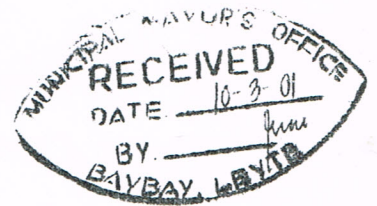


Republic of the Philippines
Province of Leyte
Municipality of Baybay
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Office of the Sangguniang Bayan

NOTES OF THE 31ST REGULAR SESSION OF THE SANGGUNIANG PAMBAYAN OF
BAYBAY, LEYTE HELD IN THE SESSION HALL ON SEPTEMBER 11, 2001.

PRESENT:

| | |
|-----------------------------------|---|
| HON. FLORANTE M. CAYUNDA..... | Municipal Vice Mayor & Presiding Officer |
| HON. DEOGRACIAS E. PERNITEZ..... | Sangguniang Bayan Member |
| HON. JOSE C. GO..... | -do- |
| HON. MANUEL A. CHAN..... | -do- |
| HON. EDUARDO S. GUINOCOR, JR..... | -do- |
| HON. EDGARDO R. OMPOY..... | -do- |
| HON. REX A. RETANA..... | -do- |
| HON. JUANITO B. MODINA..... | -do- |
| HON. VIRGINIA L. DUMAGUING..... | -do- |
| HON. DONALD P. PERNITEZ..... | -do- |

ABSENT:

HON. VICENTE G. VELOSO..... SB Member, OB, Cebu

MUNICIPAL ORDINANCE NO. 003 S. 2001

AN ORDINANCE REGULATING THE USE OF BAYBAY PUBLIC CEMETERY AT BARANGAY HIPUSNGO, BAYBAY, LEYTE IMPLEMENTING ITS DEVELOPMENT PLAN AND FIXING THE RENTAL OR LEASE FOR ITS USE.

SPONSORED & INTRO. BY : HON. M. A. CHAN & E. R. OMPOY

Be it ordained by the Sangguniang Bayan of the Municipality of Baybay, Province of Leyte, in session assembled, that:

SECTION 1. TITLE - This ordinance should be known as "An Ordinance regulating the use of Baybay Public Cemetery at Barangay Hipusngo, Baybay, Leyte implementing its development plan and fixing the rental or lease for its use".

SECTION 2. The Development Plan made by the Municipal Engineer duly approved by the MPDC is hereby adopted provided that special areas will be reserved for INDIGENT PERSONS or Unknown dead persons which will be free of any rental charges, provided however, that no concrete construction will be allowed in the particular area.

SECTION 3. Maintenance, development, sanitation and orderliness in the cemetery will be in accordance with the Sanitary Code of the Philippines. As approved by our Rural Health Officer.

SECTION 4. Employment of a Municipal Cemetery Caretaker - To ensure the proper implementation of this ordinance, a municipal cemetery caretaker shall be appointed by the Mayor and who shall be under the direct supervision of the Municipal Health Officer and the Municipal Engineer. He will take charge of maintaining the cleanliness and orderliness of the public cemetery and maintain a journal or list of person buried and name of contract persons.

SECTION 5. There shall be no reservation in the allocation of lots. A lot shall be utilized when the need arises or when one is to be buried.

SECTION 6. Classification of the areas leased:

SECTION 15. EFFECTIVITY - This ordinance shall take effect upon its approval and after publication.

Enacted September 11, 2001

RESOLVED, FURTHER, to let certified copies of this ordinance be furnished to the Sangguniang Panlalawigan of Leyte, Tacloban City, and all other offices concerned for their information and guidance.

I HEREBY CERTIFY to the correctness of the foregoing ordinance which was duly adopted by the Sangguniang Bayan during its regular session held on September 11, 2001.

ATTESTED AND CERTIFIED TO BE
DULY ADOPTED

FLORANTE M. CAYUNDA
Municipal Vice Mayor &
Presiding Officer

AMELITO V. BORNEO
MG Department Head

APPROVED BY HIS HONOR:

JOSE CARLOS L. CARL
Municipal Mayor

- a. Those who have constructed mausoleum like with Roofing.
- b. Niches or pantheon with perimeter fences.
- c. Double deck pantheon
- d. Single pantheon

SECTION 7. Fixing rental based on leased contract for every 5 years renewal at the will of the parties.

- a. Classified as Area "A" P800 per sq.m.
- b. Classified as Area "B" P500 per sq.m.
- c. Classified at Area "C" P400 per sq.m.
- d. Classified at Area "D" P300 per sq.m.

SECTION 8. Measurement of the actual area occupied or applied for will be measured by the Mun. Engineer or his representative to determine the amount of lease, per sq. meter.

SECTION 9. Burial Procedure.

- a. Presentation of Death Certificate or Clearance issued by the Rural Health Officer or representative.
- b. Payment of Burial fee in the amount of P50.00 to the Municipal Treasurer.
- c. Payment for the rental or lease on the construction of Niches per area applied to the Municipal Treasurer and notify actual area to the cemetery caretaker.
- d. Actual area or location of the Niche duly recorded at the Municipal Treasurers Office.

SECTION 10. In the event of non-renewal of contract. In case of failure to renew the contract, within a allowable time of 3 months from expiration date, a 20% penalty will be imposed. After due notice is sent to the contract persons and after the lapsed of 3 years, the leasor have the right to destroy the existing construction or can lease it to another person, with or without destroying the structure.

SECTION 11. A) Notices will be sent to the contact person or immediate relatives of existing pantheon or niches and appraisal on their respective rentals or leases based on actual area occupied. Failure to pay or renew their lease contract, the LGU thru the Municipal Treasurer may imposed the provisions on SECTION 10 of this ordinance.

B) All existing pantheon or niches will be appraised and rental will take effect upon the approval of the ordinance.

SECTION 12. - PENALTY CLAUSE - Any person violating this ordinance shall, upon conviction, be fined in the amount of P1,000.00 or imprisonment of not more than 15 days or both, depending upon the discretion of the Court.

SECTION 13. REPEALING CLAUSE - This ordinance repeals Municipal Ordinalce Nol. 21 enacted last April 21, 1961 and all preceding ordinances regulating the use of Baybay Public Cemetery at Brgy. Hipusngo, Baybay, Leyte.

SECTION 14. SEPERABILITY CLAUSE - If any or more provisions of this ordinance shall be declared invalid, illegal or unenforceable in any respect, the validity, legality and enforceability of the remaining provisions contained therein shall not in any way affect or impair the whole provisions of this ordinance.