



Republic of the Philippines
SANGGUNIANG PANLUNGSOD
City of Mandaluyong

ORDINANCE NO. 439, S-2009

AN ORDINANCE PRESCRIBING THE SCHEDULE OF FEES AND CHARGES,
POLICIES, GUIDELINES, IMPLEMENTING RULES AND REGULATIONS
FOR SERVICES RENDERED BY THE CITY CEMETERY RELATIVE
TO THE DISPOSAL OF THE DEAD IN THE CITY OF
MANDALUYONG, METRO MANILA, AND FOR OTHER PURPOSES

- SECTION 1. TITLE. This Ordinance shall be known as *“An Ordinance Prescribing Mandaluyong City Cemetery Fees, Charges, Policies, Guidelines, Implementing Rules and Regulations”*.
- SECTION 2. DECLARATION OF POLICY. It is the policy of the City Government of Mandaluyong to endeavour to provide decent burial services giving preference to the departed bonafide residents of Mandaluyong. It shall undertake to maintain and upgrade its public service operations, and thus, it becomes incumbent to fix the rate of its services.
- SECTION 3. DEFINITION OF TERMS. As used in this Ordinance, the following terms shall be understood as follows:
- a. The term “Cemetery” refers to the redeveloped and enhanced Mandaluyong City Cemetery, a public cemetery owned and operated by the City Government of Mandaluyong, inclusive of the private or apartment niches, memorial chapel, mausoleums, crematorium and columbarium, situated along Rev. Aglipay Street, Barangay Vergara, and containing an area of 5 hectares, more or less, or any other cemetery or cemeteries which the City Government may later build for the disposal or burial of deceased human beings, by cremation or in a grave, mausoleum, vault, columbarium or other receptacle but does not include a family cemetery or a private cemetery. The management or administration of the Cemetery may also be referred to herein simply as the “Cemetery” for brevity.
 - b. The term “lessee” means any person having a right to the use of a niche, crypt, unit, lot, plot or part thereof, in the mausoleum or columbarium of the Cemetery or the patrons or clients of burial services.
 - c. The term “Master Plan” shall mean the Ordinance No. 391, S-2008, “An Ordinance Adopting the Master Plan for the Redevelopment of the Mandaluyong City Cemetery and Appropriating Funds Therefore”, otherwise known as “Master Plan for the Redevelopment of the Mandaluyong City Cemetery”.
 - d. The term “interment” generally means burial, or the permanent disposition of human remains by inurnment, entombment or ground burial.
 - e. The term “cremation” means the technical process, using heat and flame, that reduces human remains to ashes and other residue. “Cremation” shall include the processing, and may include the pulverization of such ashes and other residue.

- f. The term "crematorium" means a facility or portion of a building in which the remains of deceased human beings are processed by cremation, or a building or furnace where bodies are incinerated.

SECTION 4. CEMETERY RULES AND REGULATIONS. The following rules and regulations have been adopted as a guide to the use and administration of the Cemetery. The rules and regulations will help protect all who have interest therein. All lessees or persons having rights to burial services, visitors and contractors performing work within the cemetery shall be subjected to said rules and regulations, amendments or alterations as shall be adopted from time to time.

1. The Cemetery may, and it hereby expressly reserves the right, at any time, upon proper notice to parties in interests, to adopt new rules and regulations or to amend, alter and/or repeal any rule, regulation and/or article, in the rules and regulations affecting the internal business, transactions and operations of the Cemetery;
2. Special cases may arise in which the literal enforcement of the rules and regulations may impose unnecessary hardship. The Cemetery Administration reserves the right, without notice, to make exceptions, suspensions or modifications in any of the rules and regulations when, in its judgment, the same appear advisable without conflicting against the purposes and intents of this Ordinance, and such temporary exceptions, suspensions or modifications shall in no way be construed as affecting the general application of such;
3. The Cemetery retains to itself, for the benefit of all lessees or any party having interests, full and complete supervision, control and management of the land, buildings, improvements, roads, walks, utilities, development, books and records, and the full and complete authority, rights and privileges to make, change, administer and enforce all rules and regulations and restrictions not inconsistent with the pertinent laws, ordinances, rules and regulations;
4. All niches, crypts, units in the columbarium and other services in the cemetery are leased in accordance with the provisions of this Ordinance and its related rules and regulations and shall not be used for any other purpose than as a burial place for dead human beings;
5. The niches, crypts, units in the columbarium etc. must be paid in full before a burial is made;
6. No rights to leases of niches, crypts, units in the columbarium, etc. shall be sold, conveyed or transferred by the Cemetery for speculative or investment purposes, but only when the needs arise;
7. Visiting hours are from sunrise to sundown, except on special occasions and upon special arrangements;
8. Lessees are prohibited from allowing interments to be made on their lots, niches, crypts, units in the columbarium etc. for compensation;
9. If a lessee of a niche, crypt, units in the columbarium, etc. transfers his or her rights to another as provided by these regulations, the latter must pay all indebtedness due the Cemetery before such transfer of rights will be allowed;

