

MUNICIPAL ORDINANCE NO. 2020-13
Series of 2020

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AN ORDINANCE PROVIDING FOR THE CEMETERY CODE OF BONGABONG, ORIENTAL MINDORO, PRESCRIBING GUIDELINES FOR THE USE, OPERATION AND MAINTENANCE, INCLUDING THE COLLECTION OF FEES AND CHARGES, AND IMPOSING PENALTIES FOR VIOLATIONS THEREOF

BE IT ENACTED by the Sangguniang Bayan of Bongabong, Oriental Mindoro, in session duly assembled, that:

SECTION 1. Title.

This Ordinance shall also be known as the 2020 Public Cemetery Code of the Municipality of Bongabong, Oriental Mindoro and shall hereafter be called the Ordinance.

SECTION 2. Applicability.

This Ordinance shall govern the existing public cemetery located at Sitio Sampalokan, Barangay Malitbog but shall also apply to the expansion thereof and to other cemeteries that may be established later by the Municipal Government of Bongabong.

Section 3. Development and Improvement Plan.

Within three (3) months from the approval of this Ordinance, the Municipal Government of Bongabong, Oriental Mindoro, through the Office of the Municipal Engineer and the Municipal Planning and Development Coordinator, shall submit site development and improvement plan of the old public cemetery located at Sitio Sampalokan in Barangay Malitbog. In case the Municipality has acquired other lot for expansion or new public cemetery, the same offices shall, within the same period of time from such acquisition, prepare a site development plan and subdivide the newly acquired lot, including the road opening to and from the public cemetery. They shall develop a plan for the transfer of the remains of those buried along the passageways of the old cemetery to the apartment types, subject to payment of the fees and other regulatory measures herein prescribed.

SECTION 4. Provision of Mortuary.

The Municipal Government of Bongabong, Oriental Mindoro shall construct and maintain a mortuary for public use. It may also construct crematorium subject to compliance with pertinent requirements and to payment of fees to be prescribed by the Sangguniang Bayan.

SECTION 5. Record-Management.

The Local Economic and Public Utility Office shall keep and manage all records with reference to the application, acquisition and use of cemetery lot/s.

SECTION 6.

The cemetery lot shall be divided into three (3) areas:

A) Apartment Type– located at the borders, serving as perimeter fence of the cemetery and shall consist of up to four levels/decks and not to exceed three (3) meters height limitation.

b) Individual Lot– Per lot, with a minimum area requirement of 2.0 m. x 3.00 m. for above ground and 1.2 m x 2.44 m. for below the ground. Fencing or roofing is not allowed to be made.

c) Family Estate – Per lot, the measurement shall be 4.0 m. x 4.5 m. for four (4) pantheons. Second floor is not allowed.

Space/property lines between lots with a measurement of not less than, but not more than .8 m. shall exist at all times to avoid encroachment.

SECTION 7. Lot Lease Fee/Charge.

The following are fees and charges provided for under this Ordinance, to wit:

a. **Apartment Type-** A Lot Lease Fee for the first eight (8) years shall be as follows:

1. 1 st Layer	P35,000.00
2. 2 nd Layer	30,000.00
3. 3 rd Layer	25,000.00
4. 4 th Layer	20,000.00

The above amount includes provision for the cover and gravestone. It must be paid in full to the municipal treasurer before any cadaver is allowed to be buried.

After eight years, the lease may be renewed at a flat rate of P3,000.00 effective for the next five (5) years; in case of non-renewal, the remains shall be transferred to the columbarium or ossuary to be constructed. For this purpose, the Municipal Mayor is authorized to order the transfer of the remains.

b. **Individual Lot, either below ground or above ground-** A Lot Lease Fee per unit valid for the first eight (8) years shall be as follows:

Below Ground	P25,000.00
Above Ground	P40,000.00

After eight years, the lease may be renewed at P3,000.00 effective for the next five (5) years. In case of non-renewal, the remains shall be transferred to the columbarium or ossuary to be constructed. For this purpose, the Municipal Mayor is authorized to order the transfer of the remains.

- c. **Family Estate-** Excluding Burial Fees as provided for under existing Revenue Code of Bongabong, Oriental Mindoro, Family Estate can be acquired at P100,000.00. per lot for cash basis and P130,000.00 on installment basis payable as follows: P30,000.00 payment and the balance payable for a period of three (3) years.

A perpetual care/maintenance fee in the amount of P500.00 per annum shall be paid.

Contract of Lot Lease forms shall be provided for by the Local Enterprise and Public Utility Office.

The cost for the construction of tomb and other expenses for individual lot and family estate shall be at the expense of the relatives of the deceased but the construction may be undertaken only by carpenters/plumbers duly registered and accredited by the Office of the Municipal Mayor through the Local Economic Enterprise and Public Utility Office.

SECTION 8. Prohibited transactions.

All transactions made outside the Local Economic Enterprise and Public Utility Office and/or transactions with unauthorized person/s are hereby declared unlawful. Payment shall be made at the Municipal Treasurer's Office only.

