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BAYAN**



MONCADA, TARLAC

EXCERPT FROM THE MINUTES OF THE 44th REGULAR SESSION FOR CY 2024 OF THE 11th SANGGUNIANG BAYAN OF MONCADA, TARLAC HELD ON THE 26th DAY OF NOVEMBER 2024 AT THE SB SESSION HALL, SB-ABC-SK BUILDING.

PRESENT:

HON. JANIUS M. YASAY	..PRO-TEMPORE / FLOOR LEADER
HON. ALBERTO C. MARZAN, JR., MD	..MEMBER
HON. THELMAFLOR A. ESPEJO	..MEMBER
HON. CELESTE A. AYSON	..MEMBER
HON. GEORGE MICHAEL P. AGUILAR	..MEMBER
HON. CONSTANCE NESTOR A. FAVIS	..MEMBER
HON. DEAN MICHAEL V. DUQUE	..MEMBER
HON. BERNADINE C. FERRER	..LnB PRESIDENT
HON. JAYVEE B. NATIVIDAD	..MFSK PRESIDENT

ABSENT:

HON. RAMON BENITO M. AQUINO	..VICE MAYOR / PRESIDING OFFICER*
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**On Official Business*

**MUNICIPAL ORDINANCE NO.
2024-017**

**ORDINANCE ENACTING A REVISED CEMETERY CODE FOR THE
MUNICIPALITY OF MONCADA, TARLAC**

**Principal Sponsor: Coun. Thelmaflor A. Espejo
Committee on Finance, Ways and Means and Appropriations**

WHEREAS, Section 16 of the Local Government Code of 1991, otherwise known as Republic Act No. 7160, provides that every local government unit shall exercise the powers necessary to promote the general welfare, which includes providing adequate burial grounds for its constituents in accordance with public health standards;

WHEREAS, the Municipal Government of Moncada, Tarlac, recognizes the need to maintain and manage its municipal cemeteries efficiently to ensure the dignity and solemnity of the final resting places of its residents' departed loved ones;

WHEREAS, it is imperative to revise and update the existing policies and regulations governing the municipal cemeteries to keep up with the growing demand for burial spaces and to provide citizens with clear and uniform standards regarding burial arrangements, rights, and obligations;

WHEREAS, the Municipal Government seeks to declare Municipal Cemetery I, Municipal Cemetery II, and Municipal Cemetery III as Special Local Economic Enterprises to maximize their potential as self-sustaining projects that can generate revenue for their maintenance and future improvements;



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WHEREAS, the Municipal Government endeavors to implement a system of management and pricing that is fair, equitable, and reflective of the costs associated with the construction, maintenance, and provision of services in the cemeteries, pursuant to Section 129 (i.e. Power to Create Source of Revenue) of Republic Act 7160 or the Local Government Code;

WHEREAS, this Revised Cemetery Code is enacted to promote public health, protect the rights of buyers and their heirs, and ensure that the cemeteries remain well-maintained, dignified, and orderly;

NOW, THEREFORE, on motion by Coun. Thelmaflor A. Espejo, duly seconded;

BE IT ENACTED by the Sangguniang Bayan of Moncada, Tarlac, in session assembled, that:

SECTION 1. TITLE. This Ordinance shall be known as ***"The Revised Cemetery Code of Moncada 2024."***

SECTION 2. GENERAL POLICY. It shall be the policy of the local government unit of Moncada to provide its citizens with a decent burial ground for their departed in keeping with tradition under the most efficient system of management. The Municipal Cemetery I, Municipal Cemetery II and Municipal Cemetery III are hereby declared as Special Local Economic Enterprises of the Municipal Government of Moncada, Tarlac, with all the privileges, functions, and legal characters appurtenant thereto, pursuant to governing laws and ordinances.

SECTION 3. GENERAL PROVISIONS.

3.1 Rights and Obligations - That all rights and obligations relating to the care, use, transfer and sale of the tombs, otherwise known as units for purposes of this policy, are governed by the provisions of this policy.

3.2 Sale Price - To maximize the use of the lot, the units shall be built in a three series-level of tombs branching along the cemetery perimeter, for sale at varying prices as follows, to wit:

3.2.1 Apartment Type:

3.2.1.1 First or Ground Level – P 19,600.00

3.2.1.2 Second or Middle Level – P 22,400.00

3.2.1.3 Third or Top Level – P 21,000.00

3.2.2 Lawn Type – P 53,200.00/unit (2 vaults appropriate for 2 fresh bodies)

3.2.3 Mausoleum

(a) Details: 20 square meters (4x5 sqm) Lot Only = P 514,080.00

(b) The structural design for mausoleums shall be uniform, particularly the color paint and roofing, to be presented to the Office of the Municipal Engineer for approval.

3.2.4 Gravestones shall be uniform in design and shall be charged as follows:



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- (a) Lawn Type = P 2,950.00
- (b) Apartment Type – P 1,450.00
- (c) Additional name – P 550.00 per name

3.3 Terms and Conditions - That the units may be paid in cash or on installment basis under the following terms and conditions:

3.3.1 If paid in cash, the buyer is entitled to a discount of ten percent (10%) of the purchase price;

3.3.2 If a down payment of fifty percent (50%) of the purchase price is made and the buyer agrees to pay the balance in six (6) equal monthly installments from the date of purchase, the buyer is entitled to five percent (5%) discount of the purchase price.