10. All lessees of lots, niches, crypts, units in the columbarium, etc. or persons having interests are required to notify the Cemetery of any change of address. All notices required to be sent shall be sent to the last recorded address and such notices shall be deemed adequate.
11. No person, other than personnel of the Cemetery, shall be allowed to perform any work within the Cemetery without permission from the Cemetery Administrator or its duly authorized representative;
12. The Cemetery shall direct all improvements within the grounds and upon all niches, crypts, units in the columbarium, etc. before and after interments have been made therein;
13. Charges for work and services performed by the Cemetery or for materials purchased from the Cemetery will be at rates as approved by the City Cemetery Administration subject to the necessary accounting and auditing requirements as provided for by law;
14. The Cemetery will take all reasonable precautions to protect the leased properties within the Cemetery from loss, damage or injury but it shall not be responsible for any loss, damage or injury not attributable to its negligence, omissions or commissions;
15. The right to use vehicles in the Cemetery is authorized solely and exclusively for the purpose of transporting caskets, remains, etc. only. No parking area shall be provided to mere visitors;
16. Bicycles, skates, motorcycles, etc., may not be used on Cemetery premises except with the approval of the cemetery authorities. Pets are not permitted, except when kept on a leash or in a vehicle;
17. Bringing alcoholic beverages into the Cemetery or entering the premises intoxicated is strictly prohibited;
18. The cemetery personnel shall have the right to enter upon or use any adjoining lot, niche or crypt to carry out their duties as to interments, erection of buildings or structures, etc., without prior notice to the right owner or lessee;
19. No signs, notices or advertisements of any kind shall be allowed in the premises unless placed or authorized by the Cemetery;
20. Peddling of any kind or soliciting the sale of any commodity, other than by the Cemetery, is prohibited within the confines of the Cemetery;
21. Interments into a niche, crypt, units in columbarium, etc. are restricted to those entitled to burial therein according to this Ordinance;
22. No disinterment or exhumation will be allowed without permission of next of kin, the lot owner, the Cemetery and the proper authorities;
23. The Cemetery reserves the right to remove all flowers, wreaths, candle or other decorations from lots, niches or crypts, units of columbarium, etc., as soon as they become unsightly;

24. The Cemetery shall have the right to remove all objects whose appearance and condition warrant removal and/or violate the Cemetery’s rules and regulations. The Cemetery also will not be liable for any flower, candle or decoration removed or lost by any cause;
25. Adoption of new rules and regulations or amendment or repeal of any rule, regulation and/or section or paragraph in this Ordinance and its Cemetery Rules and Regulations are subject to the discretion of the administration upon proper observance of lawful processes. Provided, however, that the Local Chief Executive is not precluded from issuing any directive, executive memoranda/ circulars/orders to effectively implement the aforestated policies and guidelines for efficient and effective fiscal and developmental management of the City Cemetery as incorporated in the Cemetery Master Plan under City Ordinance No. 391, S-2008.

SECTION 5. CATEGORIZATION OF THOSE WHO AVAIL OF CEMETERY SERVICES
Those who avail of cemetery services are categorized as follows:

- Category A – regular rates for residents/non-residents
- Category B – special rates for long-time residents
- Category C – indigent/underprivileged residents

SECTION 6. CEMETERY FEES AND CHARGES. The new rates for the cemetery services are imposed as follows:

A. BASIC FEES		
1.	Burial/Exhumation/Restus	Php 400.00
2.	Entrance/Transfer	500.00
B. NICHES		
1.	Apartment	A. 5,000.00
	(5yrs lease, no renewal)	B. 4,000.00
		C. 3,500.00
2.	Private (Current Assessed Value x Niche Area)	
C. CREMATION		
1.	Bones	A. 8,000.00
		B. 6,000.00
		C. 4,000.00
2.	Fresh	A. 20,000.00
		B. 12,000.00
		C. 8,000.00
D. COLUMBARIUM (for residents only)		
A.	25,000.00 (for 25 years)	
B.	5,000.00 (one time fee for 5 yrs)	
C.	1,250.00 (yearly fee)	

An additional Five Hundred Pesos (P500.00) shall be charged for an extra urn per year but not to exceed four (4) urns in every unit in the columbarium.

the columbarium, etc., whose leases are not renewed after the five-year lease period or has expired, may likewise be disposed of by the City. Provided, however, that the lessees or nearest of kin are duly notified through registered mail at their last known address, and as such after six (6) months from the expiration of the five-year contract, no renewals having been made, then and there, the City has to dispose of the mortal remains or bones of the deceased subject to existing statutes, Ordinances, policies, rules, regulations and/or guidelines being enforced and implemented by the City Cemetery Administration.

