



Republic of the Philippines
PROVINCE OF PANGASINAN
MUNICIPALITY OF BAYAMBANG
OFFICE OF THE SANGGUNIANG BAYAN

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1st INDORSEMENT

1 June 2023

SP SECRETARIAT OFFICE

Lingayen, Pangasinan

RECEIVED

By: *[Signature]* *[Signature]*
Date & Time: JUN 01 2023

Respectfully forwarded to this Honorable August Body, the Sangguniang Panlalawigan, Province of Pangasinan, Provincial Capitol Compound, Lingayen, Pangasinan, thru Honorable Sanggunian Secretary, Atty. Verna T. Nava-Perez, the hereto attached Municipal Ordinance No. 04, Series of 2023, entitled: "AN ORDINANCE PRESCRIBING GUIDELINES, FEES AND CHARGES FOR AVAILING OF THE NEWLY CONSTRUCTED APARTMENT TYPE BONE OSSUARY AT THE MUNICIPAL PUBLIC CEMETERY AND FOR OTHER PURPOSES" for their information and appropriate action.

[Signature]
JOEL V. CAMACHO
Secretary to the Sanggunian



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CERTIFICATE OF POSTING

SP SECRETARIAT OFFICE
Lingayen, Pangasinan
RECEIVED

By: *[Signature]* *[Signature]*
Date & Time: JUN 01 / 2023

Pursuant to Section 59 (b) of RA 7160, I hereby certify that Municipal Ordinance No. 04, Series of 2023, entitled: “AN ORDINANCE PRESCRIBING GUIDELINES, FEES AND CHARGES FOR AVAILING OF THE NEWLY CONSTRUCTED APARTMENT TYPE BONE OSSUARY AT THE MUNICIPAL PUBLIC CEMETERY AND FOR OTHER PURPOSES” have been posted in conspicuous places in the Municipality of Bayambang, Pangasinan.

Issued this 1st day of June 2023, at Bayambang, Pangasinan.

JOEL V. CAMACHO
Secretary



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SP SECRETARIAT OFFICE

Lingayen, Pangasinan

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By: *[Signature]* *[Signature]*

Date & Time: JUN 01 / 2023

CERTIFICATION

This is to certify that a public hearing was conducted by the joint SB Committee on Rules, Laws and Ordinances, Ways and Means and Health and Sanitation last November 11, 2022 at the Balon Bayambang Events Center, Bayambang, Pangasinan with regard to the proposed Municipal Ordinance, entitled: **“AN ORDINANCE PRESCRIBING GUIDELINES, FEES AND CHARGES FOR AVAILING OF THE NEWLY CONSTRUCTED APARTMENT TYPE BONE OSSUARY AT THE MUNICIPAL PUBLIC CEMETERY AND FOR OTHER PURPOSES”**

Issued this 1st day of June, 2023.

Certified correct:

[Signature]
JOEL V. CAMACHO
Secretary to the Sanggunian



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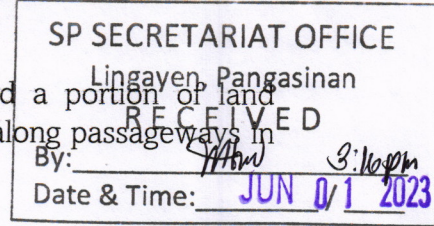
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MUNICIPAL ORDINANCE NO. 04,
SERIES OF 2023

"AN ORDINANCE PRESCRIBING GUIDELINES, FEES AND CHARGES FOR AVAILING OF THE NEWLY CONSTRUCTED APARTMENT TYPE BONE OSSUARY AT THE MUNICIPAL PUBLIC CEMETERY AND FOR OTHER PURPOSES"

WHEREAS, the Municipal Government of Bayambang has acquired a portion of land primarily intended for the transfer of skeletal remains of those buried along passageways in the municipal public cemetery;



WHEREAS, in order to address the clearing of tombs along passageways, the municipal government constructed apartment type bone niches ossuary to decongest the old cemetery and make it within reach of indigent residents;

WHEREAS, Section 17 (a) of Republic Act 7160 otherwise known as the Local Government Code of 1991 states that the Municipal Government shall exercise such other powers and discharge such other functions and responsibilities as are necessary, appropriate, or incidental to efficient and effective provisions of the basic services and facilities such as public cemeteries;

WHEREAS, Section 129 of the aforementioned Code allows the Local Government Units to create its own sources of revenue and to levy taxes, fees, and charges;

WHEREAS, it is the goal of the Municipal Government that the said public ossuary be managed properly in order to provide quality services to constituents;

NOW THEREFORE, on motion of SB Member Amory M. Junio, duly seconded;

*BE IT ENACTED, by the Sangguniang Bayan of Bayambang
in session assembled that:*

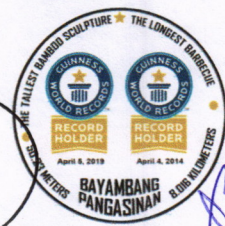
SECTION 1. Short Title. This Ordinance shall be known as the "**BAYAMBANG "BONERY" ORDINANCE**"

SECTION 2. Establishment, Administration and Operation. The Municipality of Bayambang pursuant to the existing laws and legal procedures, shall have the authority to establish, maintain and operate a municipal public ossuary 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.



