



COMMITTEE ON RULES AND PRIVILEGES, LAWS AND ORDINANCES

COMMITTEE REPORT
CRPLO-PCO-2024-193

Office of the Sangguniang Panlungsod
Received by: Jenot Pring
Date: 12 AUG 2024
Time: 1:20 pm

Subject: *An ordinance regulating the construction, development, and operation of Columbarium within the City of Bacoor, Cavite and imposing penalties for violations hereof.*

The above-mentioned proposed ordinance underwent its first reading on July 15, 2024 during the 99th Regular Session of the Sangguniang Panlungsod. The said proposed ordinance was referred by the Presiding Officer, City Vice Mayor Hon. Rowena Bautista Mendiola to the Committee on Rules and Privileges, Laws and Ordinances,

The Committee on Rules and Privileges, Laws and Ordinances sent out invitations to the resource persons and conducted a hearing on July 19, 2024, 10:30 a.m. at the Session Hall of the Sangguniang Panlungsod.

FINDINGS:

This proposed ordinance is brought about by the various reports received by the City Government of Bacoor on the purported illicit operation of columbarium by places of worship involving the sale of urns and niches to the public in violation of existing public safety and sanitation regulations.

The passage of this proposed ordinance will prohibit the construction, development, and operation by religious and charitable institutions of columbarium and the sale of niches thereat without complying with the various provisions of this proposed ordinance and its implementing rules and regulations.

This proposed ordinance will also prohibit the insertion and sale of niches, vaults, urns, or receptacles by a church, religious organizations, or charitable institutions, places of worship that are of historical value without a license to sell issued by the Department of Human Settlements and Urban Development





without the requisite business permit issued by the Business Permit and Licensing Office (BPLO) of the City of Bacoor.


RECOMMENDATION:

By the motion of Hon. Levy Tela duly seconded by all the members of the Sangguniang Panlungsod, the above subject matter was **APPROVED** during its 98th Regular Session.


WE HEREBY CERTIFY that the contents of the foregoing report are true and correct.

Signed this 8th day of July 2024 at the City of Bacoor, Cavite.

Committee on Rules and Privileges, Laws and Ordinances



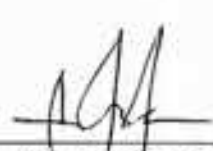
COUN. REYNALDO C. PALABRICA
Chairman



COUN. LEVY TELA
Vice Chairman



COUN. ALEJANDRO GUTIERREZ
Member



COUN. ADRIELITO GAWARAN
Member





COMMITTEE ON RULES AND PRIVILEGES, LAWS AND ORDINANCES

MINUTES OF THE COMMITTEE HEARING
CRPLO-PCO-2024-193

7-2 AUG 2024
J. Palabrica

Subject: *An ordinance regulating the construction, development, and operation of Columbarium within the City of Bacoor, Cavite and imposing penalties for violations hereof.*

(PCO-2024-193-Date referred: July 15, 2024)

A committee hearing on the above-subject matter was conducted last July 19, 2024, 10:30 a.m. at the Sangguniang Panlungsod Session Hall presided by the Committee Chairman, Hon. Reynaldo C. Palabrica.

MEMBERS OF THE COMMITTEE AND CITY COUNCILORS PRESENT:

HON. ADRIELITO GAWARAN
HON. LEVY TELA
HON. SIMPLICIO DOMINGUEZ

RESOURCE PERSONS PRESENT:

- | | | |
|-------------------------|---|-----------------------------------|
| ATTY. NATHANIEL DE LEON | - | OFFICE OF THE CITY LEGAL SERVICES |
| ENGR. JICKY JUTBA | - | CITY ENGINEERING OFFICE |
| ENGR. RAMESIS ALHAMBRA | - | OFFICE OF THE BUILDING OFFICIAL |
| EMMANUEL CARMIN | - | CITY CEMETERY OFFICE |
| HORACIO BRILLANTES JR. | - | CITY CEMETERY OFFICE |
| RONA GRACE TORRIJOS | - | CITY FINANCE DEPARTMENT |

COUN. REYNALDO PALABRICA "The committee hearing regarding the proposed ordinance regulating the construction, development, and operation of columbarium within the City of Bacoor, Cavite and imposing penalties for violations hereof is now called to order."





