



File

OFFICE OF THE SANGGUNIANG BAYAN

Municipal Building, Poblacion, Bulalacao, 5214, Oriental Mindoro

296-

EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION OF THE 10TH SANGGUNIANG BAYAN OF BULALACAO, ORIENTAL MINDORO HELD ON AUGUST 31, 2021 AT THE SANGGUNIANG BAYAN SESSION HALL

PRESENT:

- | | |
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| Hon. Ramon G. Magbanua | Municipal Vice Mayor/Presiding Officer |
| Hon. Dexter R. Gonzales | Sangguniang Bayan Member |
| Hon. Dennes M. Faner | Sangguniang Bayan Member |
| Hon. Edezer F. Aceron | Sangguniang Bayan Member |
| Hon. German S. Acosta | Sangguniang Bayan Member |
| Hon. Kieven E. Cantos | Sangguniang Bayan Member |
| Hon. Jess V. Sapungan | Sangguniang Bayan Member |
| Hon. Elpidio N. Contreras, Jr | Sangguniang Bayan Member |
| Hon. Edwin C. Aceron | Sangguniang Bayan Member |
| Hon. Enrico C. Villas | Pangulo, Liga ng mga Barangay |
| Hon. Kim Jonh Elco E. Cantos | SK Federation President |
| Hon. Tulay M. Caring | IPM Representative |

HON. JESS V. SAPUNGAN
 HON. KIEVEN E. CANTOS
 HON. GERMAN S. ACOSTA
 HON. EDWIN C. ACERON
 HON. ENRICO C. VILLAS
 HON. DEXTER R. GONZALES
 HON. RAMON G. MAGBANUA
 HON. ERNELO C. VILLAS
 HON. KIM JONH ELCO E. CANTOS
 HON. TULAY M. CARING
 HON. EDDEZ F. ACERON
 HON. DENNES M. FANER
 HON. ELPIDIO N. CONTRERAS, JR.

ABSENT: NONE

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MUNICIPAL ORDINANCE NO. 21-08-296

AN ORDINANCE PRESCRIBING RULES AND REGULATIONS IN THE ESTABLISHMENT, OPERATION AND MAINTENANCE OF OTHER TYPE OF LIQUID FUEL OUTLET IN THE MUNICIPALITY OF BULALACAO, ORIENTAL MINDORO

Author:

Sangguniang Bayan Member EDEZER F. ACERON

Sponsors:

Sangguniang Bayan Member DEXTER R. GONZALES
SK Federation President, Hon. KIM JONH ELCO E. CANTOS

Co-Sponsors:

Pangulo, Liga ng mga Barangay, Hon. ENRICO C. VILLAS
Sangguniang Bayan Member ELPIDIO N. CONTRERAS, JR.

WHEREAS, the business of retailing liquid fuels is authorized and regulated by the Department of Energy (DOE);

WHEREAS, the Department of Energy (DOE) issued Department Circular No. DC 2017-11-011 dated November 22, 2017 promulgating rules and regulations to govern the business of retailing liquid fuels;

WHEREAS, in the said Department Circular, there are matters that may be regulated by the Local Government Units;

WHEREAS, there are investors who want to put up Other Type of Liquid Fuel Retail Outlet in this Municipality;

WHEREAS, there are persons engaged in the retailing of liquid fuel that do not comply with safe and appropriate technologies, including the use of containers like "bote-bote".

WHEREAS, the retailing of fuel liquid is subject to pertinent permits and licenses issued by government authorities including but not limited to: Department of Energy (DOE), Department of Environment and Natural Resources (DENR), Bureau of Fire Protection (BFP), Bureau of Internal Revenue (BIR) and Local Government Units (LGU);

WHEREAS, the safe and proper handling, transport, storage, installation, and use of equipment and facilities in the downstream oil industry are governed by pertinent provisions of the different national and international safety codes observed and adopted by the industry.