3.3.3 If the buyer elects to pay on installment basis, a downpayment of ten (10%) of the purchase price is required. The balance shall be payable in twenty-four (24) equal monthly installments, with corresponding post-dated checks to be issued by the buyer. Any installment due and unpaid shall likewise bear an interest rate of three percent (3%) per month and ten percent (10%) on the outstanding balance.

3.3.4 The buyer must settle the full amount of the unit before its use for any interment activities.

3.4 Labor Cost and Maintenance - That the above-mentioned prices are inclusive of labor cost of interment only when unit is used for the first time. The Local Government Unit shall likewise provide the gravestone marker at cost charged to the buyer and any additional name to be engraved on the tombstone shall be subject to additional charge pursuant to Section 3.2.4 of this Code. That the buyer, his heirs or assigns shall pay a monthly maintenance fee of P50.00 for Apartment Type and P 100.00 for Lawn Type, only when the unit is already occupied. That on the first year, the charge shall be added to the original unit price and the succeeding payments shall be collected on a monthly basis. Maintenance fees for mausoleums shall be waived and free of charge.

3.5 Right to Use - That pending the full payment of the purchase price, the unit shall remain the property of the Local Government Unit and that Title of Ownership shall not be passed on to the buyer until full payment shall have been made.

3.6 Failure to Pay - If the buyer fails to pay the full purchase price at the time agreed upon, the Local Government Unit, upon written notice of demand for rescission to the buyer, has the power to rescind the sale of the unit and resell it to whoever is interested.

Any payments made by the buyer are forfeited as a consequence of the Buyer's breach of contract.

3.7 Certificate of Award – Upon full payment of the unit, a certificate of award is issued to the buyer.

In case the buyer, who fully paid for a unit, intends to sell the unit to another party, a notarized deed of sale between the original owner and new buyer shall be



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presented to the Municipal Government to amend the Certificate of Award and be transferred in the name of the new owner.

3.8 Price Review. - That the prices of the units shall be reviewed every two (2) years to consider changes of prices due to the cost of construction and maintenance expenses and inflation factors.

3.9 Prohibition. - That the buyer, his heirs or assigns, shall not under any circumstance, introduce any improvement or innovation on the unit in order to retain their originality and uniformity.

3.10 Reuse of Unit

3.10.1 For the Apartment Type - That the buyer, his heirs or assigns can reuse the unit only after the lapse of seven (7) years from the date it was last used and only after obtaining a clearance from the local health authorities certifying that all existing laws, rules and regulations appertaining thereto are complied with. Furthermore, the buyer, his heirs or assigns, shall settle an amount of two thousand five hundred pesos (P 2,500.00) for the reuse or second interment of a fresh body on the unit.

3.10.2 For the Lawn Type - Good for two (2) interment of fresh bodies. The buyer, his heirs, or assigns may use the upper portion upon payment of fee amounting to five thousand pesos (P 5,000.00) for second interment of a fresh body on the unit.

3.11 Bone Transfer Fee - Transfer of bones from other units or cemeteries shall cost two thousand pesos (P 2,000.00) per body set.

3.12 Deposit of Proceeds of Sale. - That all net proceeds of the sale of the units shall be deposited in the name of the Municipal Government of Moncada, to its registered depository bank in the nature of trust deposit, and to be used exclusively for the maintenance, improvement and acquisition or purchase of another lot as burial ground.

SECTION 4. Applicability Clause. - All existing municipal ordinances, rules, and regulations not inconsistent with the provisions of this Ordinance shall remain in full force and effect.

SECTION 5. Separability Clause. - If, for any reason, any section, provision, or part of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not affect or impair the other sections, provisions, or parts hereof, which shall remain in full force and effect.

SECTION 6. Repealing Clause. - All ordinances, resolutions, rules, and regulations or parts thereof that are inconsistent with or contrary to the provisions of this Ordinance are hereby repealed, amended, or modified accordingly.

SECTION 7. Effectivity. - This Ordinance shall take effect fifteen (15) days following its posting in at least three (3) conspicuous places in the municipality or on social media platforms of the LGU.



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ENACTED, this 26th day of November, 2024 at Moncada, Tarlac.

X-----X
Affirmative Votes: Marzan, T. Espejo, Ayson, Aguilar, Favis, Duque, Ferrer, Natividad

Negative Votes: None

Abstentions: None


Presided by: Yasay

X-----X

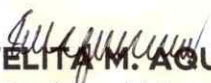
I HEREBY CERTIFY to the correctness of the foregoing Ordinance which was enacted on Third and Final Reading by the 11th Sangguniang Bayan of Moncada during its Regular Session held on the aforementioned date and place.


VICTOR SANDINO S. MOLINA
Secretary to the Sanggunian

**ATTESTED AND CERTIFIED
TO BE DULY ENACTED:**


JANIUS M. YASAY
Presiding Officer Pro-Tempore & Floor Leader

APPROVED BY HER HONOR, THE MAYOR, THIS 3rd **DAY OF** Dec. **, 2024**


ESTELITA M. AGUINO
Municipal Mayor



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