

EXCERPT FROM THE MINUTES OF THE 10TH REGULAR SESSION OF THE SANGGUNIANG BAYAN OF MANOLO FORTICH, BUKIDNON WHICH WAS HELD AT THE SANGGUNIANG BAYAN SESSION HALL ON MARCH 28, 2001.

PRESENT:

HON. MARCELA P. GALOPE	Presiding Officer Municipal Vice Mayor
HON. HILARIO B. PAUSANOS	Sangguniang Bayan Member
HON. JERSON S. LEYSON	Sangguniang Bayan Member
HON. VINCENT Y. QUINGA	Sangguniang Bayan Member
HON. ROLANDA D. AGUDA	Sangguniang Bayan Member
HON. JULIAN A. TORRES	Sangguniang Bayan Member
HON. RICARDO C. DOYDORA	Sangguniang Bayan Member
HON. SERGIO T. HISONA	Sangguniang Bayan Member
HON. LEONILLO G. TILAP	Sangguniang Bayan Member Liga ng mga Brgy. Rep.

ABSENT:

HON. NICKARTER S. ONAHON	Sangguniang Bayan Member
HON. SALVADOR A. ALBARECE III	Sangguniang Bayan Member SK Federation Rep.

ORDINANCE NO. 2000-148
(10th Regular Session)

AN ORDINANCE PRESCRIBING THE RULES AND REGULATION FOR THE USE OF THE MUNICIPAL PUBLIC CEMETERIES OF THE MUNICIPALITY OF MANOLO FORTICH, BUKIDNON.

BE IT ORDAINED by the Sangguniang Bayan of Manolo Fortich, Bukidnon in session that:

CHAPTER I

SECTION 1. TITLE. This Ordinance shall be known as the Burial and Interment Ordinance of Manolo Fortich, Bukidnon.

SECTION 2. SCOPE OF THE ORDINANCE. This Ordinance shall apply to and govern the disposal of dead persons inside the public cemeteries of the Municipality of Manolo Fortich, Bukidnon.

SECTION 3. DEFINITION OF TERMS. For purposes of this Ordinance, the following definition shall apply:

Cemetery - Public or private land used for the burial of the dead and other uses for cemetery purpose to include landscapes, grounds, walks, driveways, mausoleums, graveyards and comfort rooms.

Graveyard -	A cemetery or portion of a cemetery reserved for ground interment or burials. .
Marker -	A cross, stake, tablet made of wood, stone or concrete to mark a grave.
Mausoleum -	A large stately tomb to accommodate one or more interments, usually with provisions for an ossuary or cinerarium.
Niche -	Interment space for cinerary remains.
Cinerary Remains -	The ashes resulting from cremation of a dead body.
Ossuary -	The interment space for bones of the dead.
Remains -	The body of a dead person.
Cadaver -	A dead body, especially of a person.
Disinterment	The removal or exhumation of remains from places of interment.
Burial -	Interment of remains in a grave, tomb or the sea.
Undertaker	A person who takes care, transport and disposes off the body of a deceased person by any means other than embalming.

CHAPTER II. ADMINISTRATIVE PROVISION

SECTION 4. DUTY OF THE MUNICIPAL TREASURER TO COLLECT. The Municipal Treasurer or any of his/her authorized deputies, shall collect all fees prescribed in this Ordinance.

SECTION 5. DUTY OF THE MUNICIPAL CEMETERY CARETAKER TO ADMINISTER. It shall be the duty of the Municipal Cemetery Caretaker to the custodian and administrator of the Municipal Public Cemetery and to enforce and implement the provisions of this ordinance.

SECTION 6. a. The Municipal Public Cemeteries shall refer to the lot owned by the Municipality.

b. A standard cemetery lot shall be three (3) meters long and one (1) meter wide or three square meters. A standard mausoleum shall be three meters long by three meters width or nine (9) square meters.

SECTION 7. CERTIFICATE OF DEATH. Aside from the burial permit, a Certificate of Death issued by the attending physician, Municipal Health Officer, the Municipal Mayor, Municipal Administrator or any member of the Sangguniang Bayan shall be required.

CHAPTER III. BURIAL REQUIREMENTS

SECTION 8. No cadaver shall be buried without a death certificate issued by the attending physician. If there has been no attending physician, it shall be issued by the Mayor or the Barangay Captain where the DECEASED last resided or by the officers under Section 7 of this Ordinance. The official concerned shall forward the same to the Local Civil Registrar within 48 hours after issuance thereof.

SECTION 9. It shall be unlawful for any person to bury remains or cadaver in places other than those legally authorized.

SECTION 10. A burial ground shall be at least twenty meters away from any dwelling house and no house shall be erected within the same distance from any burial ground subject however to existing rights of homeowners.

SECTION 11. No burial ground shall be located within Fifty Meters (50) meters from any source of water supply.

SECTION 12. Graves where remains are buried shall be at least six (6) feet deep and properly covered.

SECTION 13. The burial of remains shall not be prohibited on account of religion, race, nationality or political affiliation.

SECTION 14. The cost of burial of any dead person shall be borne by the nearest kin. If the nearest relative is not financially capable, the cost shall be borne by the Municipal Government or the Barangay where the death occurred, whichever is in a better position to do so. (Pauper's burial).

SECTION 15. If the cause of death is doubtful or due to foul play, the person who issues the medical certificate, shall notify immediately the local authorities concerned through the Mayor or the PNP Station Commander.

SECTION 16. No unembalmed remains shall remain unburied longer than 48 hours after death, except when permitted by the Local Health Authority.

