be enforced within the territorial jurisdiction of the Province of Bataan.

Section 2. The provisions of this Ordinance shall apply henceforth to all applications to establish, put up, and operate piggeries, poultry farms and other livestock raising entities, as well as to the expansion of existing ones. Piggeries, poultry farms and other livestock raising entities which are already existing and operating upon the effectivity of this Ordinance shall be enjoined to comply with the relevant provisions thereof.

Section 3. In case of existing piggeries, poultry farms and other livestock raising entities which ceased to operate for more than one (1) year, the revival thereof shall be considered as a new applications to operate such piggeries, poultry farms and other livestock raising entities, and thus shall be fully covered by the provisions of this Ordinance.

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ARTICLE V DEFINITION OF TERMS

Section 1. As used in this Ordinance, the following terms shall be defined as follows:

Animal Wastes - means a material composed of excreta, with or without bedding materials and/or animal drugs, collected from poultry, ruminants or other animals except humans;

Backyard Farm - refers to raising of animals in household backyard limited to two (2) heads of swine for fattening, or one (1) head of swine for farrowing; or twenty (20) heads for poultry;

Body of Water - most often refers to large accumulations of water, such as oceans, seas, and lakes, but it includes smaller pools of water such as ponds, wetlands, or more rarely, puddles;

Commercial Farms - hall refer to any parcel of land devoted to the raising or breeding of animals used for commercial purposes. It is generally managed and operated by the owner or a tenant;

Contract Growers - entities/individual engaged in raising animals based on an agreement with contracting party (company or individual). The contract grower provides housing, labor and other necessities in rearing animals;

Inspection - an act by an official inspector to ensure compliance with the rules and regulations including but not limited to quality assurance program, hygiene and sanitation program, sanitation and standard operating procedures and hazard analysis control program;

Farrowing – is a term specific to swine that refers to the action of giving birth;

Fattening – shall refer to the processes whereby the hogs are fattened up to 200 pounds primarily for slaughter;

Major Roads or Highways - refer to any city, provincial and national roads that link regional/provincial town centers and serving as the main transportation arteries;

Nearest Groundwater - the nearest water beneath earth's surface often between saturated soil and rock, that supplies wells and springs;

Piggeries - shall refer to a parcel of land devoted to the raising or breeding, depasturing, feeding or watering of pigs or swine;

Poultry - a collective term for all domesticated fowl as chicken, turkey, ducks or geese and game fowl;

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Poultry Farm – shall refer to any parcel of land devoted to the raising of domesticated fowls which serve as sources of eggs and meat for human consumption as well as breeding of gamecocks. It includes any species of fowl such as chicken, ducks, geese, quails, pigeons, turkey, ostrich, guinea fowl and game fowl;

Sow - refers to a female adult swine or pig;

Standard Septic Tank – a watertight, multi-chambered receptacle, constructed within the set standards that receives sewages and partially digested organic matter in the sewage.

ARTICLE VI TASK FORCES

Section 1. The Provincial Task Force is hereby created to oversee the implementation of this Ordinance on the provincial level, and shall be composed of the following:

Chairman:

Governor

Members:

Provincial Veterinarian
Provincial Sanitation Officer
Provincial Health Officer
Provincial Zoning Officer

Provincial Agriculturist

Provincial Planning and Development Officer

Provincial Environmental and National Resources Office

Provincial Engineer

Representative from the Sangguniang Panlalawigan

Section 2. The Provincial Task Force shall have the following powers and functions:

- 1. Issue Clearances to entities operating commercial piggeries and poultry farms prior to their application for a Business Permit or a renewal thereof with the relevant Municipal government offices;
- 2. Concurrently with the Barangays and the Municipal/City Task Forces, receive complaints regarding possible violations of this Ordinance, relevant laws, rules and regulations;
- 3. Validate monitoring, inspection or investigation reports and other documents submitted by Barangays in connection with their functions under this Ordinance;
- Review and confirm the decision of Municipal/City Task Forces with regard to findings of violations and imposition of penalties;
- 5. Monitor the performance of Barangays and the Municipal/City Task Forces of their respective functions as provided in this Ordinance and other relevant laws, rules and regulations;

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- 6. Provide relevant technical information, trainings, best practices and other relevant assistance to Barangays and the Municipal/City Task Forces;
- Come up with standard forms, methods and processes pertaining to the conduct of monitoring, inspection and investigation by the Barangays;
- 8. Devise standards and benchmarks in connection with the implementation of this Ordinance;

Section 3. Within a period of thirty (30) days from the effectivity of this Ordinance, each Municipality/City shall create a Municipal/City Task Force, which will oversee the implementation of this Ordinance on the municipal/city level. The composition thereof is left upon the discretion of the municipal/city local government.