COUN. REYNALDO PALABRICA "For the record in attendance to this hearing are the following members of the city council. Councilor Adriel Gawaran from district 1."

COUN. ADRIELITO GAWARAN "Good morning to all, thank you for coming. Maraming salamat po."

COUN. REYNALDO PALABRICA "Maraming salamat mabuhay. Also, from district 1 Hon. Councilor Levy Tela."

COUN. LEVY TELA "Good morning, Mr. Chair. Good morning to all of us, mabuhay."

COUN. REYNALDO PALABRICA "Thank you, mabuhay. From district 2 Hon. Councilor Simplicio Dominguez."

COUN. SIMPLICIO DOMINGUEZ "Magandang magandang umaga po sa ating lahat."

COUN. REYNALDO PALABRICA "Thank you very much, mabuhay. May I request the resource person present today to introduce themselves for the record, let us start with the treasury."

RONA GRACE TORRIJOS "Good morning po, Rona Torrijos from City Finance Department."

COUN. REYNALDO PALABRICA "Thank you very much. Engineering."

ENGR. JICKY JUTBA "Good morning and mabuhay, good morning, Mr. Chair mga Sanggunian. I'm Engineer Jicky Jutba from City Engineering Office."

COUN. REYNALDO PALABRICA "Thank you very much. Next."

EMMANUEL CARMIN "Hello, good morning po sa lahat Emmanuel Carmin po from City Cemetery."

COUN. REYNALDO PALABRICA "Thank you very much, next."

ATTY. NATHANIEL DE LEON "Good morning your honor, Atty. Nathaniel De Leon from the Office of the City Legal Services your honor."

COUN. REYNALDO PALABRICA "Thank you Attorney, next Engineer."



SCAN ME





ENGR. RAMESIS ALHAMBRA "Magandang umaga ho, Engr. Ram po from the Office of the Building Official."

COUN. REYNALDO PALABRICA "Thank you very much. Before we officially start our discussion regarding the proposed ordinance. May would like to express our birthday greetings to the birthday celebrant two days ago na. Engr. Jicky Jutba, happy birthday."

COUN. REYNALDO PALABRICA "So, will start with the Engineering Office and the OBO. We will discuss the section 5, relocation and design parameters/dimension of niche/vault. Any opinion Engr. Jicky regarding the proposed provision of this particular ordinance."

COUN. REYNALDO PALABRICA "Okay ba yung nakalagay dito na may 2 meters passage way yung mga namention dito."

ENGR. JICKY JUTBA "Good morning po, regarding po rito sa designed parameters po, yung minimum passage way na 2 meters, tama po to kasi ang designed po natin kasi merong parang apat na line and grave yung design ng ating columbarium. So, per person po allotted 1-meter po yung minimum distance niya so pasok po yung tao pag talikuran po sila."

COUN. REYNALDO PALABRICA "Para pag nagsalubong hindi masikip."

ENGR. JICKY JUTBA "Yes po."

COUN. REYNALDO PALABRICA "Lalo na sa araw ng mga dalaw ng patay."

ENGR. JICKY JUTBA "Wag naman maulit, yung tinatawag nating dating COVID po at least yung distance natin pasok na tayo doon sa standard natin."

COUN. REYNALDO PALABRICA "Okay, also considering the safety of the visiting public."

ENGR. JICKY JUTBA "Tama po."

COUN. REYNALDO PALABRICA "How about OBO, Engr. Alhambra, what is your opinion about this?"





ENGR. RAMESIS ALHAMBRA "Hello, magandang umaga ho, saamin naman ho sa estado ng guideline ng columbarium nasa pdtenesis naman po ito kaya wala naman po tayong magiging problema sa pagsunod."

