



Republic of the Philippines  
Province of Davao del Sur  
**MUNICIPALITY OF HAGONUY**

**OFFICE OF THE SANGGUNIANG BAYAN**

**17<sup>th</sup> LEGISLATIVE COUNCIL**

**MUNICIPAL ORDINANCE NO. 01**  
**Series of 2015**

**“AN ORDINANCE APPROVING THE MUNICIPAL PUBLIC CEMETERY CODE OF HAGONUY, DAVAO DEL SUR, PURSUANT TO THE PROVISION OF THE LOCAL GOVERNMENT CODE OF 1991 AND OTHER PERTINENT LAWS”.**

Be it enacted by the Sangguniang Bayan of Hagonoy, Davao del Sur, in session assembled, that:

**SECTION 1. Establishment, Administration and Operation.** The Municipality of Hagonoy, Davao del Sur pursuant to the existing laws and legal procedures, shall have the authority to establish, maintain and operate a public cemetery within its territorial jurisdiction. The Local Government Code has provided additional meaning and direction for local governmental entrepreneurial activities specifically along the operation of local public utilities and facilities. The Code declares that “the State shall guarantee and promote the autonomy of local government units to ensure their fullest development as self-reliant communities and make them more effective partners in the pursuit of national development and social progress”. This is in furtherance to the constitutional mandate which provide that “each local government unit shall have the power to create its own sources of revenue and to levy taxes” to ensure their viability and self-sufficiency.

**SECTION 2. Scope of Operation.** Within its jurisdiction, the Municipality of Hagonoy, Davao del Sur shall have the power to administer, operate, impose and collect reasonable public cemetery fees and other charges for occupancy and the use of other facilities such as the Mortuary Chapel in the cemetery. A cemetery is a place designated for burial of the dead and regarded as essential “green space” for the maintenance of a properly balanced environment.

**SECTION 3. Definition of Terms.** As used in this Code the following terms shall be interpreted as follows:

- a. Cadaver Niche or Cemetery Tomb – the concrete niches intended to accommodate cadavers inside coffins above ground internment. It shall be of three classifications: for adults, for children, and for infants and toddlers. Cadaver Niches maybe constructed along the perimeter lines of the cemetery which will serve as cemetery perimeter fence.
- b. Bone Niche – the small concrete niche to accommodate the bones from the cadaver niche.
- c. Perpetual Bone Niche – any of the constructed Bone Niche, where interested parties preserve the bone of their love ones in perpetuity after paying the necessary fee.
- d. Common Bone Depository - a place which shall serve as a common depository area for unclaimed exhumed skeletal remains.

- e. Caretaker – the personnel assigned at the Municipal Public Cemetery to take charge of the management thereat.
- f. Tomb Occupancy Permit – a permit granted after payment of a fee for the use of the cemetery tomb for a period of five (5) years without renewal and the family or authorized representative will be notified six (6) months in advance before the expiration of the Contract.
- g. Burial Permit – a permit issued by the Municipal Mayor’s Office after a Death Certificate has been issued by the Office of the Local Civil Registrar.
- h. Resident – a person who is actually residing in the Municipality of Hagonoy, Davao del Sur, having a house or has rented for at least six(6) months before his death as certified by the Punong Barangay.
- i. Non-resident – a person who is not qualified in letter “h” of this provision.
- j. Age classifications - Infant and toddler aged 0-3 years old; Children aged 4-14 years old; Adults aged 15 years old and above.

**SECTION 4. Officers of the Municipal Public Cemetery.** The Officers of the Municipal Public Cemetery are as follows:

- a) **Cemetery Supervisor.** He shall have supervisory authority over all personnel who are involved in the operation of the cemetery. He is empowered to enforce the rules and regulations of the cemetery. The supervisor is under the direct control and supervision of the Manager of the Economic Enterprises.
- b) **Cemetery Collector.** He shall have the authority to collect or receive payments for fees and other charges under the supervision of the Municipal Treasurer.
- c) **Municipal Public Cemetery Committee.** The Municipal Public Cemetery Committee is hereby created to be composed of the following:

Chairman : Municipal Mayor

Vice-Chairman: Local Economic Enterprises Manager/Municipal Treasurer

Members:

1. Cemetery Supervisor
2. SB Committee Chairman on Local Economic Enterprise
3. Municipal Planning & Development Coordinator
4. Municipal Health Officer/Sanitary Inspector
5. Municipal Environmental and Natural Resources Officer
6. Municipal Engineer

