



Republic of the Philippines
MUNICIPALITY OF SAN ROQUE
Province of Northern Samar
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OFFICE OF THE SANGGUNIANG BAYAN

MUNICIPAL ORDINANCE NO. 76 S, 2023

AN ORDINANCE ENACTING THE CODE OF GENERAL ORDINANCES OF THE MUNICIPALITY OF SAN ROQUE, NORTHERN SAMAR

Authored by: SB Member Hilario John Francis L. Acebuche

Co-authored by: Unanimous

CHAPTER I
GENERAL PROVISIONS

Article 1. Title and Scope

Section 1. Title. This Ordinance shall be known as the Code of General Ordinances of San Roque, Northern Samar, herein referred to as the "The Code of Ordinances".

Section 2. Scope. This Code of Ordinances covers all penal and regulatory ordinances enacted by the Sangguniang Bayan of this municipality.

Article 2. Rules of Construction and Interpretation

Section 3. Interpretation. Any ambiguity or doubt as to the meaning of a word or term used in this Code shall be given the interpretation adopted in the original source of the ordinance: Provided that the generally accepted Rules on Construction and Interpretation shall have the supplementary application herein.

Likewise, between the English text of this Code as herein approved and its translation into any dialect or language as may officially be approved, the English text shall prevail.

Section 4. Words and Phrases. Words and phrases embodied in this Code not herein specifically defined shall have the same meaning as found in legal dictionaries as well as in existing laws.

Section 5. Construction of Codal Provisions. In construing the provisions of this Code, the following rules of construction shall be observed unless inconsistent with the manifest intent of the provisions or when applied they would lead to absurd or highly improbable results:

a) General Rule. All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such other words in this Code which may have acquired a peculiar or appropriate meaning shall be construed and understood according to such technical, peculiar or appropriate meaning.

b) Gender and Number. Every word importing the masculine gender as well as the words "he/she", "his/her" and "him/her" shall extend to both male and female. Every word importing the plural number shall extend and apply to several persons or things as well; and every word importing the singular number shall extend and apply also to one person or thing.

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c) Computation of Time. The time within which an act is to be done as provided in this Code, or in any rule or regulation issued pursuant to the provisions thereof, when expressed in days shall be computed by excluding the first day and including the last day, except when the last day falls on a Sunday or holiday, in which case the same shall be excluded from the computations and the next business day shall be considered the last day.

d) Tenses. The use of any verb in the present tense shall include the future whenever applicable. The words "shall have been" shall include past and future cases. The use of the word "shall" in this Code means the act being required to be done is mandatory, whereas when the word "may" is used it means permissive.

e) References. All references to "Chapters", "Articles", or "Sections" are to chapters, articles or sections in this Code unless otherwise specified.

f) Conflicting Provisions of Chapters. If the provisions of different Chapters conflict with or contravene each other, the provisions of each chapter shall prevail as to all specific matter and questions involved therein.

g) Conflicting Provisions of Sections. If the provisions of different sections in the same chapter conflict with each other, the provision of the section which is last in point of sequence shall prevail.

Section 6. Amendment and Integration of Additional Provisions. Any amendment on this Code may be introduced to the chapter, article or section concerned. All ordinances or provisions thereof enacted subsequent to the date of effectivity of this Code shall be compiled in such a way as to bear the corresponding chapter, article or section to which such ordinance or provision pertains. Such new provisions shall be integrated into the corresponding chapter, article or section whenever a new printing or reproduction of this Code is undertaken upon authorization of the Sanggunian.

Section 7. Existing Rights. No right accrued, action or proceeding commenced before the effectivity of this Code shall be adversely affected by any provisions hereof. Thereafter, all procedures or actions to be taken shall conform to the provisions of this Code whenever possible.

Section 8. Reference to Code. Whenever reference is made to any portion of this Code, such reference shall apply to all amendments and additions now or may hereafter be introduced.

