



Republika ng Pilipinas  
**Sangguniang Panlungsod ng Bacoled**  
**Lungsod ng Bacoled**

**CITY ORDINANCE NO. 392**

**July 13, 2005**

**AN ORDINANCE REGULATING THE ESTABLISHMENT AND OPERATION OF CREMATORIA IN THE CITY OF BACOLOD AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.**

**WHEREAS**, the City of Bacoled is mandated to implement the provisions of the Code on Sanitation of the Philippines (P.D. 856) particularly its Implementing Rules and Regulations found in Chapter XXI with regards to the Disposal of Dead Persons;

**WHEREAS**, such Implementing Rules and Regulations shall apply to all crematoria that will be established and operated within the jurisdiction of Bacoled City;

**WHEREAS**, Republic Act 7160, otherwise known as the Local Government Code of 1991, Section 458 (4) (IX) states that the Sangguniang Panlungsod as the legislative body of the city must regulate the establishment, operation and maintenance of funeral parlors and the burial or cremation of the dead, subject to existing laws, rules and regulations.

**NOW THEREFORE**, be it ordained by the Sangguniang Panlungsod of Bacoled that:

**TITLE**

**AN ORDINANCE REGULATING THE ESTABLISHMENT AND OPERATION OF CREMATORIA IN THE CITY OF BACOLOD AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.**

**Section 1** - This ordinance shall be known as the "Crematoria Regulation Ordinance of Bacoled City".

**Section 2 - Scope**

This ordinance shall regulate the establishment and operation of crematoria in the City of Bacoled as provided for in the Implementing Rules and Regulations, Chapter XXI of the Code on Sanitation of the Philippines (P.D. 856).

**Section 3 - Definition of Terms**

As defined in Chapter XXI of the Code on Sanitation of the Philippines (P.D. 856)

3.1 **Cremation** - a process that reduces human remains to bone fragments of fine sand or ashes through combustion and dehydration.

3.2 **Crematorium** - any designated place duly authorized by law to cremate dead persons.

- 3.3 **Death Certificate** - a document issued by the attending physician or in his absence, by the City Health Officer using the prescribed form certifying the death of a person.
- 3.4 **Local Health Officer** - City Health Officer
- 3.5 **Local Health Authority** - an official or employee responsible for the application of a prescribed health measure in a local political subdivision. In our case, the local health authority is the City Mayor.
- 3.6 **Sanitary Permit** - the permission or certification in writing of the City Health Officer or in his absence the chief or head of the sanitation division/section/unit that the establishment complies with the existing sanitation requirements upon evaluation or inspection conducted in accordance with Presidential Decree Nos. 522 and 856 and local ordinances.

#### **Section 4 - Environmental Compliance Certificate (ECC) Requirement**

No construction of crematorium of any kind shall take place without the necessary Environmental Compliance Certificate (ECC) recommendation from the Sangguniang Panlungsod and a duly issued ECC from the DENR pursuant to the existing laws and ordinances of the city.

#### **Section 5 - Zoning Clearance**

A Zoning Clearance Certificate must be secured from the City Planning Development Office (CPDO) to ensure that the proposed site should be in an industrial zone or within a memorial park. The said Zoning Clearance Certificate should be acquired prior to the issuance of the building permit.

#### **Section 6 - General Requirements (Section 8, Chapter XXI of P.D. 856)**

- 6.1 No crematorium shall be established without submitting a feasibility study reviewed, inspected and with the recommending approval of the Regional Sanitary Engineer.
- 6.2 No crematorium shall be operated without a sanitary permit issued by the City Health Officer. The sanitary permit shall be valid for one (1) year ending on the last day of December of each year and shall be renewed every first month of the year thereafter. The permit shall be posted in a conspicuous place in the crematorium and shall be available for inspection by authorized national and/or local health personnel.
- 6.3 All personnel who undertake the care, handling, transport, and disposal of the deceased by cremation must be a licensed undertaker. Undertakers must wear cover all, rubber gloves, face mask, and other appropriate personal protective equipment when working.



- 6.4 No person shall be employed in the crematorium without the minimum requirement of a health certificate issued by the City Health Office, and a professional license for all licensed-required positions.
- 6.5 Washing facilities with soap, detergents and germicidal solution shall at all times be available exclusively for the use of personnel working in the crematorium.
- 6.6 No person other than the personnel working in a crematorium shall be allowed to enter the cremation room.
- 6.7 Public and private cemeteries, funeral parlors, and hospitals shall be allowed to establish and operate crematoria subject to the prescribed requirements of these implementing rules and regulations.

#### **Section 7 - Building Permit**

No construction of crematorium of any kind shall take place without the requisite Building permit to be issued and duly signed by the Office of the Building Official only after the necessary requirements including the ECC/CNC have been met.