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SECTION 3. Scope of Operation. Within its jurisdiction, the Municipality of Bayambang shall have the power to administer, operate, impose and collect reasonable municipal public ossuary fees and other charges for occupancy.

SECTION 4. Definition of Terms. As used in this Code the following terms shall be interpreted as follows:

- (a) **Bone Niche** – the small concrete niche to accommodate the bones from the cadaver niche.
- (b) **Indigent** – shall mean the deceased resident of the municipality whose family or relative cannot avail the normal rate for the “bonery” services under this Ordinance.
- (c) **Common Bone Depository** - a place which shall serve as a common depository area for unclaimed exhumed skeletal remains.
- (d) **Caretaker** – the personnel assigned at the Municipal Public Ossuary to take charge of the management thereat under the direct supervision of the Head of the Local Economic Enterprise Office.
- (e) **Niche (bonery) 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 five (5) days in advance before the expiration of the lease contract.
- (f) **Ossuary** – chambers for storing human bones – are commonly described as places founded to house skeletal remains when cemeteries were overcrowded and burial space was scarce. Often referred to in layman’s term as “bonery”;
- (g) **Resident** – a person who is actually residing in the Municipality of Bayambang, for at least one (1) year before his/her death as certified by the Punong Barangay.
- (h) **Non-resident** – a person who is not qualified in letter “g” of this provision.
- (i) **Age classifications** - Infant and toddler aged 0-3 years old; Children aged 4-14 years old; Adults aged 15 years old and above.

SECTION 5. 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 6. All collection of fees and charges from the operation, management and administration of the Municipal Public Ossuary shall constitute a separate special account under Local Economic Enterprises.

SECTION 7. Mode of Collection.

- (a) All collections made shall be liquidated daily by the authorized revenue collectors and shall be deposited immediately at the government official depository bank.

SECTION 8. Audit and Inventory. There shall be quarterly audit and inventory of the municipal public ossuary operations by the Internal Audit Office.



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SECTION 9. Ossuary Transfer Fees and Charges. The permit fees and charges enumerated herein shall be paid at the Municipal Treasurer's Office accompanied by an official receipt.

TYPES OF PAYMENT	FEES
Removal of tombs and Transfer of Skeletal Remains Permit Fee	1,000.00
Occupancy Fee: An Occupancy Fee of the following shall be imposed to the use of the bone niches	
For adult bone niche	3,500.00
For children bone niche aged 4 -14 years old	2,000.00
For infant and toddler bone niche aged 0- 3 yrs old	1,000.00
For Non-resident of Bayambang:	
For adult bone niche	10,000.00
For Infant to toddler bone niche	5,000.00
Renewal Fee (every after 5 years)	1,000.00

SECTION 10. Requirements of the Bone Transfer. Requirements must be submitted before the transfer of bone remains at the ossuary:

- Fully accomplished and sign application form at the Local Economic Enterprise Office (to be accomplish by a relative or authorized representative of the family of the deceased);
- Registered death certificate of the deceased to be transferred or, if there is none, a certification from his/her immediate family;
- Certificate of Indigency from MSWDO if the deceased is indigent;
- The lease period shall be five (5) years and may be renewed every five (5) years thereafter. In case a lessee intends to renew the lease after its termination, he must inform the Head of the Local Economic Enterprise Office within five (5) days before the expiry date of the lease, and shall pay the corresponding fees therefor. In case of failure to renew the contract, within 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 5 years;

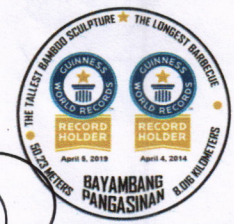
SECTION 11. Indigent/Underprivileged. An indigent/underprivileged resident is one who falls within the clientele of the Municipal Social Welfare Development Department and submitting a certification to that effect. An indigent/underprivileged resident of the municipality belonging to the poorest of the poor who cannot raise the amount needed to avail of the ossuary services may avail of certain concessions upon the discretion of the Municipal Mayor after a definite finding and confirmation of the financial incapacity of the former. Deceased senior citizens residing in Bayambang can avail of the 20% discount for the availment of the municipal public ossuary.

