

REPUBLIKA NG PILIPINAS
TANGGAPAN NG SANGGUNIANG PANLUNGSOD
LUNGSOD NG BAKOLOD

-oOo-

CITY ORDINANCE NO. 384

January 26, 2005

AN ORDINANCE ESTABLISHING THE BURIAL FINANCIAL ASSISTANCE PROGRAM FOR PAUPERS IN THE CITY OF BACOLOD AND PROVIDING FUNDS THEREFOR.

WHEREAS, the Sangguniang Panlungsod recognizes the love and devotion our people give to their beloved departed kin through their efforts of providing them a proper burial;

WHEREAS, the economic crisis greatly affect the capacity of the poor, the marginalized, and the disadvantaged to provide their beloved departed a proper burial;

WHEREAS, it is the role of the State to serve as the parent and protector of the poor, the marginalized, and the disadvantaged;

WHEREAS, it is within the power and resources of the City Government of Bacolod to provide aid and succor to the bereaved among the poor, the marginalized, and the disadvantaged;

WHEREAS, the Sangguniang Panlungsod enacted City Ordinance No. 322, Series of 2002 "AN ORDINANCE ESTABLISHING EMBALMING SERVICES FOR PAUPERS IN THE CITY OF BACOLOD", which provides free embalming services and there is a need to extend financial assistance to paupers not just limited to embalming.

NOW THEREFORE, be it ordained by the Sangguniang Panlungsod of the City of Bacolod in regular session assembled that:

ARTICLE 1 – TITLE AND STATEMENT OF POLICY

SECTION 1 Title – this ordinance shall be known as AN ORDINANCE ESTABLISHING THE BURIAL FINANCIAL ASSISTANCE PROGRAM FOR PAUPERS IN THE CITY OF BACOLOD AND PROVIDING FUNDS THEREFOR".

SECTION 2 Statement of Policy – the following are the policies of State and shall also be the Policies of the City of Bacolod.

- a) It 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;
- b) It is the recognized public duty to care and to look after the welfare and interest of the poor;
- c) Formulate policies that will promote and uphold equity and social justice.

ARTICLE 11 – DEFINITION OF TERMS

SECTION 3 Definition of Terms- For purposes of this ordinance, the following terms shall be defined as follows:

- a) **Beneficiary** – the spouse of the deceased until he or she remarries, the legitimate, legitimated or legally adopted, and illegitimate children, who shall be the primary beneficiaries under the program, and the dependent parents who shall be the secondary beneficiaries of the deceased. In the absence of all the foregoing, any other person designated by the deceased as his/her secondary beneficiary;
- b) **BFAP**- Burial Financial Assistance Program;
- c) **Burial Financial Assistance** – a sum of money provided by the government and given to the family of deceased pauper;
- d) **Ordinance** – refers to the Burial Financial Assistance Program Ordinance;
- e) **Pauper** – a pauper is a natural person who himself/herself or any of his/her family members is not engaged in any gainful employment and whose household monthly income, if there be any, does not exceed THREE THOUSAND PESOS (P3,000.00) or belongs to the current poverty threshold as identified by the Department Social Services and Development
 - e.1 He or she is not a bona fide member of the SSS or GSIS or a pensioner;
 - e.2 He or she is not a life plan holder or beneficiary;
 - e.3 A bona fide resident of the Barangay for at least a period of six (6) months;

- f) **Residence** – the place where the pauper is habitually present, and from which he departs, he intends to return and where his physical presence is determined.

ARTICLE 111– BURLIAL FINANCIAL ASSISTANCE PROGRAM COMMITTEE

SECTION 4 Creation of Burial Financial Assistance Program Committee- A Burial Financial Assistance Program Committee shall be created for this purpose. The composition of the committee is as follows:

- a) Chairperson - the City Mayor;
- b) Co-Chairman - the Head of the Department of Social Services and Development
- c) Member - Chairman, Sangguniang Panlungsod Committee on Social Services;
- d) Member - Chairman, Sangguniang Pantungsod Committee on Barangay Affairs.