#### **Section 8 - Design and Construction (Section 8.2, Chapter XXI of P.D. 856)**

- 8.1 A crematorium must be designed and constructed with cremation room, waiting and/or viewing room, toilet facilities, washing facilities, processor (grinder) and a mortuary refrigerator/freezer. A mortuary refrigerator/freezer shall be provided for safe storage until final disposition and temporary holding peak activity or emergency situations.
- 8.2 The cremation room shall be separated by a transparent glass and concrete wall from the waiting and/or viewing room. It shall be provided with sufficient fire fighting equipment as approved by the local fire department.
- 8.3 The gas room/storage shall be constructed with concrete or impervious material and located below the ground five (5) meters away from the cremation and waiting/viewing rooms.
- 8.4 An inlet measuring 75 cm. By 75 cm. at the cremation room shall be provided if a single crematorium equipment is installed for proper combustion and cooling of the equipment. The inlet may be louvered and screened and shall be located near the rear of the unit.
- 8.5 The crematorium oven shall have a temperature of 800<sup>o</sup> C to 1200<sup>o</sup> C with a detention time of 5 to 6 hours.
- 8.6 The design of the smoke stack shall be in accordance with the standards of the Department of Environment and Natural Resources.

**Section 9 - Business, Sanitary and Fire Permits**

Upon completion of the construction, the obligatory City Business Permit, Sanitary Permit and Fire Permit must be acquired prior to its operation. Business Permit, Sanitary Permit and Fire Permit fees shall apply after the proper and thorough assessment of the crematorium has been made by the City License and Permits Department. The Business Permit, Sanitary Permit and Fire Permit shall then be issued by the City License and Permits Department, City Health Office and Bureau of Fire Management respectively.

**Section 10 - Cremation Requirement**

- 10.1 Death certificate duly issued by the attending physician or of any authorized person (refer to Section 6)
- 10.2 A cremation fee of Five Hundred Pesos (P500.00) must be paid to the City Treasurer's Office as cremation fee prior to the cremation process.
- 10.3 Cremation permit duly signed by the City Health Officer secured from the City Health Office of Bacolod City. No cremation permit shall be granted unless the aforementioned cremation fee has been paid.

**Section 11 - Disposal of Cremated Remains (Section 8.3, Chapter XXI of P.D. 856)**

- 11.1 Cremated remains must be reduced to the size of a fine sand or ashes and packed in a cremains container before they are turned-over to the relatives of the deceased. Cremains container must have a minimum capacity of 0.0049 cubic meter and made of polyethylene provided with liner bag (preformed 5 mil plastic) with locking tie and identification label.
- 11.2 Public and private cemeteries or private burial grounds shall be made as place for the disposal of cremated remains. However, where the relatives of the deceased so wished, the cremated remains shall be allowed to be brought home only in a cremains container. The disposal of which shall be in accordance with the provisions of Chapter XVIII - "Refuse Disposal" of the Code on Sanitation of the Philippines (P.D. 856) and its implementing rules and regulations.
- 11.3 Public and private cemeteries or other places shall be designated as special areas for the permanent repository of cremated remains either below the ground or above the ground niches. Such designated areas are those within the 25 meter zones measured from the property line.
- 11.4 Shipment of cremated remains to and from the Philippines shall require a transfer permit at the point of origin while shipment abroad shall be governed by the regulations of the National Quarantine Office.

**Section 12 - Penalties**

Any violation of the above guidelines, rules and regulations shall subject the owner/proprietor/operator of the crematorium a fine of not less than Five Thousand Pesos (P5,000.00) and the termination and/or cancellation of either the construction or operations of the crematorium and the revocation of its permit.

No private person and/or entities are allowed to perform cremation outside of a duly licensed crematorium. Cremation of animals are likewise prohibited without the authority coming from the Local City Government and only after complying with all the requisites herein setforth. Infraction of such provisions shall subject the violator to a fine of not less than Five Thousand Pesos (P5,000.00).

**Section 13 - Separability Clause**

Any provision declared illegal or unconstitutional by competent authority shall not in any way affect the other provisions not so declared and shall continue to be in full force and effect.

**Section 14 - Repealing Clause**

Any ordinance and administrative regulations or other parts thereof which are inconsistent with this ordinance are hereby repealed, amended or modified accordingly.

**Section 15 - Effectivity**

This ordinance shall be effective upon its publication in a newspaper of local circulation.

**CARRIED BY THE VOTE OF:**

Affirmative:

Councilors: Greg G. Gasataya, Lyndon P. Caña, Homer Q. Bais, 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.

Negative : None.

Absent : None.


Official Leave: Councilor Marx Louie S. de la Rosa.

Author : Councilor Catalino T. Alisbo.

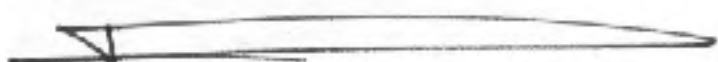
Passed : July 13, 2005 (55th Regular/Special Session).

Comments: P a s s e d .  
Councilors Ana Marie V. Palermo and Jocelle Batapa-Sigue were not yet around when this ordinance was passed.

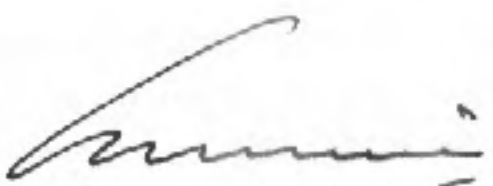


  
**RENEQUITO S. NOVERO**  
Vice Mayor  
Presiding Officer

ATTESTED:

  
**ATTY. NILO T. ALEJANDRINO**  
Secretary to the Sanggunian

APPROVED: August 8, 2005.

  
**EVELIO R. LEONARDIA**  
City Mayor

NTA/HPL/jemz