Individual lots and family estates are not transferrable unless with prior approval of the Municipal Mayor.

SECTION 9: Design/specifications.

It shall be the policy of the Municipal Government of Bongabong, Oriental Mindoro, to implement specification/designs, to wit:

a. For Individual or Lot Only:

Tomb/Pantheon shall be constructed with the following prescribed measurement:

Inside Dimension:

Length..... 2.0 m.

Width..... 0.80 m

Height..... 0.80 m.
Base or foundationnot less than .2 m. deep

b). For Family Estate

One (1) Family Estate of Four (4) pantheons, following the same designs and specifications as provided for under Section 8 (a) of this Ordinance. Construction of mausoleum/catacomb may be allowed and shall comply with the uniform designs and specifications provided for by the Municipal Engineer.

c) Apartment Type:

Inside Dimension:

Length..... 2.0 m.
Width.....0.80 m.
Height..... 0.80 m.

SECTION 10. Clearing of passageways of old public cemetery.

Upon construction of apartment types and/or individual lots, those buried along passageways in the old cemetery shall be transferred to the new site and the passageways shall be cleared and developed. Burial therein shall not be allowed anymore.

SECTION 11. Accreditation of masons and carpenters.

The Municipal Government of Bongabong, Oriental Mindoro shall accredit qualified masons and carpenters who are bona fide residents of the municipality. Only the accredited individuals are allowed to construct pantheons and other structures stipulated herein, strictly complying all the specification and designs as provided for under this Ordinance. Failure on the part of the accredited carpenters and masons to comply with the specification and designs, their accreditation may be suspended or revoked. Applicants for accreditation shall first undergo seminars at the Office of the Municipal Engineer.

Except the apartment type, all expenses for the construction of tomb/pantheon and other structures stipulated in this Ordinance, including charges for the masons/carpenters shall be shouldered by the lot lessee.

SECTION 12. Cemetery Caretaker.

The LOCAL ECONOMIC ENTERPRISE AND PUBLIC UTILITY OFFICE shall be the caretaker of the cemetery, to perform the hereunder enumerated duties and functions

- 1). Monitor the construction of tomb/pantheon, making sure to report immediately to the Municipal Engineer any deviations on the specifications and designs as provided for under this Ordinance.
- 2). At all times, he/she shall maintain cleanliness and orderliness inside the public cemetery.
- 3). All applications and inquiries shall be immediately referred to the Office of the Local Economic Enterprise and Public Utility Office.
- 4). Perform such other duties and functions as may be prescribed by existing ordinances and ordinances that may hereinafter promulgated by the Sangguniang Bayan.

SECTION 14. Submission of Reports.

The Local Enterprise and Public Utility office shall submit to the Municipal Mayor a quarterly progress report, and shall include the following:

1. Lots acquired and lots reserved
2. Number of cadavers buried
3. Expenses and collections
4. Suggestions and comments from the public
5. Performance evaluation of the caretaker.
6. Other issues and concerns.

SECTION 15. Prohibited Construction/Destruction.

Prior to construction or destruction of any structure in the cemetery, a permit must be obtained from the Office of the Municipal Mayor upon the recommendation of the LEEPU Officer. Any construction/destruction in violation of this provision is prohibited.

SECTION 16. Prohibited acts.

The following acts are prohibited:

1. Vandalism
2. Littering
3. Urinating or defecating outside the authorized area
4. Gambling
5. Bringing or drinking any kind of liquors
6. Bringing in of deadly weapons except bolos and other tools used in the construction and maintenance of cemetery facilities
7. Playing of videoke and other noisy appliances
8. Shepherding or pasturing of domestic animals inside the premises

Unauthorized destruction and/or tampering whether permanent or temporary of any structure is strictly prohibited

SECTION 17. Penalties.

Concerned public officials and employees found violating or refuses to implement the provisions of this Municipal Ordinance or any parts hereof, and private individuals who violate the pertinent provisions hereof, shall suffer the following penalty, without prejudice to the filing of administrative complaint in the proper agency, to wit

First Offense..... Php 500.00

Second Offense.....Php 1,500.00

Third Offense.....Php 2,500.00 or imprisonment of six (6) months or both at the discretion of the court.

SECTION 18. Separability Clause.

If for any reason or reasons, any part or provision of this Ordinance is declared invalid, null and void, the other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 19. Repealing Clause.

Existing ordinance or regulations of the Municipality of Bongabong that are repugnant or inconsistent with the provisions of this ordinance are repealed, amended or modified accordingly.

SECTION 20. Effectivity.

This Ordinance shall take effect upon its approval and after due posting and publication.

Certified true:

REMUEL N. ISLER
Temporary Secretary to the Sanggunian

Attested by:

Hon. RICHARD S. CANDELARIO
Vice-Mayor/Presiding Officer

Approved:

Hon. ELEGIO A. MALALUAN, O.D.

Municipal Mayor

Date: _____