

**REPUBLIKA NG PILIPINAS
TANGGAPAN NG SANGGUNIANG PANLUNGSOD
LUNGSOD NG BAKOLOD
-oOo-**

**CITY ORDINANCE NO. 907
June 26, 2019**

AN ORDINANCE PROVIDING THE GUIDELINES FOR THE OPERATION AND MAINTENANCE OF ALL CEMETERIES OWNED BY THE CITY OF BACOLOD, IMPOSING FEES THEREFOR AND FOR OTHER PURPOSES.

WHEREAS, Section 9 of the 1987 Constitution provides that the State shall promote a just and dynamic social order that will ensure the prosperity and independence of the nation and free the people from poverty through policies that provide adequate social services, promote full employment, a rising standard of living, and an improved quality of life for all;

WHEREAS, Section 16 of the Republic Act 7160, otherwise known as the "Local Government Code of 1991" provides that every local government unit shall exercise powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare;

WHEREAS, Section 17 of the same Code provides the duty of the Local Government Units to provide basic services and facilities to their respective constituents and one of the enumerated is the cemetery;

WHEREAS, the City owned cemeteries have no existing legislation for its operation and maintenance that will ensure the proper implementation of Implementing Rules and Regulations of Chapter XXI – "Disposal of Dead Persons" of the Code on Sanitation of the Philippines (P.D. 856);

WHEREAS, providing the guidelines for its operations and maintenance can help its fast improvements and developments.

NOW THEREFORE, BE IT ORDAINED AS IT IS HEREBY ORDAINED by the Sangguniang Panlungsod in session assembled, that:

Section 1. SHORT TITLE. This Ordinance shall be known as "The Bacolod City Owned Cemetery System Ordinance".

Section 2. SCOPE AND APPLICABILITY. The provisions of this Ordinance shall be applicable to all government owned cemeteries found within the jurisdiction of Bacolod City.

Section 3. DEFINITION OF TERM.

1. **Exhumation** – a process for the disposal of the dead subject to the Sanitation Code of the Philippines done after five (5) years from date of the burial.



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2. **Re-internment** – a burying of exhumed body/bodies either in individual bone chamber/ossuary at the choice of the family.
 3. **Apartment Type Niche** – a four (4) storey facility where fresh dead bodies are to be buried.
 4. **Individual Bone Chamber** – a five (5) storey facility where exhumed cadavers upon the lapsed of five (5) years period is to be interred.
 5. **Common Bone Chamber/Ossuary** – a facility where unclaimed bones are to be re-interred without cost and those of the choice of the family.
 6. **Floating Niches** – niches on ground at the cost of the constituents or at the cost of the City for exhumation after five (5) years subject to the specifications provided therein.

Section 4. FEES – In addition to the mandatory burial fee of Php50.00, there shall be a collection of fees as follows to be paid directly to the City Treasurer's Office (CTO) upon issuance of the order of payment from the City Health Office (CHO).

1. FRESH BURIAL

The family or client shall pay the amount of Three Thousand Pesos (Php3,000.00) for five years. After five (5) years except those died with contagious diseases of ten (10) years, the management shall re-inter the said bones in the individual bone chamber or other cemetery burial facilities upon payment of corresponding fees. Failure to pay the fees, the management has the right to re-interment the bone to the common bone chamber.

Should the family opt to exhume the body before the 5 year period, an exhumation permit fee of Php100.00 and an exhumation fee of Php1,000.00 shall be paid to the City Treasurer's Office (CTO).

2. CHILD BURIAL

The family or client shall pay the amount of Two Thousand Pesos (Php2,000.00) per cell for five (5) years subject for re-internment in the bone chamber after the end of the period.

3. FLOATING NICHE

- a. **1st User** – The family shall pay Php1,000.00 and the niche shall be constructed at the expense of the family/client subject to the specification as provided herein.
 1. The niche shall become the property of the Local Government Unit (LGU) after the Five (5) year period when the exhumation shall be mandatory.