WHEREAS, the continued use of unsafe and substandard methods of retailing liquid fuel (i) exposes the consuming public to fire, danger, health and environmental risks; (ii) denies the public the proper quality and quantity of the liquid fuel they purchase; (iii) constitutes unfair competition and unduly legitimate Retail Outlets of additional sales volume; (iv) deprives the government of revenue derived from licensing fees, local business taxes and pump calibration charges, among others; and (v) encourages the marketing of liquid fuels sourced from illegal activities such as smuggling, pilferage, theft and the like;

WHEREAS, for the guidance and compliance of those who intend to establish, operate and maintain Other Type of Liquid Fuel Retail Outlet in the Municipality and for the safety and security of the public, there is a necessity to prescribe rules and regulations;

NOW THEREFORE, be it enacted by the Sangguniang Bayan in session duly assembled, that;

Section 1. Title. This Ordinance shall be known as "An Ordinance Prescribing Rules and Regulations in the Establishment, Operation and Maintenance of Other Type of Liquid Fuel Retail Outlet in the Municipality of Bulalacao, Oriental Mindoro".

Section 2. Coverage. This Ordinance shall apply to all Other Type of Liquid Fuel Retail Outlet, including those which are already established to operate within the Municipality of Bulalacao, Oriental Mindoro.

Section 3. Allowable Business. The following type of Liquid Fuel Retail Outlet may be allowed to establish and operate in this Municipality provided there is a valid Certificate of Compliance (COC) issued by the Oil Industry Management Bureau (OIMB) or its counterparts in the Field Offices:

A. Marine Retail Outlet, which is constructed near the shoreline and intended exclusively to serve the fuel requirements of marine vessels such as small motor boats and bancas. It shall cater exclusively to marine vessels and it shall be exempted from the underground tank requirement, provided that the aboveground storage shall be constructed using materials and technology that can withstand sea-water or corrosive atmosphere and actions of waves on the shoreline, enclosed with bund walls on all sides with an enclosure volume of at least 120% of the net capacity of the largest tank and the bund walls should be made of corrosion-resistant material (i.e. concrete), and compliant with designs established and to be subsequently issued by the Department of Energy.

HON. JESS V. SAPUNGAY
PERLA L. PAZ

HON. ANDRE E. CANTOS
TULAY M. CARING

HON. GERMAN S. ACOSTA
HON. KIM JOH ELCO E. CANTOS

HON. EDEZER F. ACERON
HON. ENRICO C. VILLAS

HON. DENNIS M. FANER
HON. EDWIN C. ACERON

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HON. FELIPINO N. GONTERAS, JR.

HON. FAYON B. MAGBANUA
HON. ERNIL C. VILLAS

Technology-Solution Retail Outlet, which is a result of emerging technologies that address the requirement of Liquid Fuel. The materials are manufactured in accordance to the facilities and product safety certifying bodies such as, UL-listed and equivalent NRTL safety marks (USA), CE marking (UK and EU), RCM, regulatory compliance mark (Australia), PSE (Japan), among others.

However, the said Retail Outlet shall observe the following requirements:

1. Shall address the fuel requirements of those catered by the "bote-bote" retailing in the area applied for and certified by the Local Government Unit of Bulalacao;
2. A distance of 1 Kilometer radius from another Retail Outlet shall be observed;
3. No other commercial establishment shall be installed/constructed within the Retail Outlet other than those necessary for its operation;
4. The vehicle being service and the delivery of the Liquid Fuel by the tank truck shall at all times be inside the business premises;
5. One (1) meter set back distance shall be maintained in the Cashier's booth or dispensing pump to firewall; and
6. During the supply operation of tank truck, there should be one (1) meter working distance that should be maintained from the Tank Truck to firewalls.

The Marine Retail Outlet and Technology-Solution Retail Outlet are not exempted from applying for a Certificate of Compliance (COC) and compliance to other government requirements.

C. Temporary Emergency Retail Outlet. Upon written notice to the Oil Industry Management Bureau (OIMB) with endorsement from the Local Government Unit of Bulalacao, the Temporary Retail Outlet may operate for a period of fifteen (15) days in areas declared as under the state of calamity or emergency and where no Retail Outlet can serve as a result of the prevailing circumstances under calamity or emergency.

Section 4. Mayor's Permit or Business Permit. Prior to operation, any person who engages in Marine Retail Outlet or Technology Solution Retail Outlet business shall secure Mayor's Permit or Business Permit from the Office of the Municipal Mayor. Those who are already operating but not have secured Mayor's Permit or Business Permit, shall within ten (10) months from the effectivity of this Ordinance comply with this requirement. No Mayor's Permit or Business Permit may be issued without a valid Certificate of Compliance (COC) issued by the Oil Industry Management Bureau (OIMB) or its counterparts in the Field Offices.