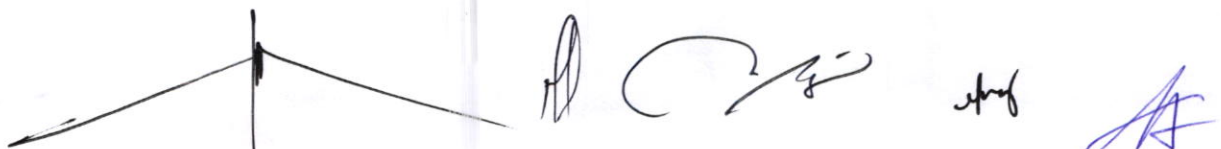
Section 9. Effect of Headings. The Chapter, Article and Section headings do not in any manner affect the scope, meaning or intent of the provisions contained in this Code.

Section 10. Relation to Prior Ordinance. The provisions of this Code which are substantially the same as that of previous or existing ordinances particularly when dealing with the same subject matter shall be construed as new enactments.

Article 3. Definitions

Section 11. Meaning of Technical Terms. As used in this Code.

- **Amusement** - is a pleasurable diversion and entertainment. It is synonymous to recreation, relaxation, pastime or fun.



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- **Amusement places** - includes theaters, cinemas, concert halls, circuses and other places of amusement where one seeks admission to entertain himself by seeing or viewing the show or performance. It includes those places where one seeks admission to entertain himself by direct participation such as in Karaoke-TV or Videoke establishments.
- **Biodegradable materials** - shall mean and include bones, seeds, weeds, leaves, etc.
- **Non-biodegradable materials** - shall mean and include cellophane, plastics, paper tin, steel, aluminum, etc.
- **Business** - means commercial activity customarily engaged in as a means of livelihood and typically involving some independence of judgment and power of decision.
- **Calling** - means one's regular business, trade, profession, vocation or employment which does not require the passing of an appropriate government board or bar examination, such as professional actors and actresses, masseurs, commercial stewards and stewardesses and the like.
- **Capital** - signifies the actual estate, whether in money or property owned by an individual or corporation; it is a fund with which it transacts its business, which would be liable to its creditor, and which in case of insolvency passes on to a receiver.
- **Capital Investment** - is the capital which a person puts in any undertaking, or which he/she contributes to the common stock of a partnership, corporation, or any other juridical entity or association.
- **Cattle** - means, for purposes of this code, both a water buffalo (carabao) or a cow.
- **Charges** - refer to pecuniary liability, as rents or fees against property, persons or organizations.
- **Corporation** - includes joint-stock company, partnership, association, insurance company, or any other juridical entity, no matter how created.
- **Excessive** - means that which is characterized by whatever is notably greater than what is moderate, reasonable, proper, usual, necessary and just.
- **Fee** - means a charge fixed by law or agency for the services of a public officer.
- **Fishery Reserve** - means a designated area where activities are regulated and set aside for educational and research purpose.
- **Fishery Sanctuary** - means a designated area where fishing and other forms of activities which may damage the ecosystem are prohibited and human access may be restricted.
- **Levy** - means an imposition or collection or an assessment, tax, tribute or fine.
- **License or Permit** - is a right or permission granted in accordance with law by a competent authority to engage in some business or occupation or to engage in some transaction.
- **Market Premises** - refers to any open space in the public market compound; part of the market lot consisting of bare ground not covered by market buildings, usually occupied by transient vendors specially during market days.
- **Market Stalls** - refers to any allotted space or booth in the public market buildings where merchandise of any kind is sold or offered for sale.
- **Municipal Waters** - includes not only streams, lakes, and tidal waters within the municipality but also marine waters included between the two lines drawn perpendicular to the general coastline from point where boundary lines of the municipality touch the sea at low tide and a third line parallel with the general coastline and three nautical miles from such coastline.









