Republika Ng Pilipinas
TANGGAPAN NG SANGGUNIANG PANLUNGSOD
Lungsod ng Bacolod

CITY ORDINANCE NO. 1103
September 16, 2025

AN ORDINANCE DECLARING SECTION 10 OF CITY ORDINANCE NO. 383, SERIES OF 1965, "AN ORDINANCE REGULATING THE ESTABLISHMENT, MAINTENANCE, AND OPERATION OF PRIVATE MEMORIAL PARK-TYPE OF CEMETERY OR BURIAL GROUND WITHIN THE JURISDICTION OF BACOLOD CITY, AND PROVIDING PENALTIES FOR VIOLATING THEREOF", AS INVALID AND UNENFORCEABLE FOR BEING UNCONSTITUTIONAL, AND FOR OTHER PURPOSES.

WHEREAS, Section 10 of City Ordinance No. 383, Series of 1965, requires all cemeteries within Bacolod City to allocate six percent (6%) of their total land area for the burial of paupers or for socialized purposes;

WHEREAS, the Supreme Court, in City Government of Quezon City v. Judge Ericta, as reiterated in subsequent cases such as DESAMA, et al. v. Gozun (G.R. No. 157882, August 10, 2006) and The Office of the Solicitor General v. Ayala Land Incorporated, et al. (G.R. No. 177056, February 17, 2009), has categorically declared that ordinances requiring private cemeteries to set aside a portion of their land for public use without just compensation constitute an invalid exercise of police power and amount to taking of private property without just compensation, in violation of the Constitution;

WHEREAS, it is necessary to align local legislation with prevailing jurisprudence and constitutional mandates;

NOW THEREFORE, BE IT ORDAINED, by the Sangguniang Panlungsod of Bacolod, in session assembled that:

Section 1. Section 10 of City Ordinance No. 383, Series of 1965, is hereby declared INVALID and UNENFORCEABLE for being unconstitutional, as it constitutes taking of private property without just compensation, in accordance with the rulings of the Supreme Court in City Government of Quezon City v. Judge Ericta, DESAMA, et al. v. Gozun, and The Office of the Solicitor General v. Ayala Land Incorporated, et al.

Section 2. Availment by Cemeteries Not Previously Utilized for Socialized of Pauper Burials – All cemeteries within Bacolod City that have not been utilized for socialized or pauper burials prior to the effectivity of this Ordinance shall not be required to allocate any portion of their land for such purpose by reason of Section 10 of City ordinance 383, Series of 1965 and may fully avail of the relief provided by this ordinance.

Section 3. All other provisions of City Ordinance No. 383, Series of 1965, not inconsistent herewith shall remain in full force and effect.

Section 4. Repealing Clause. All ordinances, rules, and regulations or parts thereof inconsistent with this Ordinance are hereby repealed or modified accordingly.

Section 5. Effectivity. This Ordinance shall take effect immediately upon its approval and publication in accordance with Section 59 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991.

CARRIED BY THE VOTE OF:

Affirmative:

Councilors : Caesar Z. Distrito, Israel P. Salanga, Em L. Ang, Celia Matea R. Flor, Roberto M. Rojas, Psyche Marie E. Sy, Homer Q. Bais, Al Victor A. Espino, Lady Gles Gonzales-Pallen, Danna Marie C. Barzo.

Official Travel : None.

Official Leave : Councilors Jude Thaddeus A. Sayson, Jason Isidro S. Villarosa and Dindo C. Ramos.

Author : Councilor Al Victor A. Espino.

Passed : September 16, 2025 (12th Regular Session of the 12th Council).

Comments : P a s s e d .
Councilor Wilson C. Gamboa, Jr. was not around when this Ordinance was passed.

CLAUDIO JESUS RAYMUNDO A. PUENTEVELLA
Vice Mayor
Presiding Officer

ATTESTED:

ATTY. VICENTE C. PETIERRE III
Secretary to the Sanggunian

APPROVED: SEP 2 9 2025

GREG G. GASATAYA
City Mayor

VCP/CGT/llt

SP LEGISLATIVE SERVICES SECTION
DATE: 9/30/25 TIME: 3:30PM