- SECTION 11. PROHIBITED ACTS. Any relative or person or persons acting for and in behalf of a deceased not qualified to avail of burial benefits allowed under the provisions of Section 2 hereof who shall resort to misrepresentation or deceit to obtain a certification of indigency and any official or employee of the national or local government who shall issue or cause to be issued such certification in favor of a deceased who is otherwise disqualified to enjoy said privilege shall suffer the same penalties herein provided. Violation of the implementing rules and regulations shall be considered as violation of this Ordinance.
- SECTION 12. PENAL PROVISIONS. Any person violating any of the provisions of the Ordinance shall, upon conviction thereof, be punished with a fine of not less than Five Hundred Pesos (P500.00) but not more than Five Thousand Pesos (P5,000.00) or by imprisonment of not less than one (1) month but not more than six (6) months, or both at the discretion of the Court.
- SECTION 13. NO CONTEST PROVISIONS. Any person, individual or entity 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 be allowed to pay said fine with the City Treasurer to avoid being criminally prosecuted within six (6) hours from apprehension otherwise the case shall be prosecuted.
- SECTION 14. SEPARABILITY CLAUSE. If, for any reason, any provision of this Ordinance is declared unconstitutional or invalid, the other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.
- SECTION 15. REPEALING CLAUSE. This Ordinance hereby repeals Ordinance No. 87, S-1991 and amends Section 1 (relative to burial fees) of Ordinance No. 383, S-2007.
- SECTION 16. EFFECTIVITY. This Ordinance shall take effect immediately upon its approval and publication at least once in a newspaper of general circulation in Metro Manila and posting in at least three (3) conspicuous public places in Mandaluyong City.

E. CHAPEL	
A.	4,500.00, plus 1,500.00 per extra day
B.	3,000.00 plus 1,000.00 per extra day
C.	1,500.00 plus 500.00 per extra day

Services of the chapel can be availed for three (3) days. Additional fees will be charged per extra day but not to exceed four (4) extra days.

SECTION 7. RESIDENCY. Only deceased bonafide residents of the City of Mandaluyong 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 City upon showing of sufficient proof. A long standing resident, pertaining to Category B under Section 5 is one who has been a resident of the City for more than five (5) years.

SECTION 8. 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 City, the applicant who wishes to avail of the special privileges under Category C under Section 5 must present:
 1. 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
 2. two (2) valid government issued Identification Cards (IDs) 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 City, the City Social Welfare Development Office is hereby enjoined to conduct an ocular inspection and to issue a report therefore to verify such fact.

SECTION 9. INDIGENT/UNDERPRIVILEGED. An indigent/underprivileged resident is one who falls within the clientele of the City Social Welfare Development Office and submitting a certification to that effect. An indigent/underprivileged resident of the City belonging to the poorest of the poor who cannot raise the amount needed to avail of the Cemetery services may avail of certain concessions upon the discretion of the City Mayor after a definite finding and confirmation of the financial incapacity of the former.

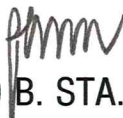
SECTION 10. UNCLAIMED, ABANDONED AND/OR UNIDENTIFIED REMAINS, AND LEASES THAT ARE NOT RENEWED. Remains of persons that are unclaimed, abandoned or unidentified which are left unburied may endanger the health of the community may be disposed of by the City in a manner it deems fit subject to existing statutes, Ordinances, policies, rules, regulations and/or guidelines being enforced and implemented by the City Cemetery Administration. The remains in niches, crypts, units in

ENACTED on this 12th day of October, 2009 in the City of Mandaluyong.

I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE
WAS ENACTED AND APPROVED BY THE SANGGUNIANG
PANLUNGSOD OF MANDALUYONG IN REGULAR SESSION
HELD ON THE DATE AND PLACE FIRST ABOVE GIVEN.


JIMMY D. LACEBA
Sanggunian Secretary

ATTESTED:


RENATO B. STA. MARIA
City Vice Mayor &
Presiding Officer

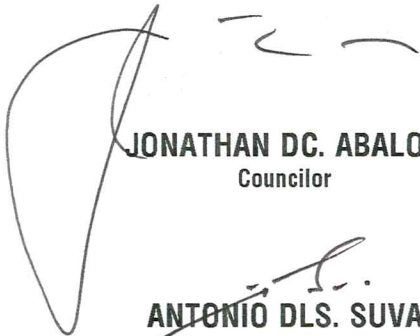
APPROVED:


BENJAMIN DC. ABALOS, JR.
City Mayor
Date: OCT 15 2009

Cemetery

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JONATHAN DC. ABALOS
Councilor



ANTONIO DLS. SUVA
Councilor



TERESITA C. PILLAS
Councilor



MARIO L. DE GUZMAN
Councilor



SEVERO N. SERVILLON
Councilor



ALEX I. SANTOS
Councilor



JESUS C. CRUZ
Liga President



EDWARD G. BARTOLOME
Councilor



CHERRY LYNN P. SANTOS
Councilor



MICHAEL R. OCAMPO
Councilor



NOEL E. BERNARDO
Councilor



ROBERTO J. FRANCISCO
Councilor



DARIUS S. APACIONADO
Councilor

MARC RENNIEL V. EVANGELISTA (Sick Leave)
SK Federation President