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- **Pet** - shall mean and include any animal fondled and indulged with like dogs, cats, etc.
- **Tax** - means an enforced contribution, usually monetary in form, levied by the lawmaking body on persons and property subject to its jurisdiction for the precise purpose of supporting government needs.
- **Tricycle** - is a three-wheeled vehicle which is composed of a motorcycle and a cab attached to it and used a means of transportation.
- **Occupation** - means one's regular business or employment, or an activity which principally takes up one's time, thought and energy. It includes any calling, business, trade, profession or vocation.
- **Operator** - includes the owner, manager, administrator, or any other person who operates or is responsible for the operation of business establishments or undertakings.
- **Other Pharmaceutical Preparation Subject to Abuse** - refers to those selected over-the-counter drugs which have the capacity to alter mode and behavior as may be determined from time to time by the Bureau of Food and Drugs.
- **Over-the-counter Drugs** - means and includes any pharmaceutical specialty or drug preparation that is dispensed without prescription and used by consumers on their own judgement for the prevention and/or relief of minor and self-limiting disease condition.
- **Pedicab** - means a human powered bicycle with additional wheels converted for human conveyance or for delivery of goods.
- **Person** - means every natural or juridical and legal being, susceptible of rights and obligations or of being the subject of legal relations.
- **Pet Owner** - means any person keeping, harboring or having charge or control of, or permitting any dog to habitually remain on, or be lodged or fed within such person's house, yard, or premises.
- **Privilege** - means a right or immunity granted to a person as a peculiar benefit, advantage or favor.
- **Profession** - means a calling which requires the passing of an appropriate government board or bar examination, such as the practice of law, medicine, public accountancy, engineering and the like.
- **Rabies Control Authority** - means duly authorized persons responsible for enforcement of Rabies Control Program (e.g., Policemen, DOH Personnel, Trained Vaccinators, Members of the Barangay Council, etc.)
- **Residents** - refer to natural persons who have their habitual residence in the province, city or municipality where they exercise their civil rights and fulfill their civil obligations and to juridical persons for whom the law or any other provisions creating or recognizing them fixes their residence in a particular province, city or municipality. In the absence of such law, juridical persons are residents of the province, city or municipality where their legal representation is established or where they exercise their principal functions.
- **Revenue** - includes taxes, fees and charges that a state or its political subdivision collects and receives into the treasury for public purposes.
- **Services** - mean the duties, work or functions performed or discharged by a government officer, or by a private person contracted by the government, as the case may be.
- **Sole Proprietorship** - is a type of enterprise owned and run by one person and in which there is no legal distinction between the owner and the business entity.



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- **Volatile Substances** - shall mean and include any liquid, solid or mixed substances having the property of releasing toxic vapors or fumes containing one or more of the following chemical compounds: methanol-ethanol, acetone etc. or any other chemical substance which when smelled, inhaled induces a condition of intoxication, excitement and dulling of the brain nervous system.
- **Vaccination (Against Rabies)** - means the inoculation of a dog with a rabies vaccine prepared for the species by the Bureau of Animal Industry, Department of Agriculture, such vaccination must be performed by a trained individual from the Bureau of Animal Industry or Department of Health.
- **Water Sealed Toilet** - are those using water to drain or to remove waste material from its bowl in order to prohibit flies and mosquitoes dropping on unwashed waste and brings it to the food to eat.
- **Bars** - include beer gardens or any place where intoxicating and fermented liquors or malts are sold, disposed of, or given away for compensation, even without foods, where the services of hostesses and/or waitresses are employed and where customers are entertained by occasional dancing to music not rendered by a regular dance orchestra or musicians hired for the purpose, otherwise the place shall be considered and classified as a dance hall or night club. A cocktail lounge is considered a 'bar' even if there is no hostess or waitress to entertain customers.

CHAPTER II
AGRICULTURE AND FOOD SECURITY

Article 4. Planting of Root Crops
(Municipal Ordinance No. 96-09)

Section 12. Requirement. Every head of the family shall be required to lead in the planting of root crops and other vegetable in their respective farms/backyard in the municipality.