Section 4. The Municipal/City Task Force shall have the following powers and functions:

- Concurrently with the Barangays and the Provincial Task Force, receive complaints regarding possible violations of this Ordinance, relevant laws, rules and regulations;
- 2. Validate monitoring, inspection or investigation reports and other documents submitted by Barangays in connection with their functions under this Ordinance;
- On the basis of the reports of the Barangays, decide on whether there is a violation of this Ordinance, relevant laws, rules or regulations;
- 4. Upon the review and confirmation by the Provincial Task Force, impose and implement the appropriate penalties against violating entities;
- 5. Monitor the performance of Barangays of their respective functions as provided in this Ordinance and other relevant laws, rules and regulations;
- 6. Conduct and update the comprehensive census of all commercial piggeries and poultry farms within its jurisdiction and maintain a record of all commercial piggeries and poultry farms that have been issued with permits and registrations. The contents of such record shall be determined by the Provincial Task Force.
- 7. Provide relevant technical information, trainings, best practices and other relevant assistance to Barangays;
- 8. Make recommendations to the Provincial Task Force on any and all matters relevant to the implementation of this Ordinance;

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ARTICLE VII ROLE OF THE BARANGAY

Section 1. The Barangays, through their respective Punong Barangay, are hereby charged with the direct implementation of this Ordinance. For this purpose, the same shall have the following powers and functions:

- Concurrently with the Provincial Task Force and Municipal/City Task force, receive complaints regarding possible violations of this Ordinance, relevant laws, rules and regulations;
- 2. Acting on complaints received or referred by the Task Forces, or on its own initiative (motu proprio), conduct inspections or investigations, and on the basis thereof, render reports for submission to the Municipal/City Task Force;
- 3. Conduct periodic monitoring of the operations of piggeries and poultry farms within its jurisdiction, whether commercial or backyard, and render reports thereon for submission to the Municipal/City Task Force;
- Assist the Municipal/City Task Force in the imposition and enforcement of the appropriate penalties against violating entities;
- 5. Maintain a registry of all backyard farms within its jurisdiction;
- 6. Make recommendations to the Provincial Task Force or Municipal/City Task Force on any and all matters relevant to the implementation of this Ordinance;

Section 2. Technical assistance, trainings, capacity building initiatives and other support services shall be provided by the Provincial Task Force and Municipal/City Task Force in favor of the Barangays to ensure that they are properly capacitated to perform their functions and discharge their powers under this Ordinance.

ARTICLE VIII REGULATORY REQUIREMENTS

Section 1. The following regulatory requirements shall be observed and complied with:

1. It is mandatory for all commercial piggeries and poultry farms to secure a Clearance from the Provincial Task Force prior to its application with the relevant Municipal Government for a Business Permit or a renewal thereof. Failure to secure such Clearance, notwithstanding the inadvertent issuance of a Business Permit, shall make the commercial piggery or poultry farm liable for violation of this Ordinance. The issuance by a Municipal Government of a Business Permit in favor of a commercial piggery or poultry farm even in the absence of the said Clearance shall make the responsible official liable for the appropriate administrative offense.

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- All commercial piggeries and poultry farms shall cooperate with the 2. conduct and update of comprehensive censuses and other data gathering efforts of the respective Municipal/City Task Force. backyard piggeries and poultry farms shall register with their respective Barangays.
- Plans and design of biogas digester shall be submitted and approved 3. by Municipal Task Force; plans and design for septic tanks shall be submitted and approved by the Municipal Engineer's Office;
- All plans, designs, specifications and special features of proposed 4. commercial piggery and poultry farm buildings and other facilities shall be submitted and approved by the Municipal Engineer's Office;
- 5. The applicable provisions of this Ordinance providing for Standards and Guidelines as well as the Clearance from the Provincial Task Force shall form part of the requirements in the issuance of a business permit by the Municipal Government;

ARTICLE IX STANDARDS AND REQUIREMENTS

Section 1. The following standards and requirements shall be observed and complied with:

Piggeries and poultry farms shall be situated preferably in areas of 1. high topography and broad terrain for sufficient ventilation.

2. For proper drainage, the piggery and poultry farm facilities should preferably be located in rolling terrain; otherwise, alternative measures should be incorporated in the design of such facilities to ensure proper drainage.

Flood prone areas, and other environmentally critical areas like sources of water supply shall be avoided.

Piggeries and poultry farms shall not be built on moisture-retentive soil or those with high moisture level. Locations with well-drained and porous soil types shall be preferred.