SECTION 17. When the cause of death is a communicable or infectious disease, the remains shall be buried within 12 hours after death. They shall not be taken to any place of public assembly. Only the adult members of the family of the deceased maybe permitted to attend the burial.

SECTION 18. No burial shall be made unless payment of the fees shall first be rendered to the Municipal Treasurer or any of his/her authorized representatives, except when the cost of the burial is borne by the Municipal or Barangay as herein prescribed under Section 14.

CHAPTER IV. REQUIREMENTS FOR EXHUMATION/DISINTERMENT

SECTION 19. Exhumation of remains are subject to the following requirements:

a. Exhumation of remains of person who died of non-communicable diseases may be allowed after a lapse of three (3) years from the date of burial.

b. Exhumation of persons who died of communicable diseases maybe granted after a lapse of five years from the date of burial.

c. Exhumation of remains of persons covered under paragraph "A" and "B" of this Section, may be permitted within a shorter time than that prescribed in specified cases subject to the approval of the Municipal health Officer or higher health authorities.

d. In all cases of exhumation, the remains shall be disinfected and placed in a sealed container prior to their disposal.

SECTION 20. Autopsy and Dissection of Remains. The autopsy and dissection of remains are subject to the following requirements;

a. Persons authorized to conduct autopsy and dissection of remains:

1. Health Officer
2. AFP and PNP Medical Officers
3. Members of accredited hospitals.

b. Autopsies shall be performed in the following cases:

1. Whenever required by special laws.
2. Upon orders of a competent court, Municipal Mayor or PNP Station Commander, with written request.
3. Written request by the nearest kin to ascertain the cause of death.

c. Burial of remains after autopsy: After an autopsy, the remains shall be interred in accordance with the provisions in this Ordinance.

SECTION 21. Donation of human organs for advancement of Science.
- Any person may donate his organ or part of his body upon his death for transplant, medical, surgical or research purposes subject to the following requirements:

a. The donation shall be certified in writing by the donor stating the recipient, the organ or part of the body to be donated and the purpose for which it will be utilized.

b. After the death of a person, the next of kin may authorize the donation of an organ or part of the body of the deceased for the same purpose in accordance with the prescribed procedure.

c. A married person may make such donation without the consent of his spouse.

CHAPTER V. RESPONSIBILITY OF THE MUNICIPAL HEALTH OFFICER

SECTION 22. The Municipal Health Officer shall:

- a. Issue permit to bury, exhume or transfer cadaver.
- b. Recommend measures when the cause of death is due to infectious or communicable diseases.
- c. Keeps record of death occurring within his area of responsibility.

CHAPTER VI. METHODS OF BURIAL

SECTION 23. For Underground Burial. - The minimum depth of excavation shall be six (6) feet from the ground level to the base of excavation. However, if concrete vaults are used, the minimum depth of excavation from the base of the vault to the ground level shall be three (3) feet.

SECTION 24. All graveyards shall be provided with suitable markers, tablets or memorials which shall lie flat over each grave.

SECTION 25. For above ground interments or burials shall be of solid re-enforced concrete construction of not less than 150 millimeters in thickness.

CHAPTER VII. SCHEDULE OF FEES

SECTION 26. Imposition of Fees: There shall be collected rental fees for a period of five (5) years, for the rental of the Municipal Cemetery lot.

a. Burial lot of 3M x 1M	Fee for 5 year Lease period - P100.00
b. For every additional layer thereof	P 50.00
c. For Niches	P 50.00
d. Mausoleum (3M x 3 M)	P500.00

SECTION 27. Period of Payment - Upon application for a burial permit or interment of a deceased person, the fee shall be paid to the Municipal Treasurer. Thereafter, payment of fees shall be made within twenty (20) days before the expiration of the leased period. Under Section 14 of this Ordinance, no fee shall be collected under "Pauper's Burial" upon recommendation of the Municipal Mayor.

CHAPTER VIII. PENALTIES

SECTION 28. Violation of any of the provisions of this ordinance shall be punished by a Fine of not less than Fifty Pesos (P50.00) and not more than Two Hundred Pesos (P200.00) or an imprisonment of not less than five days or more than 15 days or both such fine, and imprisonment at the discretion of the court.

CHAPTER IX. SEPARABILITY CLAUSE

SECTION 29. If any Chapter, Section or any part of this Ordinance is declared invalid or revoked by any competent court, such judgment shall not affect nor invalidate the other parts or provisions of this Ordinance.

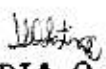
CHAPTER X. FINAL PROVISION

SECTION 30. REPEALING CLAUSE. All ordinances, Executive orders, rules and regulations of this Municipality, which are inconsistent with any provisions of this Ordinance are hereby repealed, amended or modified by this Ordinance.

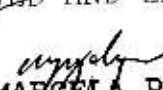
This Ordinance was passed and approved on motion of Hon. Hilario B. Pausanos seconded by majority of the members present.

APPROVED: March 28, 2001

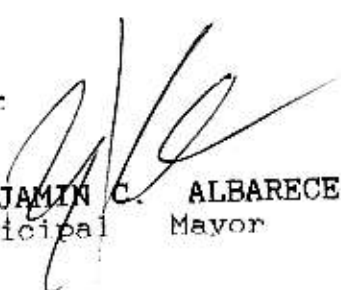
CERTIFIED CORRECT:


LYDIA O. LASTIMOSA
Secretary to the Sanggunian

CERTIFIED AND ATTESTED TO BE DULY
APPROVED AND ENACTED ON MARCH 28, 2001:


MARCELA P. GALOPE
Presiding Officer
Municipal Vice Mayor

APPROVED:


BENJAMIN C. ALBARECE
Municipal Mayor