SECTION 12. Residency. Only deceased bonafide residents of the Municipality of Bayambang may avail of the special privileges accorded to residents by this Ordinance. For this purpose, a resident is one who has been residing for at least one (1) year within the territorial jurisdiction of this municipality upon showing of sufficient proof. Provided, however, in cases of a married couple one of whom is not a resident of Bayambang but wanted to avail ossuary, provided by this Ordinance, the LGU Bayambang, for humanitarian reason, shall extend to such non-resident spouse the same availment accorded to a resident of the Municipality of Bayambang.



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SECTION 13. Proof of Residency.

- (a) Upon presentation of the following pieces of documentary evidence to serve as proof of the residency of the deceased as a resident of the Municipality.
- i. a duly signed Certificate of Residency of the deceased, expressly indicating therein the period of time that the said deceased has been a resident, to be secured from the Punong Barangay concerned; and
 - ii. valid government issued identification card (ID) in case of an adult constituent or other documents showing proof of residency of the deceased.
- (b) In addition to the requirements to prove the residency of the deceased in the Municipality, the Municipal Social Welfare Development Office shall conduct an ocular inspection and issue a report therefore to verify such fact.

SECTION 14. Falsification Committed by any Public Officials, private individual and Employee of the Municipal Government of Bayambang. Any Public Officials, private individual and Employee of the Municipal Government of Bayambang who, with intent to violate any of the provisions of this Ordinance, committed falsification or resort to misrepresentation or deceit to obtain a Certification of Indigency and Residency or cause to be issued such Certification in favor of a deceased shall be dealt with accordingly pursuant to, and in accordance with, the pertinent provisions of the Revised Penal Code of the Philippines and Republic Act No. 3019 otherwise known as the "Anti-Graft and Corrupt Practices Act", and other related laws without prejudice to other penalties and/or disciplinary actions the Municipal Government of Bayambang may impose. Any private individual who connives with the malefactor shall be considered as public employee for purposes of this provision.

SECTION 15. Limitation.

- (a) Up to three (3) bone remains shall be interred in one bone niche.

SECTION 16. Health and Sanitation. For purposes of health and sanitation, the Municipal Ossuary 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 skeletal remains and all concerned must adhere to the provision of the Code on Sanitation of the Philippines.

SECTION 17. Clearing of Passageways of Old Public Cemetery. Those buried along passageways in the old cemetery shall be transferred to the municipal public ossuary and the passageways shall be cleared of. Burial therein is strictly prohibited. In case the family member of the dead does not initiate the transfer of the skeletal remains, the LGU Bayambang will automatically cause for the transfer to common bone depository after due notice to the families concerned. In the event that no family members can be found, posting of notice in the official website of LGU and at the entrance of the old public cemetery shall be done before the transfer.

SECTION 18. Unclaimed, Abandoned, Unidentified Remains and Unrenewed Lease Contract. Remains of persons that are unclaimed, abandoned, or unidentified, and unrenewed lease contract may be disposed of by the LGU-Bayambang and shall subsequently deposited into a mass grave intended for such purpose which shall serve as common bone depository with a memorial wall on which the names of the dead buried therein are written in a manner it deems fit subject to existing statutes, Ordinances, policies, rules regulations and/or guidelines being enforced and implemented



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SECTION 19. Unlawful Acts. It shall be unlawful to any individual or group of persons or juridical persons to:

1. To exhume and transfer any skeletal remains to any place outside of the ossuary 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.
2. Gambling, drinking of alcoholic beverages, smoking, use of videoke/karaoke or loud sound devices are not allowed inside the premises of the ossuary.
3. No stray animals shall be allowed in the ossuary premises. The ossuary caretaker or his duly authorized representative is hereby empowered to catch such stray animals and impound them/turn-over to the barangay authorities.
4. Visiting hours are from sunrise to sundown, except on special occasions and upon special arrangements.
5. The right to use vehicles in the municipal public ossuary authorized solely and exclusively for the purpose of transporting skeletal remains only. No parking area shall be provided to mere visitors.
6. Bicycles, skates, and motorcycles, etc., shall not be used at the ossuary. Pets are not permitted, except when kept on a leash or in a vehicle.
7. No signs, notices or advertisement of any kind shall be allowed in the premises unless placed or authorized by the caretaker;
8. Loiter or gather in groups inside the ossuary without permission from cemetery caretaker;
9. Construct/erect tomb or mausoleum on any ossuary or raise the grave above the established grade (no cement or brick grave);
10. Construct fence, hedge, ditch, gravel or shrubs around the grave;
11. Deface any sign or make any changes or alterations, construct/erect tomb or mausoleum on any ossuary;
12. Engage in any recreational activity inside the ossuary premises;
13. Perform any kind of work anywhere at the ossuary without the written permission from the cemetery caretaker;
14. Peddling of any kind or soliciting the sale of any commodity is prohibited within the confines of the ossuary premises.