**SECTION 5. Functions of the Municipal Public Cemetery Committee.** The Municipal Public Cemetery Committee has the following functions:

1. To conduct periodic evaluation of the facility to determine the sanitation, orderliness and other relative issues on the cemetery management;

2. To recommend to the Sangguniang Bayan such measures or actions as maybe necessary in the resolution of problems, issues, concerns or measures in connection with the management of the cemetery;
3. The Committee is responsible to come up an approved design for the fiscal management of the cemetery operations.
4. The Municipal Public Cemetery Committee shall conduct a regular meeting once a month or as often as necessary;

**FISCAL MANAGEMENT**

**SECTION 6.** All rental charges or fees as set within this Code shall increase automatically by ten percent (10%) every five (5) years.

**SECTION 7.** The financial management which includes revenue collection, expenditures/disbursements and control shall be governed by the Existing Government Accounting and Auditing Rules and Regulation.

**SECTION 8.** All collection of fees and charges from the operation, management and administration of the Municipal Public Cemetery shall constitute a separate special account under General Fund.

**SECTION 9. Burial Permit Fees and Other Fees.** The burial permit fees and other fees enumerated herein shall be paid at the Municipal Treasurer’s Office through the Municipal Civil Registrar’s Office as follows.

TYPES OF PAYMENT	FEES
<b>Burial Fees:</b>	
Cadaver Niches Permit Fee	100.00
Transfer of Cadaver /Skeletal Remains Permit Fee	200.00
Exhumation for medico legal purposes	800.00
Exhumation for transfer	400.00

**SECTION 10. Exemption.** All indigents duly certified by the Punong Barangay or in the case of indigent indigenous peoples (IPs) shall be certified by the Barangay Tribal Chieftain and the Municipal Social Welfare Officer shall be exempted from paying the burial fees and can avail the use of Mortuary Chapel which is limited to five (5) days wake.

**SECTION 11. Occupancy Fee.** An Occupancy Fee of the following shall be imposed to the use of the cadaver and bone niches:

- Php 3,500.00 Occupancy Fee - for adult cadavers
- Php 2,000.00 Occupancy Fee - for children cadavers aged 4 – 14 yrs old
- Php 1,000.00 Occupancy Fee - for infant ad toddler cadavers aged 0- 3 yrs old
- Php 3,000.00 Occupancy Fee - for Perpetual Bone Niche

*For Non-resident of Hagonoy, Davao del Sur:*

Php 10,000.00 Occupancy Fee - for adult cadavers

Php 5,000.00 Occupancy Fee - for Infant to toddler cadavers

**SECTION 12. Limitation.**

- a. A couple, husband cadaver and wife bone remains or vice versa is allowed in one cadaver niche.
- b. Up to three(3) bone remains may be arranged in one bone niche.

**SECTION 13. Mode of Collection.**

- 1) All fees and charges in the operation of the Municipal Public Cemetery shall be accompanied by Official Receipt issued by the authorized Revenue Collectors.
- 2) All collections made shall be liquidated daily by the authorized Revenue Collectors and shall be deposited immediately at the government official depository bank.

**SECTION 14.** All disbursement vouchers shall be signed by the Municipal Mayor, then by the Municipal Budget Officer on its appropriation, the Municipal Accountant for obligation and proper recording, and the Municipal Treasurer on the availability of funds.

**SECTION 15. Audit and Inventory.** There shall be quarterly audit and inventory of the cemetery operations.

**SECTION 16. Requirements of the Burial.** Burial using cadaver niche shall be covered with a Cemetery Lease Contract by immediate family or any authorized representative without which no burial shall be allowed. After the execution of the Contract, comply with the payment of the fees and other charges. A Certificate of Death issued by the attending physician or Municipal Health Officer, or if no medical officer is available, by the Municipal Mayor, Municipal Secretary, or any member of the Sangguniang Bayan shall be required for burial purposes.

**SECTION 17. Common Bone Depository.** Bones deposited therein shall remain perpetually and shall not be brought outside unless otherwise authorized by the Municipal Mayor through the Municipal Health Officer.

**SECTION 18. Area for Unclaimed/Unknown Corpse.** Designate area for unclaimed/ unknown corpse and only code will be engraved in the niche. Area for unclaimed/unknown corpse will not be publicized to avoid abuse of its usage.

