



Republic of the Philippines
Province of Iloilo
MUNICIPALITY OF BINGAWAN



Office of the Mayor

Executive Order No. 27
(Series of 2018)

ORDERING THE CLOSURE OF A POULTRY FARM (K AND C POULTRY FARM) OWNED BY MR. RUDOLPH DELA ROSA, a.k.a. "BOBOT CHAVEZ", SITUATED AT SITIO CENTRO, BARANGAY QUINAR-UPAN, BINGAWAN, ILOILO FOR VIOLATION OF MUNICIPAL ORDINANCE 230 AND 251, AND OTHER RELATED LAWS, ORDINANCES, RULES AND REGULATIONS.

WHEREAS, the Sangguniang Barangay of Barangay Quinar-upan, Bingawan, Iloilo has passed a "*Resolution Requesting Hon. Mark P. Palabrica, Municipal Mayor of Bingawan, Iloilo for Immediate Action About the Poultry Farm of Mr. Rudolph Dela Rosa Located at Sitio Centro, Barangay Quinar-upan, Bingawan, Iloilo*" through Resolution No. 27-2018 approved last January 27, 2018;

WHEREAS, the people of Sitio Centro, Barangay Quinar-upan, Bingawan, Iloilo has complained about the bad smell of chicken wastes and the presence of numerous houseflies in their homes especially in Quinar-upan Elementary School which is about one hundred fifty (150) meters away from the said poultry farm endangering their health and that of their school children;

WHEREAS, the People of Barangay Quinar-upan, Bingawan, Iloilo has conducted a Barangay Assembly last August 13, 2017 held at Quinar-upan Civic Center where Mr. Rudolph Dela Rosa presented his proposal to establish a poultry farm at their Barangay. On the said Barangay Assembly, Mr. Dela Rosa's proposal was disapproved by a majority of the household representatives where 104 is not in favor, 37 is in favor and with 141 in attendance;

WHEREAS, despite the disapproval of the Barangay Assembly and the Sangguniang Barangay, Mr. Dela Rosa still continued to establish and operate his poultry farm;

WHEREAS, the Municipal Treasurer's Office has notified Mr. Rudolph Dela Rosa in writing last February 5, 2018 to settle his obligations by securing a business and all necessary permits within five (5) days from receipt thereof and to stop his operation of loading additional chicks until such time that he has secured a business permit;

WHEREAS, because of a verbal information from the barangay officials that Mr. Dela Rosa has loaded thousands of birds in his poultry farm despite a notice from the Municipal Treasurer's Office to comply with some business requirements, the Municipal Business Permits and Licensing Team headed by Mr. Eleazar Belloga, Business Permits and Licensing Officer-Designate, in coordination with the Barangay Officials of Barangay Quinar-upan has conducted an inspection last February 22, 2018 at the said poultry farm in the presence of his caretaker named Jeryl S. Magayon. The team found out the presence of a constructed poultry house with more than 5,000 heads of chicks aging 6-8 days old, the poultry house was not fenced and has a poor sanitation practice in violation of the Sanitation Code of the Philippines. It was also found out that the poultry farm has no business permit, no barangay clearance, no police clearance, no sanitary permit, no health permit for the caretaker and its personnel, no zoning clearance, no occupancy permit, no fire safety permit, no building permit, locational clearance, no letter applying for a permit or any document to show that his application for a permit is on process in violation of Municipal Ordinance No. 230, Series of 2016 (otherwise known as the "Updated revenue code of the Municipality of Bingawan, Province of Iloilo), Municipal Ordinance No.