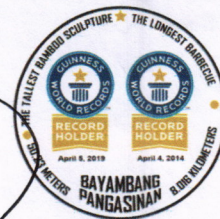
SECTION 20. Administrative Provisions. The following guidelines and policies shall be observed on the use and avilment of apartment type bone ossuary:

- a) Individuals who intend to avail of apartment type bone ossuary must be bonafide indigent residents and registered voters of the Municipality of Bayambang as certified by the Municipal Social Welfare and Development Office. Should the deceased be a minor, the parents or relative applying to avail the apartment-type bone ossuary must be a registered voter of the municipality;



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- b) Non-residents may be allowed to avail the apartment-type ossuary provided that the said unit is intended for the interment of their deceased family member/relative who are bonafide indigent residents of the Municipality of Bayambang, as certified by MSWDO;
- c) Indigent deceased buried along the passageways shall be given priority for the availment of the ossuary, but no reservation for ossuary is allowed; and
- d) The caretaker shall have the right to remove all objects whose appearance and condition warrant removal and/or violate the rules and regulations. The municipal public ossuary caretaker also will not be liable for any flower, candle or decoration removed or lost by any cause.

SECTION 21. Implementing Offices

The following municipal government offices with the corresponding functions enumerated herein shall be responsible for the effective implementation of this Ordinance:

- (a) **Local Economic Enterprise Office.** The Local Economic Enterprise Office shall be the administrator of the ossuary, to perform the hereunder-enumerated duties and functions;
- Accepting, evaluating and processing application for the availment of ossuary;
 - Explaining rules and regulations to applicants;
 - Preparing order of payment for any fees and charges, renewal fee and penalties;
 - Keeping records of applicants and grantees;
 - Preparing and sending notices to grantees,
 - Prepare and submit to the Municipal Mayor a list of the leases that are to expire five (5) days prior to the expiration date. The Head of the Local Economic Enterprise Office shall send a reminder to the lessee of the expiration of his lease, two (2) weeks prior to the expiration date of the lease; and
 - Submission of reports to the Local Chief Executive.
- (b) **Municipal Treasury Office**
- Accept payment for the availment of the ossuary.
- (c) **Municipal Engineer Office**
- Construction of any additional units of ossuaries.
 - Shall undertake to upgrade the facilities of the ossuary.

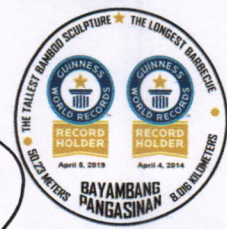
SECTION 22. PENALTY. Any person or persons violated the provisions enumerated in Section 19 of this Ordinance shall be penalized by a fine and imprisonment:

- Php500.00 for first offense;
- Php1,000.00 for second offense;
- Php2,000.00 for third offense; and
- Php2,500.00 for succeeding offenses and imprisonment for a period not exceeding six months, or both at the discretion of the court.



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SECTION 23. No Contest Provisions. Any person or individual who is apprehended or cited for violation and who does not wish to contest the violation and is willing to pay voluntarily the minimum fine imposed upon him/her prior to the filing of formal charges with the proper court shall allowed to pay said fine with the Municipal Treasurer to avoid being criminally prosecuted within six (6) hours from apprehension otherwise the case shall be prosecuted.

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 Ordinances, Resolutions, Executive Orders, Memorandum Circulars and Administrative Orders or parts thereof which are inconsistent with any provisions of this Ordinance are hereby repealed or modified accordingly.

SECTION 27. Effectivity. This Ordinance shall take effect upon approval and compliance with the posting and publication requirements

ENACTED this 8th day of May 2023.



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FEES AND CHARGES FOR AVAILING OF THE
NEWLY CONSTRUCTED APARTMENT TYPE
BONE OSSUARY AT THE MUNICIPAL PUBLIC
CEMETERY AND FOR OTHER PURPOSES"*

HON. MYLVIN T. JUNIO
Municipal Councilor

HON. PHILIP R. DUMALANTA
Municipal Councilor

HON. BENJAMIN FRANCISCO S. DE VERA
Municipal Councilor

HON. JOSE S. RAMOS
Municipal Councilor

HON. AMORY M. JUNIO
Municipal Councilor

HON. GERARDO DC. FLORES
Municipal Councilor

HON. MARTINE E. TERRADO II
Municipal Councilor

HON. LEVINSON NESSUS M. UY
Municipal Councilor

HON. RODELITO F. BAUTISTA
President, Liga ng mga Barangay
Ex-Officio Member

HON. GABRIEL TRISTAN P. FERNANDEZ
President, SK Federation
Ex-Officio Member

Certified correct:

JOEL V. CAMACHO
Secretary to the Sanggunian

ATTESTED:

HON. IAN CAMILLE C. SADRANGAN
Municipal Vice-Mayor &
Presiding Officer

APPROVED:

HON. MARY CLARE JUDITH PHYLLIS JOSE-QUIAMBAO
Municipal Mayor