COUN. REYNALDO PALABRICA "We are talking not only on the government owned columbarium but all the columbarium within the jurisdiction of the city. So, tungkol dito sa number 1, section 5 letter b, the niche/vault must be large enough to hold the cremated remains of a human contained in an urn or a receptacle. Hindi natin naispecify dito yung sukat, so what is your suggestion about this ano yung tamang sukat. Kasi pag sinabing large enough baka mamaya sabihin ng may ari ng columbarium na "saamin large enough na to eh" so hindi siya specific, what is your recommendation about this Engr. Alhambra."

ENGR. RAMESIS ALHAMBRA "Good morning po, kung ano po sana pwede yung sa niche sa columbarium yung dalawang urn ang kasya."

COUN. REYNALDO PALABRICA "Anong suggestion mo na specific na size, kasi nailagay lang natin dito na large enough, ayun ang term eh. Baka mamaya sabihin ng may ari ng columbarium or operator ng columbarium itong 6 inches by 6 inches ay large enough na saakin. Kailangan specific kaya we are extracting information from the resource persons kung ano ba ang tamang sukat para masabi nating large enough. So, we are asking for your suggestion."

ENGR. RAMESIS ALHAMBRA "Ayon po dito standard po parang nasa 12 inches deep."

COUN. REYNALDO PALABRICA "1 foot by 1 foot, 1 foot square."

ENGR. RAMESIS ALHAMBRA "Oo, yung lalim ng butas."

COUN. REYNALDO PALABRICA "Okay."

ENGR. RAMESIS ALHAMBRA "Para kung sakaling dalawang urn ang kasya."

COUN. REYNALDO PALABRICA "Ang isang urn, depende eh."

ENGR. RAMESIS ALHAMBRA "6 inches."

COUN. REYNALDO PALABRICA "Minsan ang diameter ng isang urn ay width niya ay nasa 7 inches, may 8 inches pa nga depende sa design."





COUN. REYNALDO PALABRICA "Engr. Jicky."

ENGR. JICKY JUTBA "Actually, yung existing columbarium ang design dyan is 30 by 30 cm."

COUN. REYNALDO PALABRICA "30 by 30 cm, sa inches ilan yun?"

ENGR. JICKY JUTBA "12."

COUN. REYNALDO PALABRICA "12 din, 1 foot. So, yun ang standard?"

ENGR. JICKY JUTBA "Actually po kung naaalala niyo po nung pandemic namimigay po tayo nung urn na kami po yung gumawa, yun po yung pinagkunan po namin ng sukat 30 by 30 po."

COUN. REYNALDO PALABRICA "30 cm by 30 cm. Kasi ipapalagay natin sa ordinance na not less than 30 cm by 30 cm. Engr. Alhambra, okay sayo yun?"

ENGR. RAMESIS ALHAMBRA "Actually, yun po yung nakalagay sa pdtenesis ang minimum po talaga ay yung 30 by 30 at 12 inches by 12 inches."

COUN. REYNALDO PALABRICA "So we will revise the number 1 na nakalagay must be large enough. Ilalagay na natin dito na not less than 30 cm square. Atty. what is your opinion about this, ano ang legal na sukat?"

ATTY. NATHANIEL DE LEON "Your honor we will have to comply with the standard po of the building code your honor."

COUN. REYNALDO PALABRICA "Tama tama. Thank you very much. Any other opinion regarding this proposal, may copy naman kayo siguro nabasa niyo na ito. Ang importante dito ay yung mga prohibited acts din. So, first prohibited act is the section 4. The construction, development, and operation by religious and charitable institutions of columbarium and the sale of niches thereat without complying with the various provisions of this Ordinance and its implementing rules and regulations."