SECTION 5- Duties and Functions- Burial Financial Assistance Program Committee shall have the following duties and functions:

- a) Subject to the ratification of the Sangguniang Panlungsod, shall formulate the necessary policies, implementing rules and guidelines to carry out the provisions of this ordinance ;
- b) Decide and determine issues involving the status and qualifications of a prospective beneficiary pursuant to the qualifications and the requirements set forth by the ordinance;
- c) Propose the increase in the Financial Assistance given and the Annual Allocation Fund provided for by the Ordinance, upon approval by the Sangguniang Panlungsod. This is without prejudice to any initiative from the members of the Sangguniang Panlungsod to propose for the increase to this effect.

SECTION 6 - Implementing Agency - the Department of Social Services and Development shall be the implementing agency of this ordinance.

ARTICLE IV - BURIAL FINANCIAL ASSISTANCE PROGRAM

SECTION 7 - Requirements - the beneficiary of the deceased can only be qualified for the grant if he/she have complied with the following documentary requirements:

Death Certificate;

Barangay Certification, in which shall establish the following facts:

- b.1) that the applicant is a bonafide resident of the Barangay concerned;
- b.2) that the deceased and his/her immediate family is not gainfully employed or do not earn more than THREE THOUSAND PESOS (P3,000.00) a month;
- a) Social Worker Case Study Report, in which shall require the social worker to conduct an assessment and personal interview with the beneficiary of the grant subject to the approval by the City Mayor.

SECTION 8 - Who can avail - The beneficiary of the deceased upon compliance with the documentary and procedural requirements mandated therein can avail of the Burial Financial Assistance under the ordinance.

In cases where there is no immediate family or beneficiary, the Barangay concerned is hereby authorized to apply in behalf of the beneficiary process and claim the financial assistance given under the ordinance.

SECTION 9 - Grant - The beneficiary whose application has been duly approved in accordance with the provisions of the ordinance can avail the Burial Financial Assistance Program in the amount of ONE THOUSAND FIVE HUNDRED PESOS (P1,500.00).

SECTION 10 - Exemption from payment in the rental of niches - the pauper as defined under the ordinance shall be exempted from payment in the rental of niches in the government owned cemetery as provided for in City Ordinance No. 210, Series of 1998.

SECTION 11 - Non-exclusivity of the grant - The grant received under the ordinance is without prejudice to other existing grants or aids as mandated by other laws or ordinances that the beneficiary may or have/had received.

ARTICLE V – BURIAL FINANCIAL ASSISTANCE PROGRAM FUND

SECTION 12 - BFAP Fund - the Local Government of Bacolod City is hereby mandated to set aside a fund to be taken from the General Fund of at least THREE HUNDRED THOUSAND PESOS (P300,000.00) annually for purposes of this ordinance which shall be replenished from time to time.

ARTICLE VI – MISCELLANEOUS PROVISIONS

SECTION 13 - Repealing Clause - All ordinances, rules and regulations which are inconsistent with any provision of this ordinance are hereby deemed repealed or modified accordingly.

SECTION 14 - Separability Clause - If, for any reason or reasons, any part or provision of this ordinance shall be held to be unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 15 - Effectivity Clause - This ordinance shall take effect immediately upon its approval.

CARRIED BY THE VOTE:

Affirmative:

Councilors: Greg G. Gasataya, Ana Marie V. Palermo, Lyndon P. Cafia, Jocelle Batapa-Sigue, Homer Q. Bas, Dindo C. Ramos, Jude Thaddeus A. Sayson, Napoleon A. Cordova, Elmer T. Sy, Al Victor A. Espino, Catalino T. Alisbo, Reynold I. Iledan, Arturo V. Parreño, Marx Louie S. de la Rosa.

Negative : None.

Author : Councilor Greg G. Gasataya.

Passed : January 26, 2005 (31st Regular/Special Session)

Comments : Passed.

[Handwritten Signature]

RENECITO S. NOVERO
Vice Mayor
Presiding Officer

ATTESTED: *[Handwritten Signature]*

ATTY. NILO T. ALEJANDRINO
Secretary to the Sanggunian

APPROVED: February 16, 2005

[Handwritten Signature]
EVELIO R. LEONARDIA
City Mayor

NTA/HPL/itm