Section 5. Additional Rules and Regulations. In addition to the requirements prescribed by the Department of Energy (DOE) for the establishment and operation of Marine Retail Outlet or Technology Solution Retail Outlets, the following rules and regulations shall be observed;

A. No Technology Solution Retail Outlet shall be established and operated in Barangays Poblacion, Campaasan, Maujao, San Francisco, Nasucob, San Juan and Milagrosa;

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 HON. EDILDO N. CONTRERAS, JR.
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 HON. EDWIN C. ACERON

- B. Only one (1) Technology Solution Retail Outlet may be established and operated in other barangays not expressly mentioned above;
- C. Only one (1) Marine Retail Outlet shall be established and operated in all declared Coastal Barangays of the Municipality of Bulalacao; and,
- D. The structure and location must comply with the specifications prescribed by the Municipal Engineering Office and the Zoning Officer, respectively, in accordance with the related DOE Circulars and other concerned government issuances.

Section 6. Sealing and Calibration of Dispensing Pumps. To ensure that the dispensing pumps of the Marine Retail Outlet and Technology Solution retail Outlet remain accurate, calibration shall be mandatory. The Municipal Treasury Office shall calibrate all dispensing pumps used in retail outlets to dispense fuels sold to the public once every six (6) months and after calibration shall seal the same. The fee for calibration shall be in the amount of five hundred pesos (PhP 500.00).

Section 7. Prohibitions. It will be prohibited and unlawful on any person to engage on the following business:

- A. Engaging on the retail of fuel liquid in an unsafe and inappropriate containers like "bote-bote";
- B. Hauling or transporting of fuel liquid in an unsafe, inappropriate and unauthorized vehicle; and
- C. Buying of fuel liquid from unauthorized Retail Outlet; and
- D. Supplying of liquid fuel to unauthorized retail outlet

Section 8. Penal Provision. Without prejudice to the penalties prescribed by the Department of Energy, any violation of the provision of this Ordinance shall render the violator liable on the following fine:

- 1st Offense - PhP 1,000.00
- 2nd Offense - PhP 1,500.00
- 3rd Offense - PhP 2,500.00 and revocation of business permit

Section 9. Repealing Clause. All ordinances, resolutions, other issuances and their provisions inconsistent or contrary with this Ordinance is hereby repealed or modified accordingly.

Section 10. Separability Clause. If any provision of this Ordinance is declared unlawful or unconstitutional by virtue of national and provincial ordinances, and issuances of other authorized government agencies or offices, any provision not affected thereby shall remain in full force and effect.

Section 11. Effectivity Clause. This ordinance shall take effect immediately after fifteen (15) days of posting in Sangguniang Bayan bulletin board and in at least two (2) other conspicuous places in the Local Government Unit of Bulalacao.

HON. JESS V. SAMPONGAN
 HON. KIBETE E. CANTOS
 HON. GERMAN S. ACOSTA
 HON. ENRIQUE F. ACERON
 HON. ENRICO C. VILLAS
 HON. DENNIS M. FANER
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 HON. TULAY M. CARING
 HON. EDWIN C. ACERON
 HON. ELPIDIO N. CONTRERAS, JR.
 HON. ENRICO C. VILLAS


ENACTED this 31st day of August 2021 Bulalacao, Oriental Mindoro.



Hon. DEXTER R. GONZALES
Sangguniang Bayan Member


Hon. DENNES M. FANER
Sangguniang Bayan Member


Hon. EDEZER F. ACERON
Sangguniang Bayan Member



Hon. GERMAN S. ACOSTA
Sangguniang Bayan Member


Hon. KIEVEN E. CANTOS
Sangguniang Bayan Member


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Sangguniang Bayan Member


Hon. ELPIDIO N. CONTRERAS, JR.
Sangguniang Bayan Member



Hon. EDWIN C. ACERON
Sangguniang Bayan Member


Hon. ENRICO C. VILLAS
Pangulo, Liga ng mga Barangay


Hon. KIM JONHELCO E. CANTOS
SK Federation President

Hon. TULAY M. CARING
IPM-Representative


CERTIFIED TRUE AND CORRECT:


PERLITA L. PAZ
Secretary to the Sangunian

ATTESTED:


Hon. RAMON G. MAGBANUA
Municipal Vice Mayor/Presiding Officer

APPROVED:


Hon. ERNILO C. VILLAS
Municipal Mayor
Date Signed: Sept 13, 2021