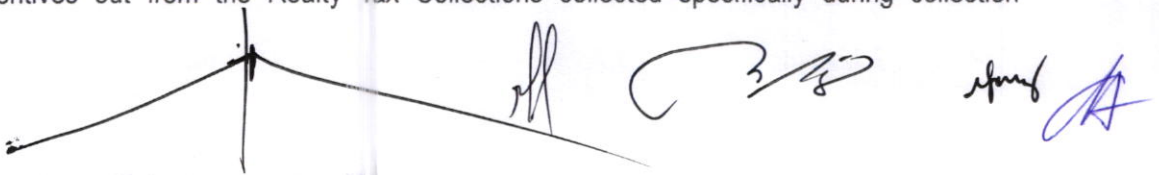
Section 13. Administrative Provision. The Barangay Captains shall be required to monitor to the Office of the Municipal Mayor/Sangguniang Bayan for the strict enforcement of this ordinance.

Section 14. Penalty Clause. Those who would refuse to comply shall pay a fine of no less than P200.00 but not more than P500.00 or imprisonment 10 days but not more than 15 days.

CHAPTER III
BUSINESS ESTABLISHMENT AND BUILDING REGULATION

Article 5. Incentives
(Municipal Ordinance No. 93-21)

Section 15. Regulation. Hereby ordained by this article the granting of ten percent (10%) incentives to revenue collectors out from the Realty Tax Collections. Campaign Clerks shall be authorized to collect ten percent (10%) incentives out from the Realty Tax Collections collected specifically during collection campaign.



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Article 6. Condonation of Tax Penalties
(Municipal Ordinance No. 95-13)

Article 7. Imposition of Tax
(Municipal Ordinance No. 95-10)

Section 16. Regulation. The offices of the Municipal Health Officer and of the Municipal Treasurer shall impose charges on the issuance of medical certificates, cash bond deposits, and burial permit. This also includes peddlers to be subjected to a peddler's tax.

Section 17. Charges, Fees, and Tax.

- a) 1% on Cash Bond Deposits (MTO)
- b) Medical Certificates (MHO) – P20.00
- c) Burial Permit (MTO) – P20.00
- d) Peddlers with Cargo Truck – P150.00
- e) Peddlers with Service Jeep – P100.00
- f) Peddlers with Tricycle – P20.00
- g) Peddlers without service vehicle – P10.00

Section 18. Penalty Clause. Persons in violation on any of the provisions of this article shall be charged with a fine not less than two hundred pesos (P200.00) but not more than one thousand pesos (P1,000.00) or an imprisonment which will not exceed one month.

Article 8. Business Operators
(Municipal Ordinance No. 90-04)

Section 19. Requirements. No establishments/operators shall be allowed to operate without securing Barangays Tax Clearance from the respective barangay, Locational Clearance, and Certificate of Zoning Compliance from the Office of the Deputized Zoning Administrator at the Municipal Planning and Development Coordinator (MPDC).

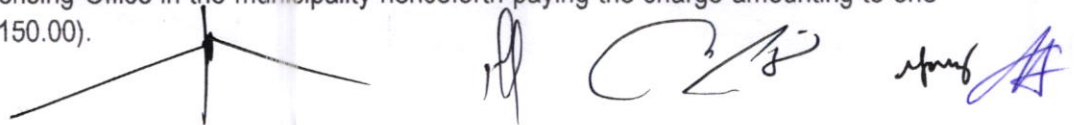
Section 20. Penalty Clause. Persons in violation on the said provision of this article shall be punished with:

- a) First Offense ---- P500.00
- b) Second Offense ---- P1,000.00
- c) Third Offense ---- Cancellation of business permits

Article 9. Licensing
(Municipal Ordinance No. 2003-05)

Section 21. Scope. This shall cover both business establishments and owners/operators of tricycles for hire operating under the jurisdiction of San Roque, Northern Samar.

