

Republic of the Philippines
MUNICIPALITY OF MONCADA
Province of Tarlac
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**EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION OF THE
SANGGUNIANG BAYAN HELD ON THE 2nd DAY OF MAY 2011 AT THE
LEGISLATIVE BUILDING SB SESSION HALL.**

P R E S E N T:

HON. JESSIE E. AQUINO	..PRESIDING OFFICER
HON. AMADOR T. MENDOZA, SR.	.. Pro-Tempore
HON. MARCLETO U. OBILLO	.. Member
HON. RODOLFO A. ESPEJO	.. Member
HON. CLEOFE D. FAVIS	.. Member
HON. RICARDO D. VENGCO	.. Member
HON. EFREN M. RAMIREZ	.. Member
HON. JANIUS M. YASAY	.. Member
HON. EDWARD V. TOLENTINO	.. Member
HON. KAILA AGRIPINA L. CALAYAN	.. Ex-Officio Member

A B S E N T:

HON. GEORGE R. CUCHAPIN	.. Ex-Officio Member (<i>Excused</i>)
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RESOLUTION NO. 17-2011

On motion by **COUN. JANIUS M. YASAY** and unanimously seconded;

RESOLVED, to pass and approve, Resolution No.17-2011 containing therein Ordinance No. 01 S. 2011, to wit:

**ORDINANCE NO. 01
SERIES OF 2011**

**“AN ORDINANCE PROHIBITING THE BURIAL OF DEAD PERSON WITHIN
RESIDENTIAL AREA”.**

Section 1. Title.

This ordinance shall be known as **“ORDINANCE DISALLOWING BURIAL
OF DEAD PERSON WITHIN RESIDENTIAL AREA.”**

Section 2. Definition of Terms.

- Burial – interment of remains in grave, tomb or the sea.
- Burial Grounds – Cemetery, memorial park or any place duly authorized by law for permanent disposal of the dead.
- Cemetery – public or private land use for the burial of the dead & other uses dedicated for cemetery purposes.
- Memorial Park – a cemetery with well kept landscaped lawns and wide roadways and footpaths separating the areas assigned for ground interments, tombs, mausoleums and columbaria; with or without a mortuary chapel; and provided with systematic supervision and maintenance.
- Compatible Use – uses of land activities capable of existing together harmoniously.
- Locational Clearance – a clearance issued to a project that is allowed under the provisions of the Zoning Ordinance as well as other standards, rules and regulations on land use.
- General Residential Zone – an area within a city or municipality principally for dwelling/housing purposes.
- Zoning Ordinance – a local legal measure which embodies regulations affecting land use.

Section 3. Statutory Provisions.

- a) To ensure an efficient and effective implementation of the Comprehensive Land Use Plan (CLUP) of Moncada, it is relevant to observe and abide by the provisions of the Municipal Zoning Ordinance, the implementing arm of the said Development Plan.
- b) It is the primary concern of the municipal government to protect its environment against unlawful activities that may affect public health. It is imperative therefore to enact policies with regard to proper disposal of dead persons.
- c) The Local Zoning Ordinance under Section 10 which implies Use Regulations in the general Residential Zone does not include the burial of dead persons within residential areas.
- d) Burial activities should be done in existing cemeteries and Memorial Parks within the municipality.
- e) An incompatibility use regarding burial of dead person is prohibited.

Section 4. Penalties/Sanctions.

- a) Any person found violating the provision of this ordinance shall be fined Php 2,500.00 or an imprisonment for a period not exceeding months or both in the discretion of the court.

Section 5. Separability Clause.

If any part of this ordinance is declared as unconstitutional or unlawful, such declaration shall not affect the other parts or sections hereof that are not declared unlawful or unconstitutional.

Section 6. Effectivity.

This ordinance shall take effect ten (10) days after its posting on the Bulletin Board and at two (2) conspicuous places in the Municipality of Moncada.

APPROVED. May 02, 2011

I hereby certify to the correctness of the foregoing resolution.

(SGD) ABRAHAM S. SALES, JR.
ACTING SB SECRETARY

ATTESTED BY:

(SGD) HON. JESSIE E. AQUINO
MUN. VICE-MAYOR & PRESIDING OFFICER

APPROVED:

(SGD) HON. BENITO E. AQUINO
Municipal Mayor