COUN. REYNALDO PALABRICA "So, tama naman to kailangan bago sila magbenta naka comply sila doon sa IRR natin. Second, the insertion of niches, vaults, urns, or receptacles designed to hold cremated human remains inside places of worship without the written permission of the City Building Official and the City Health Officer So, OBO may rule ka dito OBO, ibig sabihin merong





interment permit, tama ba Kuya Manny? Sa inyo ang kinukuha ay cremation permit?

EMMANUEL CARMIN "Cremation po tsaka po yung burial."

COUN. REYNALDO PALABRICA "Ayan, in terms of columbarium kasi mga cremated malilit lang. Basta sainyo cremation and burial?"

EMMANUEL CARMIN "Parang ganun din po eh."

COUN. REYNALDO PALABRICA "Kasi ang nakalagay dito sa proposal, kasama ang City Building Official."

ENGR. RAMESIS ALHAMBRA "Doon sa construction pero pag lilipat po at pag lilibing."

COUN. REYNALDO PALABRICA "Dapat alisin to, kasi nakalagay dito the insertion ibig sabihin yung pag pasok."

ENGR. RAMESIS ALHAMBRA "Hindi na po kami kasama."

COUN. REYNALDO PALABRICA "Kailangan daw ng written permission ng City Building Official ng City Health Officer. Hindi na rin siguro, sa Cemetery Office na lang lahat, do you agree Kuya Manny?"

EMMANUEL CARMIN "Opo, yung bone transfer po sa health po."

COUN. REYNALDO PALABRICA "Bone transfer?"

EMMANUEL CARMIN "Opo, bale sa health. Binibigyan po kami ng go signal kapag ipupullout."

COUN. REYNALDO PALABRICA "Para sa excavations."

EMMANUEL CARMIN "Bale sa health po kinukuha."

COUN. REYNALDO PALABRICA "City Health Office na lang, alisin na natin ang City Building Official tsaka sa City Cemetery Office. Yes, engineer?"

ENGR. JICKY JUTBA "Kasi nandito walang transfer so pwedeng mangyari Bacoor to some places. Ang akin lang."





COUN. REYNALDO PALABRICA "Transfer permit ang kailangan."

ENGR. JICKY JUTBA "Kailangan kumuha ng documents din sa civil registrar natin."

COUN. REYNALDO PALABRICA "Ay hindi na, kasi ang concern na lang dun ay health issue na lang yun eh so pag health issue, City Health talaga kahit yung mga nililipat na patay halimbawa galing dito sa Bacoor tas ililipat ng ibang lugar kunyare sa Las Piñas nangangailangan yan ng transfer permit sa City Health Office yun."

COUN. REYNALDO PALABRICA "Okay so ang aalisin na lang natin dito ay yung City Building Official. Any other concern na mapag uusapan natin? Wala na?"

ATTY. NATHANIEL DE LEON "Your honor when this draft ordinance was sent to our office for review. The issued legal opinion your honor, legal opinion number 75 which was sent to the office of the acting city mayor your honor. Tapos your honor, ang suggestion lang po namin ay may listahan po kami ng mga whereas clauses na pwede idagdag para istrengthen yung power ni City."

COUN. REYNALDO PALABRICA "Legal basis."

ATTY. NATHANIEL DE LEON "Opo. And your honor yung definition of terms po para po maging clear and exact po yung mga terms na ginamit doon po sa ordinance. Ito naman po definition of terms na ito ay galing lang naman po doon sa national government issuances. Tapos po your honor, isa na lang po yung pinka importante po for us is yung penalty po your honor, doon po kasi sa proposed ordinance nakalagay po na PHP 5,000.00 na fine po for everyday kapag po corporation or partnership ang nagrefuse to comply. Your honor we have resubmit po na yung PHP 5,000.00 for the entire violation na po, hindi po tayo pwede mag per day."

COUN. REYNALDO PALABRICA "Okay, tama naman. Kasi mag eexceed tayo doon sa prescribe local government code."

ATTY. NATHANIEL DE LEON "Yes, your honor. Thank you, your honor."