Section 22. Requirement. All business establishments and tricycles for hire are required to secure license plates from the Licensing Office in the municipality henceforth paying the charge amounting to one hundred and fifty pesos (P150.00).



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Section 23. Penalty Clause. Persons in violation on any of the provisions of this article shall be punished with a fine not less than two hundred pesos (P200.00) but not more than five hundred pesos (P500.00) or imprisonment of not less than ten (10) days but not more than one (1) month.

Article 10. Transport of Cattle
(Municipal Ordinance No. 97-01)

Section 24. Registration. Buyers for large cattle or any person who intends to transport large cattle shall be required to secure certification from the office of the Barangay Captain before transporting the same to other barangay or municipality.

Section 24. Penalty Clause. Persons in violation on the said provision of this article shall be punished with a fine not less than two hundred pesos (P200.00) but not more than five hundred pesos (P500.00) with imprisonment of ten (10) days but not more than fifteen (15) days.

Article 11. Inflammable and Explosive Products
(Municipal Ordinance Nos. 93-18 & 96-08)

Section 25. Prohibition. No business establishment shall be allowed to sell gasoline, thinner, petroleum, and other inflammable products without fire extinguisher.

More so, the prohibition extends to the sale of big fire-crackers known as Bawang, Super Lolo, Five Star, Triangle, and other powdered explosives within the jurisdiction of the municipality regardless of the existence of a fire extinguisher.

Section 26. Penalty Clause. Persons in violation on the said provision of this article shall be punished with a fine of:

Inflammables

- a) First Offense ---- P500.00
- b) Second Offense ---- P1,000.00
- c) Third Offense ---- P1,500.00/Cancellation of business license or imprisonment of not less than three (3) months but not more than six (6) months.

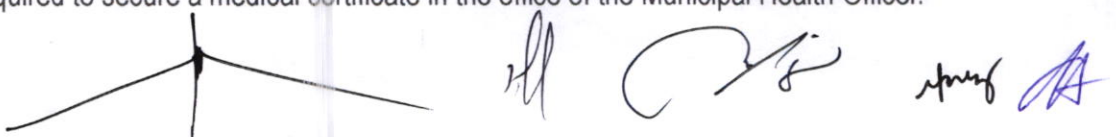
Explosives

A fine not less than five hundred pesos (P500.00) but not more than one thousand pesos (P1,000.00) or an imprisonment not to exceed one (1) month or both.

CHAPTER IV
HEALTH AND SANITATION

Article 12. Physically Fit Workforce
(Municipal Ordinance No. 93-17)

Section 27. Requirements. All saleslady, vendor, waiter/waitress and operators of restaurant or "carenderia" shall be required to secure a medical certificate in the office of the Municipal Health Officer.



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Section 28. Penalty Clause. Persons in violation on the said provision of this article shall be punished with a fine not less than two hundred pesos (P200.00) but not more than five hundred pesos (P500.00) or an imprisonment of not less than one (1) month.

Article 13. Carabao (Water Buffalo) and Hog Manure
(Municipal Ordinance Nos. 93-13 & 93-16)

Section 29. Regulation. Owners/handlers of the "carabao" and hogs shall bring with them a shovel and a container whenever they enter the premises of the town proper and shall be required to collect and properly dispose of the said manure whenever the "carabao" or hog incidentally defecate while passing through the town.

Section 30. Penalty Clause. Persons in violation on the said provision of this article shall be punished with a fine not less than two hundred pesos (P200.00) but not more than five hundred pesos (P500.00) or an imprisonment of not less than one (1) month but not more than two (2) months.

Article 14. Over-the-counter Drugs
(Municipal Ordinance No. 95-06)

Section 31. Prohibition. It shall be unlawful to sell over-the-counter cough preparation and other pharmaceutical preparations subject of abuse, of whatsoever kind, brand or quality to the general public, unless it is recorded in an appropriate record book indicating therein the name of the buyer, the generic and/or brand name of the over-the-counter drugs subject of subject of abuse and the quantity sold.