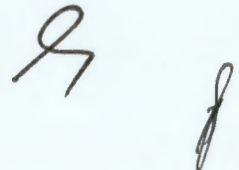


2. NO VERTICAL IMPROVEMENT IS ALLOWED.

- b. 2nd & Subsequent User – The family shall pay Php3,000.00 for a period of five (5) years.
4. **UNCLAIMED CADAVERS** – shall be processed by the General Services Office (GSO) shall be accommodated at the park at no cost. However, said cadaver shall be exhumed and placed in the common bone chamber after five (5) years.
5. **INDIGENTS** – persons who cannot provide themselves the necessities of life such as food, clothing, decent shelter and etcetera, and to be determined by the Department of Social Services and Development (DSSD) qualification standard. They shall only pay the mandatory burial fee of Fifty Pesos (Php50.00).
6. **SENIOR CITIZENS** – deceased senior citizen shall avail of a 20% discount on the fees required under this Ordinance.
7. **MENDICANT** – upon confirmation by the Department of Social Services Development (DSSD) Office that the dead is a mendicant, it shall respectfully buried to the public cemetery for free.
8. **ISLAMIC BURIAL** – the City shall appropriate burial area or space for every public cemetery for Muslims and shall be operated in accordance to the Islamic Faith and/or Islamic Burial Guidelines.

Section 5. SYSTEM OF PROCESSING.

1. General Services Office (GSO)
 - a. Accepts burial form and assign niche
 - b. Prepares order of payment for City Treasurer's Office (CTO) for mandatory burial fee of Php50.00.
 - c. Issues entry pass for the scheduled burial at City owned cemeteries
 - d. Maintains recording/inventory of burials
 - e. Prepares statement of accounts for due rentals
 - f. Schedules and conduct exhumation
 - g. Pass Annual Accomplishment Report at City Planning Development Office (CPDO)



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2. City Health Office (CHO)
 - a. Issuance of Death Certificate
 - b. Prepares and issue order of payment for City Treasurer's Office (CTO) for collection of fees stated under Section 4 of this Ordinance except the mandatory burial fee.
 3. City Mayor's Office (CMO) – Civil Security Unit
 - a. Secures against looting and illegal burials
 4. Local Civil Registrar
 - a. Registration of Death Certificate
 5. City Treasurer's Office (CTO)
 - a. Collection of appropriate fees

Section 6. OPERATIONAL GUIDELINES – For the purposes of this Ordinance, the following operational guidelines shall be followed:

PHASE I. BURIAL

1. PRE-BURIAL
 1. Fill up application form at the City Health Office (CHO) with the corresponding attachment:
 - a. Death Certificate from the hospital or from the City Health Office (CHO) with the Certification from the barangay as the case may be.
 2. Niche assignment by the City Health Office (CHO)
 3. Pay corresponding fees and present to the cemetery incharge.
 4. Get schedule of burial and entry pass
2. DURING BURIAL
 1. Present entry pass to guard
 2. Proceed to the assigned niche



3. POST BURIAL

1. Recording of all data relative to the burial

PHASE II. EXHUMATION

1. Information Dissertation – The family shall be informed of the exhumation process through the following:
 - a. The contract upon burial shall indicate the date of the exhumation
 - b. Media shall be tapped to inform the affected families
 - c. Posting at the City Hall and at the General Service Office
 - d. Registered mail if the address of the nearest kin is available.
2. Should the family opt to transfer the bones to other cemetery, the following documents are required:
 - a. Death Certificate
 - b. Exhumation Permit
 - c. Certificate/Official receipt of the cemetery where the bones shall be re-interred.
3. Should the family opt to re-inter the bones in the common bone chamber/ossuary, a form shall be filled up. No fee is required.
4. Should the family opt to re-inter the bones in the individual bone chamber, appropriate fees will apply.

Section 7. Department of Social Services and Development (DSSD) Office shall be in-charge of the following burial of the deceased persons found in the City with proper coordination to the General Services Office to wit:

1. Deceased Mendicant; and
2. Unidentified deceased person

Section 8. BONE BOX RENTAL FEE. The annual rental fee for the bone box shall be fifty pesos only (P50.00) regardless of the number of bone buried therein to be paid within the anniversary month of the transfer. The contract period shall not be more than five (5) years renewal before its termination.



Section 9. PAYMENT FOR MUSLIM PUBLIC CEMETERY – There shall have Three Thousand Pesos (P3,000.00) as burial fee for Muslim Public Cemetery and an annual fee of Fifty Pesos (P50.00) for its operation and maintenance to be paid at City Treasurer's Office (CTO).

Section 10. The proceeds for the payment of the niche and rental fee shall accrue to a Trust Fund under the account of the City and shall be exclusively utilized for the maintenance and/or improvement of the project, which manner shall be determined by the Sangguniang Panlungsod including the burial expenses for deceased mendicant and unidentified person.

Section 11. Appropriation Budget. The City shall allocate an initial budget of at least Three Million Pesos (P3,000,000.00) from the General Appropriation Fund for the rehabilitation, construction of the niches, facilities and equipment's including operation and maintenance of the City Cemeteries.