Commercial piggeries and poultry farms shall be surrounded with buffer zones which should be planted with trees or shrubs.

Commercial piggeries and poultry farms shall not be located within a 25 meter radius from sources of ground or surface drinking water.

Each Municipality's Comprehensive Land Use Plan and other relevant Zoning Ordinances shall strictly be followed.

8. Commercial piggeries and poultry farms shall at least be 1 kilometer away from one another to minimize the spread of pests and to reduce the concentration of air pollutants in a given area. Commercial piggeries and poultry farms shall at least be 500 meters away from national highways and major roads. Commercial

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piggeries and poultry farms shall at least be 1 kilometer away from built-up areas (residential, commercial, institutional and industrial) as designated in the particular Municipality's Comprehensive Land Use Plan.

- 9. As long as the lot shall permit, the position of piggery and poultry farm buildings which house the livestock shall be oriented towards the direction of the wind and/or sunlight, and on an east-west direction. The long axis of the building shall be laid in a north-south direction to give all pens the benefit of sunlight.
- 10. Commercial piggeries and poultry farms are encouraged to maintain a generator set sufficient to supply power to the farm buildings in order to avoid problems in water supply, ventilation and cooling, heating and moisturizing need of the livestock and waste disposal.

ARTICLE X REGULATED AND PROHIBITED ACTS

Section 1. It shall be mandatory for commercial piggeries and poultry farms to utilize chemical control of flies and its larvae. The use thereof shall be in sufficient quantities thus ensuring efficacy. The prescribed processes for its application shall strictly be followed. The Provincial Task Force shall prescribe other means and methods of fly management as they become available and as may be necessary.

Section 2. It shall be unlawful to directly discharge animal waste in any irrigation canal, river or any body of water.

Section 3. Commercial piggeries and poultry farms shall endeavor to use such feeds and supplements for their livestock that minimizes foul odor in their discharge and wastes.

Section 4. Commercial piggeries and poultry farms shall strictly follow the prescribed ratios of heads to area of facility. Such ratio shall be based on applicable generally accepted industry standards. The Provincial Task Force can, however, make its own determination of the applicable ratio through an official issuance.

ARTICLE XI REGULATORY PROCEDURE

Section 1. The following procedure shall be followed with regard to regular monitoring of piggeries and poultry farms, whether commercial or backyard farming:

1. Barangay Level

> The Barangay shall conduct regular monitoring of the operations of commercial piggeries and poultry farms within its territory. It shall likewise monitor the conduct of backyard farming therein as defined herein above.

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As an output of this regular monitoring, the Barangay shall accomplish standard monitoring forms as promulgated by the Provincial Task Force.

On the basis of this regular monitoring, the Barangay shall submit within a period of two (2) days a report to the Municipal/City Task Force regarding perceived violations of this Ordinance, relevant laws, rules and regulations.

2. Municipal/City Task Force Level

The Municipal/City Task Force shall in turn, within a period of two (2) days, make an assessment of the forms and report submitted by the Barangay for purposes of determining whether there is a violation on the part of the monitored piggery or poultry farm. In case of a finding of a violation, the Municipal/City Task Force shall determine the imposable penalty and refer the matter to the Provincial Task Force for its validation.

3. Provincial Task Force Level

> The Provincial Task Force shall validate the factual and legal basis for the finding of violation and the determination of imposable penalty. Within a period of two (2) days, it shall communicate to the Municipal/City Task Force its concurrence or objection thereto. In case of the former, the Municipal/City Task Force shall immediately send a Notice of Violation and accordingly implement the penalty.

Section 2. The following procedure shall be followed with regard to complaints against piggeries and poultry farms, whether commercial or backyard farming:

1. Barangay Level

> Upon receipt of a complaint from affected residents or business entities, or as may be referred to it by the Municipal/City Task Force or Provincial Task Force, the Barangay shall immediately act on the same through the conduct of inspections and investigations. The Barangay can tap the assistance of either the Provincial or Municipal Task Forces if it may deem necessary.

> As an output of this inspection or investigation, the Barangay shall accomplish standard inspection/investigation forms as promulgated by the Provincial Task Force.

> On the basis of this inspection or investigation, the Barangay shall submit within a period of two (2) days a report to the Municipal/City Task Force regarding perceived violations of this Ordinance, relevant laws, rules and regulations.

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2. Municipal/City Task Force Level

The Municipal/City Task Force shall in turn, within a period of two (2) days, make an assessment of the forms and report submitted by the Barangay for purposes of determining whether there is a violation on the part of the piggery or poultry farm being complained of. In case of a finding of a violation, the Municipal/City Task Force shall determine the imposable penalty and refer the matter to the Provincial Task Force for its validation.