It shall also be unlawful to for drugstore/pharmaceutical to sell over-the-counter cough preparation and other pharmaceutical preparation subject of abuse to an individual buyer who is below eighteen (18) years of age.




Moreover, unless legally authorized, it shall also be unlawful to use or possess any volatile substances for the purpose of inhalation to induce or produce intoxication and the same shall not be offered or sold to minors without the written consent from their parents or guardians.

Section 32. Regulation. All drugstore/pharmaceutical are required to issue receipts indicating thereat the name and address of the buyer in dispensing the over-the-counter cough preparation and other pharmaceutical preparations subject of abuse.


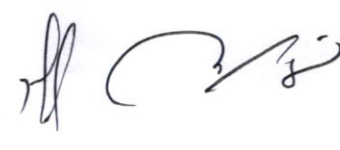

Section 33. Penalty Clause. Any person who knowingly sell to other person substances enumerated above in violation of any of the provisions of this article shall suffer the penalty of a fine not less than five hundred pesos (P500.00) but not more than one thousand pesos (P1,000.00) or an imprisonment of six (6) months but not more than a year without prejudice to the filing of criminal charges against the violators.

Article 15. Disposition of Waste Materials
(Municipal Ordinance No. 96-10)

Section 34. Scope. This provision shall govern for the proper dumping or disposing of garbage/waste/dirt materials identified by the local government.



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Section 35. Prohibition. No individual shall be allowed to dump/dispose their garbage elsewhere unless at the dumping site identified by the local government.

Section 36. Penalty Clause. Persons in violation on any of the provisions of this article shall be punished with:

- a) First Offense ---- P50.00
- b) Second Offense ---- P100.00
- c) Third Offense ---- P200.00 or an imprisonment at the discretion of the court.

Article 16. Household Waste Segregation
(Municipal Ordinance No. 97-03)

Section 37. Scope. This article shall govern the proper segregation of waste materials on every household in the municipality.

Section 38. Regulation. Every household shall be required to properly segregate their waste materials each into their fallen category (Biodegradable or Non-biodegradable) for its easy classification before its proper disposal.

Section 39. Administrative Provision. The agent chosen of the local government which comes as garbage collector shall be required to collect all the segregated waste materials to the proper dumpsite and properly segregate the same before disposing it.

Section 40. Penalty Clause. Persons in violation on any of the provisions of this article shall be punished with a fine of not less than one hundred pesos (P100.00) but not more than two hundred pesos (P200.00) or imprisonment of not less than two (2) days but not more than five (5) days.

Article 17. Household Sanitary Toilet
(Municipal Ordinance No. 96-06)

Section 41. Regulation. Every household within the jurisdiction of the municipality are required to build and construct sanitary and water sealed toilet.

Section 42. Penalty Clause. Persons in violation on the said provision of this article shall be punished with a fine of not less than five hundred pesos (P500.00) but not more than one thousand pesos (P1,000.00) or an imprisonment of not less than two (2) months but not more than five (5) months.

CHAPTER V
OPERATION ON THE SERVICES AND PROGRAMS OF THE LOCAL GOVERNMENT

Article 18. Docket fees
(Municipal Ordinance No. 2002-16)

Section 43. Regulation. Every complainant for an administrative case filed before the Sangguniang Bayan shall have a charge per respondent. Any pending cases shall also be required to pay said docket fee within ten (10) working days from receipt of the notice.



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Section 44. Administrative Provision. The Secretary of the Sanggunian shall not receive any future complaint for administrative cases unless there is official receipt standing as evidence the payment of corresponding fees is attached to the complaint upon filing and shall form part of the record of the administrative cases.

Section 45. Penalty. Failure to pay said corresponding docket fees shall cause the automatic dismissal of the administrative case concerned.