COUN. REYNALDO PALABRICA "Thank you for the reminder Atty. De Leon, any other concern? We would like to acknowledge the presence of one of the supervisors of the operation of our own columbarium and cremation operation, former Punong Barangay Horacio Brillantes. May gusto kayong sabihin Kap? Okay na? Sa mga konsehal baka may tanong ho kayo?"





COUN. ADRIELITO GAWARAN "Mr. Chair wala naman akong comment sa mga ganito eh, kasi pag pinaguusapan natin columbarium nakaka relate ako. Pero yung knowledge pag dating sa ganyan pababayaan ko na sa mga fellow colleagues natin at sa nakakaintindi niyan. Yun lang po, sana magampanan din natin yung meeting natin ngayon."

COUN. LEVY TELA "Ma'am ano po yung masasabi niyo po sa penalty regarding sa columbarium?"

RONA GRACE TORRIJOS "Yung sa penalty naman ho konsi kung nasa revenue code naman po natin siya wala naman pong magiging problema, kagaya po nung binanggit po ni Atty. Nate."

COUN. REYNALDO PALABRICA "Any other concern? So wala na? If there is none, may I ask a motion from the members for the adjournment of this hearing?"

COUN. ADRIELITO GAWARAN "Mr. Chair since there are no any other matters to tackle or discuss I moved for the adjournment of our meeting today, so moved Mr. Chair."

COUN. REYNALDO PALABRICA "It has been moved by Hon. Gawaran that this hearing be adjourned, seconded by Councilor Tela. Any objection, hearing none therefore the motion is approved, hearing adjourned."

Prepared by:


Ronaldo M. Verona
Staff

Attested by:

COUN. REYNALDO C. PALABRICA
Chairman





Committee on Rules and Privileges, Laws and Ordinances

NOTICE OF COMMITTEE HEARING

(PROOF OF RECEIPT)

(July 19, 2024 10:30 AM)
(SP Session Hall)

Office of the Sangguniang Panlungsod
Received by ARBO 2024
Date: 7-19-24
Time: 1:24 PM

Subject: AN ORDINANCE REGULATING THE CONSTRUCTION, DEVELOPMENT, AND OPERATION OF COLUMBARIUM WITHIN THE CITY OF BACOOR, CAVITE AND IMPOSING PENALTIES FOR VIOLATIONS HEREOF. (PCO No. 2024-193) dated (July 15, 2024)

NAME	OFFICE AFFILIATION	CONTACT NUMBER	SIGNATURE/DATE
HON. LEVY TELA			
HON. ALEJANDRO GUTIERREZ			
HON. ADRIELITO GAWARAN			
HON. ROGELIO NOLASCO	SP	-	<i>[Signature]</i> 7-17-24 3:24 PM
HON. SIMPLICIO DOMINGUEZ	VP		<i>[Signature]</i> 9:20 PM
PB HORACIO BRILLIANTES			
PB ROMMEL JOHN SAGALA			
Mr. EMMANUEL CARMEN City Cemetery	COO	337	<i>[Signature]</i> 7/17/24
Engr. RAMESIS ALHAMBRA (OBO)	OBO	230	<i>[Signature]</i> 07/17/24
Atty. KIM NYCA LOFRANCO (City Legal)	OCLS	415	<i>[Signature]</i> 7/17/24
Engr. JICKY JUTBA (City Engineering)	C.E.O.		<i>[Signature]</i> 07/17/24
Atty. EDITH NAPALAN (City Treasurer)	CPT	227	<i>[Signature]</i> 7/17/24
COLUMBARIUM OWNERS			





Committee on Rules and Privileges, Laws and Ordinances
ATTENDANCE OF COMMITTEE HEARING

(PROOF OF RECEIPT)
(July 19, 2024 10:30 AM)
(SP Session Hall)