3. Provincial Task Force Level

The Provincial Task Force shall validate the factual and legal basis for the finding of violation and the determination of imposable penalty. Within a period of two (2) days, it shall communicate to the Municipal/City Task Force its concurrence or objection thereto. In case of the former, the Municipal/City Task Force shall immediately send a Notice of Violation and accordingly implement the penalty.

Section 3. Fines shall be payable to the Provincial Treasurer's Office; while the implementation of the penalty of closure shall be implemented by the Municipality through the Municipal Task Force.

ARTICLE XII PENAL CLAUSE

Section 1. Failure to comply with any of the mandatory provisions of this Ordinance shall be considered a violation thereof. The following penalties shall be imposed for any violation of this Ordinance:

Offenses	Fine (in P)	Closure
1 st	5,000	Temporary Closure for two (2) months
2 nd	5,000	Temporary Closure for four (4) months
3 rd	5,000	Temporary Closure for six (6) months
4 th	5,000	Permanent Closure

Section 2. The fine imposed herein shall be paid to the Provincial Treasurer's Office within a period of five (5) days from receipt of written notice of violation.

Section 3. A single violation committed by a commercial piggery or poultry farm shall be deleted from its record in case of its full compliance with the provisions of this Ordinance, relevant laws, rules and regulations for a continuous period of two (2) years reckoned from the resumption of its

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operations after serving the penalty of temporary closure last imposed against it. Succeeding periods of two (2) years without violations shall similarly result into the deletion of another single violation, if any is still on record. The entitlement of entities to this provision shall be based on the sole determination of the Provincial Task Force, based on the reports made by the Barangay.

Section 4. Any barangay official or agent found to have neglected, misused or abused the powers and functions provided in this Ordinance shall accordingly be administratively liable. The Municipal/City Task Force shall be responsible for monitoring such violations or infractions.

Section 5. The penalties imposed herein are without prejudice to the cancellation of the business permits of violating commercial piggeries or poultry farms by the Municipal/City Government as may be warranted. The same are also without prejudice to the filing and prosecution of applicable criminal cases against the owners, stockholders or officials and employees of violating commercial piggeries or poultry farms.

ARTICLE XIII SEPARABILITY CLAUSE

Section 1. If any portion of this Ordinance shall be held invalid or unconstitutional, other parts thereof which are not affected shall continue to be in full force and effect.

ARTICLE XIV REPEALING CLAUSE

Section 1. This Ordinance supersedes Resolution No. 219, embodying Ordinance No. 03-S-2014, dated October 27, 2014 entitled "AN ORDINANCE REGULATING THE OPERATION OF LIVESTOCK AND POULTRY RAISING; and Resolution No. 20, s. 2015, dated February 2, 2015 entitled ADOPTING AND APPROVING THE IMPLEMENTING RULES AND REGULATIONS (IRR) OF PROVINCIAL ORDINANCE NO. 03-S-2014 ENTITLED "AN ORDINANCE REGULATING THE OPERATION AND MANAGEMENT OF POULTRY, PIGGERY AND OTHER LIVESTOCK RAISING IN THE PROVINCE OF BATAAN".

Section 2. All other ordinances, rules and regulations or any part thereof, whose provision are in conflict with the provisions of this Ordinance are hereby repealed, amended and modified accordingly.

ARTICLE XV EFFECTIVITY CLAUSE

Section 1. This Ordinance shall take effect upon approval and publication in a newspaper of local circulation in the Province of Bataan for two (2) consecutive weeks. In addition, the same shall also be posted in the respective bulletin boards found in Municipal/City Halls for a period of at least two (2) consecutive weeks.

BERT S. GARCIA vincial Governor

APPROVED UNANIMOUSLY.

BENJAMIN C. SERRANO, JR. Board Member

REYNALDO T. IBE, JR. Board Member

MARIA KHRISTINE 5. DELA FUENTE Board Member

> MANUEL N. BELTRAN Board Member

JOSE C. VILLAPANDO, SR. Board Member

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EDGARDO P. CALIMBAS Board Member

ROMANO L DEL ROSARIO Board Member

PRECIOUS D. MANUEL Board Member (SKF President)

ROSITA N. SISON
Board Member
(IPM Representative)

ATTESTED:

MA. CRISTINA M. GARCIA
Vice Governor
(Presiding Officer)

APPROVED:

ALBERT'S. GARCIA
Provincial Governor
Date: 9-2519