251, Series of 2018 (otherwise known as "An ordinance regulating the operations of piggery, poultry and other livestock/animal farms in the Municipality of Bingawan, Province of Iloilo"), R.A. 8485 (otherwise known as the "Animal Welfare Act of 1998"), HLURB Board of Commissioners Resolution No. R-674, Series of 2000 (A resolution approving the amendments to the implementing rules and regulations governing the processing of applications for locational clearance of poultry and piggery), and other related Laws, Ordinances, Rules and Regulations;

WHEREAS, the Local Government Unit of Bingawan, Iloilo has afforded Mr. Dela Rosa his constitutionally enshrined Right to Due Process of Law and Equal Protection of the Law through notices (both written and verbal) and has given him enough time to answer and to secure all the necessary permits;

WHEREAS, that based on another report by the Barangay Officials, the Municipal Government has again conducted its final inspection last July 6, 2018 now with the presence of Mr. Dela Rosa at his poultry farm where the Municipal Business Permits and Licensing Team has found out the presence of more than 3,000 heads of chicken. The Team again found out that the Poultry Farm has no business permit and other documents showing the legality of its operations in violation of Municipal Ordinance No. 251, Series of 2018 (otherwise known as "An ordinance regulating the operations of piggery, poultry and other livestock/animal farms in the Municipality of Bingawan, Province of Iloilo");

WHEREAS, despite the notices and the conduct of inspections in his presence and that of his representatives, Mr. Dela Rosa has arrogantly disregarded the law, ordinance and orders of municipal authorities;

WHEREAS, in the recently decided case of *Aquino vs. Municipality of Malay, Aklan* (GR 211356), the Supreme Court said that R.A. 7160, otherwise known as the "Local Government Code of 1991", authorizes municipal governments, acting through their Municipal Mayors, to issue **closure and demolition orders**. Under existing laws, the office of the mayor is given powers not only relative to its function as the executive official of the town; it has also been endowed with authority to hear issues involving property rights of individuals and to come out with an effective order or resolution thereon. Pertinent herein is Sec. 444 (b)(3)(vi) of R.A. 7160, which empowered the mayor to order the closure and removal of illegally constructed establishments for failing to secure the necessary permits, to wit:

"Section 444. The Chief Executive: Powers, Duties, Functions and Compensation. –

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(b) For efficient, effective and economical governance the purpose of which is the general welfare of the municipality and its inhabitants pursuant to Section 16 of this Code, the municipal mayor shall:

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(3) Initiate and maximize the generation of resources and revenues, and apply the same to the implementation of development plans, program objectives and priorities as provided for under Section 18 of this Code, particularly those resources and revenues programmed for agro-industrial development and country-wide growth and progress, and relative thereto, shall:

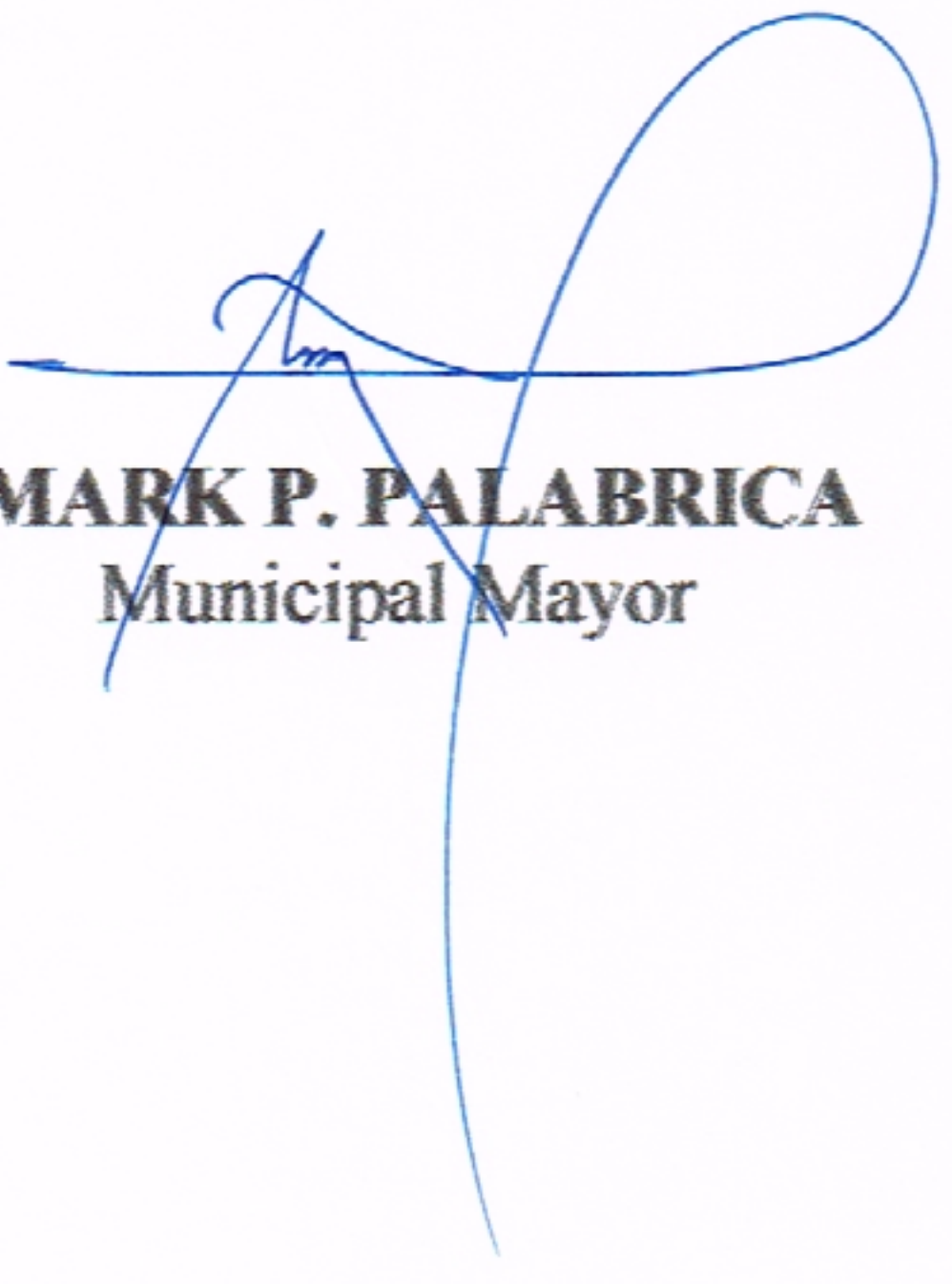
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(vi) Require owners of illegally constructed houses, buildings or other structures to obtain the necessary permit, subject to such fines and penalties as may be imposed by law or ordinance, or to make necessary changes in the construction of the same when said construction violates any law or ordinance, or to order the demolition or removal of said house, building or structure within the period prescribed by law or ordinance."

NOW, THEREFORE, I, MARK P. PALABRICA, Municipal Mayor of Bingawan, Iloilo, by virtue of the powers vested in me by law being the head of the Local Government Unit of which I am bound to ensure that business entities operating thereat are fully complying with both the national and local laws and for the interest of the General Welfare of our People, do hereby ORDER THE CLOSURE OF A POULTRY FARM (K AND C POULTRY FARM) OWNED BY MR. RUDOLPH DELA ROSA, a.k.a. "BOBOT CHAVEZ", SITUATED AT SITIO CENTRO, BARANGAY QUINAR-UPAN, BINGAWAN, ILOILO FOR VIOLATION OF MUNICIPAL ORDINANCE NOs. 230 AND 251, AND OTHER RELATED LAWS, ORDINANCES, RULES AND REGULATIONS.

The Bingawan Municipal Health Office and the Municipal Treasurer's Office with the assistance of the Bingawan Municipal Police Station are hereby mandated to lead the implementation and enforcement of this closure order by constructing a fence at the entrance of the poultry farm and posting a billboard informing the public of its closure in conspicuous places in the Barangay.

Done this 17th day of July 2018 at Bingawan, Iloilo, Philippines.



MARK P. PALABRICA
Municipal Mayor