**SECTION 19. Automatic Transfer of Bones After Five (5) Years From Interment.** All buried cadavers shall automatically be transferred to Bone Niches after five (5) years upon payment of the required fees. In cases when the body is still intact or not fully decomposed as duly certified by the Municipal Health Officer or his duly authorized representative, an extension for another five (5) years may be allowed upon payment of the fifty percent (50%) of the Occupancy Fee and the full payment of Exhumation Fee.

**SECTION 20. Abandonment of Perpetual Bone Niche Due to Transfer of Bone Remains.** The party or any authorized representative shall execute a waiver of assignment to other person within six (6) months otherwise it will be taken over by the Municipality.

**SECTION 21. Health and Sanitation.** For purposes of health and sanitation, the Municipal Public Cemetery shall undergo disinfection process which shall be conducted by the Municipal Health Officer or his authorized representative. The Municipal Health Officer has the sole authority to approve exhumation of cadavers and/or skeletal remains and all concerned must adhere to the provision of the Code on Sanitation of the Philippines regarding disposal of cadavers. Except in cases allowed under existing laws and regulations, no corpse shall be buried or interred, permanently or temporarily in places other than in property designated cemeteries or burial grounds.

**SECTION 22. Administrative Provisions.**

1. To provide better services and income, the Municipality may construct or may engage in a joint venture with other agencies/entities on the development and management of the public cemetery subject to an authority from the Sangguniang Bayan and an enactment of an ordinance appertaining thereto.
2. Any construction of whatever kind and nature in the Municipal Public Cemetery, whether for temporary or perpetual use, shall only be allowed after the approval of a permit issued by the Municipal Mayor upon the recommendation of the Municipal Building Official.
3. No person shall exhume and transfer any cadaver and skeletal remains to any place outside of the cemetery without presenting to the caretaker a permit secured from the Municipal Health Office. Likewise, no person shall desecrate by way of tampering, destroying, excavating tombs, coffins, skeletal remains and the like for whatever purpose.
4. All resident Senior Citizens of Hagonoy, Davao del Sur can avail 20% discount of the cadaver niche only.
5. Gambling, drinking of alcoholic beverages, smoking, disco and loud music/sounds are not allowed inside the premises of the Municipal Public Cemetery.
6. No stray animals shall be allowed in the Municipal Public Cemetery premises. The Cemetery Supervisor or his duly authorized representative is hereby empowered to catch such stray animals and impound them/turn-over to the barangay authorities.
7. Any government official/s or employee/s or cemetery personnel found having involved in any illegal transactions or irregularities in the operation of the municipal public cemetery shall be penalized and dealt with accordingly.

1<sup>st</sup> offense– an amount involved in the illegal transactions plus 30 days suspension without pay;

2<sup>nd</sup> offense – an amount involved in the illegal transactions plus termination of work or imprisonment of not more than six(6) months, or both, at the discretion of the court.

**PENAL PROVISIONS**

**SECTION 23. Penalty for Prohibited Acts.** Any person or persons violating, or causing, inducing or abetting the violation of any prohibitory provisions of this Code and other applicable laws, ordinances and rules, shall upon conviction of the Court suffer the imprisonment of not more than six (6) months or a fine ranging from One Thousand (Php1,000.00) Pesos but not more than Five Thousand (Php 5,000.00) Pesos.

**TRANSITORY PROVISIONS**

**SECTION 24. APPLICABILITY CLAUSE.** Any resolution, rules, regulations, ordinances or laws consistent with this Ordinance/Code shall continue to be in full force and effect.

**SECTION 25. SEPARABILITY CLAUSE.** If for any reasons, part or provisions of this Code which shall be held to be unconstitutional or invalid, others parts or provision hereof which are not affected shall continue to be in full force and effect.

**SECTION 26. REPEALING CLAUSE.** All existing ordinances relative or covering the herein Municipal Public Cemetery Code prior to the enactment of same and other resolutions, and rules, regulations or parts thereof, inconsistent herewith are hereby repealed or modified accordingly.

**SECTION 27. EFFECTIVITY CLAUSE.** This Code shall take effect after meeting all requirements set forth by law.

**APPROVED.** February 23, 2015.

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CERTIFIED CORRECT:

**(Sgd.) ERICSON S. REZANE**  
Secretary to the Sanggunian