Article 19. Granting of Allowance for Barangay Treasurers
(Municipal Ordinance No. 2003-09)

Section 46. General Provision. All Barangay treasurers of the different barangays of the municipality shall be deputized by the Municipal Treasurer, with the approval of the Municipal Mayor and consent of the Punong Barangay concerned, as "Municipal Revenue Collectors" for the collection of all taxes, revenue, and other fees being collected and/or received by the local government.

Section 47. Additional Provision. The Municipal Treasurer may, upon the approval of the Municipal Mayor, designate or deputize other government employees for revenue collections and such deputized agents shall be entitled to the same incentive as that granted herein to the barangay treasurers.




Section 48. Remittance. The amount collected by these barangay treasurers in the exercise of their functions as deputized revenue collectors shall be remitted to Office of the Municipal Treasurer every 15th day and 30th day of every month.

As for the government employees deputized for the same function, the remittance shall be on every last business day of the week following their receipts of such collection.


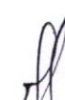



Section 49. Incentives. Each barangay treasurer shall be entitled to an incentive allowance equivalent to twelve percent (12%) of the collected and remitted amount. For the Municipal Revenue collectors, they shall be entitled to an additional incentive allowance equivalent to fifteen percent (15%) of the amount collected.

Section 50. Source and Disbursement of Fund. So much amount as may be necessary for the grant of the incentives provided shall be appropriated from whatever savings or cash surplus the Municipality has. The same incentives granted shall be given preference in the disbursements of funds and shall be computed and released to the personnel concerned within ten (10) days from the end of each month.

Section 51. Penalty. Violation on any of the provisions in this article by any deputized agent (Barangay Treasurer/Government Employee/Revenue Collector) for purpose of revenue collections by failing to remit to the Municipal Treasurer the total amount collected shall suffer the penalty of a fine in the amount double to that amount due for remittance but not to exceed ten thousand pesos (P10,000) or imprisonment for a period of six months or both.



CHAPTER VI
PUBLIC PEACE, SAFETY AND ORDER

Article 20. Air-Gun Registration
(Municipal Ordinance No. 95-01)

Section 52. Regulation. All holders of air-gun within the jurisdiction of the municipality shall be registered at the Office of the Mayor and thus obtaining a Mayor's Permit.

Section 53. Penalty Clause. Violations on the provision of this article shall have their air-gun confiscated and will have a case filed against them at a proper court of law.

Article 21. Liability of Owners of Loitering Pet
(Municipal Ordinances No. 99-01)

Section 54. Prohibition. No pet owners shall be allowed to have their pets roaming around the public places within the jurisdiction of the municipality.

Section 55. Regulation. All pet owners are required to provide tie and the like facilities to keep their pets in proper places.

Section 56. Penalty Clause. Any pet owners who are in violation on any of the provisions of this article shall bear a fine from five hundred pesos (P500.00) to one thousand pesos (P1,000.00) or double the cost of the expenses incurred by the victim, whichever is higher.

Article 22. Dog Vaccination and Biting incidents
(Municipal Ordinance No. 99-03)

Section 57. General Provision. All dog owners are required to have their dog vaccinated against rabies.

Section 58. Responsibilities of the Owner.

- a) *Dog Registration or Licensing* – Every dog shall be registered by their owner upon reaching the age of three (3) months and every year thereafter. Unvaccinated dogs after reaching the required age or much older dogs without prior history of vaccination shall be vaccinated upon registration should the owner decide to register the dog.
- b) *Fees* – Upon the process of registration, the owner of the dog shall pay the registration fees as may be determined by the Municipal/Barangay Council.
- c) *Reporting of Biting Incidents* – The owner of the dog who has bitten a person, together with its victim, shall report the said incident within twenty-four (24) hours after its occurrence to the Municipal Rabies Control Authority, Health Care, or Police Officers.

Section 59. Liability of Owners. The owner of the dog which has bitten any person/s shall be responsible for all the treatment related expenses incurred by the victim/s, plus one thousand pesos (P1,000.00) and dog examination related expenses incurred by them.