Section 12. Separability Clause. If any part of this Ordinance is declared not valid, unconstitutional or unlawful, such declaration shall not affect or impair the remaining provisions, sections or parts thereof, which shall remain or continue to be in full force and effect.

Section 13. Repealing Clause. All previous Ordinances inconsistent with this Ordinance shall be deemed repealed or modified accordingly.

Section 14. Effectivity. This Ordinance shall take effect fifteen (15) days after approval, posting and publication in a newspaper of local circulation.

CARRIED BY THE VOTE OF:

Affirmative:

Councilors : Caesar Z. Distrito, Renecito S. Novero, Em L. Ang, Elmer T. Sy, Ana Marie V. Palermo, Wilson C. Gamboa, Jr., Dindo C. Ramos, Bartolome N. Orola, Sr., Sonya M. Verdeflor, Lady Gles Gonzales-Pallen, Ayesha Joy Y. Villaflor.

Negative : N o n e .

Official Leave : Councilors Ricardo L. Tan, Cindy T. Rojas and Claudio Jesus Raymundo A. Puentevella.


Absent : N o n e .

Author : Councilor Wilson C. Gamboa, Jr.

Passed : June 26, 2019 (156th Regular Session of the 9th Council).

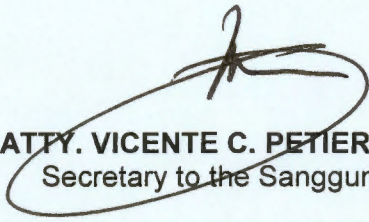
Comments : P a s s e d .






ELPIDIO M. FAMILIARAN
Vice Mayor
Presiding Officer

ATTESTED:



ATTY. VICENTE C. PETIERRE III
Secretary to the Sangguniang

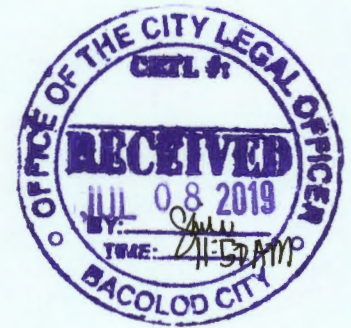
APPROVED: July, 2019.

EVELIO R. LEONARDIA
City Mayor 

VCP/CGT/jbz
16 DAYS LAPSED
AS OF July 26, 2019



Republic of the Philippines
OFFICE OF THE CITY MAYOR
Bacolod City

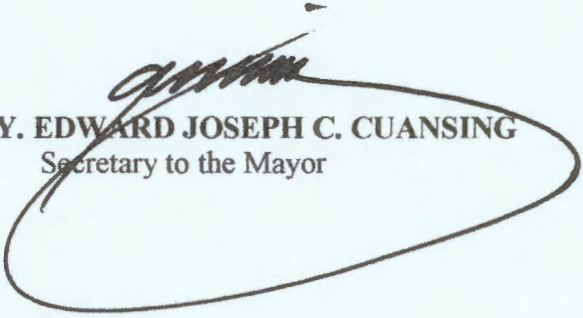


1st ENDORSEMENT

July, 2019

Respectfully endorsing to **ATTY. JOSELITO BAYATAN**, City Legal Officer, the attached copy of City Ordinance No. 907 (for approval), series of 2019 re: An Ordinance providing the guidelines for the operation and maintenance of all cemeteries owned by the City of Bacolod, imposing fees therefor and for other purposes.

For **URGENT** legal opinion.


ATTY. EDWARD JOSEPH C. CUANSING
Secretary to the Mayor

Encl. a/s

Republika ng Pilipinas
TANGGAPAN NG SANGGUNIANG PANLUNGSOD
Lungsod ng Bakolod
-oOo-

July 3, 2019

HON. EVELIO R. LEONARDIA
City Mayor
Bacolod City

Dear Sir:

We have the honor to furnish you herewith copy of City Ordinance No. 907 (for approval), series of 2019 passed by the Sangguniang Panlungsod of Bacolod which is/are self-explanatory.

Please acknowledge receipt hereof.

Very truly yours,

ATTY. VICENTE C. PETIERRE, III
Secretary to the Sanggunian

RECEIVED copy(ies) this 3rd day
of JULY 2019. Time 10:17 AM

By: _____
(Signature)

(Printed Name)

By:

JEMA B. ZOLAYVAR
Local Legislative Staff Assistant III

6 DAYS LAPSED
AS OF July 19