Office of the Sangguniang Panlungsod
Received by Janet Pring
Date: 7/19/2024

Subject: AN ORDINANCE REGULATING THE CONSTRUCTION, DEVELOPMENT, AND OPERATION OF COLUMBARIUM WITHIN THE CITY OF BACOOR, CAVITE AND IMPOSING PENALTIES FOR VIOLATIONS HEREOF. (PCO No. 2024-193) dated (July 15, 2024)

NAME	OFFICE	CONTACT # Email Address	SIGNATURE/DATE
HON. ADRIELITO GAWARAPO			
HON. LEVY TELA			
HON. SIMPLICIO DOMINGUEZ			
Rona Grace G. Torrijas	CFD	09179691302	
EMMANUEL CARMEN	CCO	09171623184	
JIMMY D. JORDAN	CEO	09148861443	
ENGR. RANESIS F. ALHAMBRA	ZBO	09173460446	
Atty. Nathaniel De Leon	OCUS	0908710565	
HORACIO M. BRILLANTES JR.	CCO	09173272624	



SCAN ME



PCO 2024 -193 - AN ORDINANCE REGULATING THE CONSTRUCTION, DEVELOPMENT, AND OPERATION OF COLUMBARIUM WITHIN THE CITY OF BACOR, CAVITE AND IMPOSING PENALTIES FOR VIOLATIONS HEREOF.

Office of the Sangguniang Panglungsod
Received by: Janet Pring
Date: 12 Aug 2024
Time: 1:45pm





PCO 2024-193 – AN ORDINANCE REGULATING THE CONSTRUCTION, DEVELOPMENT, AND OPERATION OF COLUMBARIUM WITHIN THE CITY OF BACOOR AND IMPOSING PENALTIES FOR VIOLATIONS HEREOF.

PROPOSED CITY ORDINANCE NO. 2024-193

Series of 2024

AN ORDINANCE REGULATING THE CONSTRUCTION, DEVELOPMENT, AND OPERATION OF COLUMBARIUMS WITHIN THE CITY OF BACOOR, CAVITE AND IMPOSING PENALTIES FOR VIOLATIONS HEREOF.

Sponsored by:

WHEREAS, Section 458 of Republic Act No. 7160 (the "Local Government Code of 1991") empowered the Sangguniang Panlungsod to enact ordinances for the general welfare of the city and its inhabitants pursuant to Section 16 and Section 22 of the said Code by regulating, among other things, the establishment, operation and maintenance of funeral parlors and the burial or cremation of the dead, subject to existing laws, rules and regulations;

WHEREAS, various reports have been received by the City Government on the purported illicit operation of columbariums by places of worship involving the sale of urns and niches to the public in violation of existing public safety and sanitation regulations;

WHEREAS, allowing the unregulated operation of columbariums and the sale of niches to the public endangers public health and safety;

NOW THEREFORE, be it ordained by the 5th Sangguniang Panlungsod of the City of Bacoor, Cavite that:

Section 1. Title. This ordinance shall be known as the "Columbarium Regulation Ordinance of the City of Bacoor".

Section 2. Coverage. This Ordinance shall apply to all columbariums being operated by religious and charitable institutions in the City of Bacoor, Cavite.

Section 3. Definition of Terms. The following terms as used in this Ordinance shall be defined as:

Section 4. **Prohibited Acts.** The following acts are hereby prohibited:

- 4.1. The construction, development, and operation by religious and charitable institutions of columbariums and the sale of niches thereof without complying with the various provisions of this Ordinance and its implementing rules and regulations (IRR);
- 4.2. The insertion of niches, vaults, urns, or receptacles designed to hold cremated human remains inside places of worship without the written permission of the City Building Official and the City Health Officer;
- 4.3. The insertion of niches, vaults, urns, or receptacles designed to hold cremated human remains inside places of worship that are of historical value without the written consent of the National Historical Commission and the City Tourism Officer;
- 4.4. The sale of any niche or vault by a church, religious organization, or charitable institution as contemplated in this Ordinance without a license to sell issued by the Department of Human Settlements and Urban Development (DHSHU) and without the requisite business permit issued by the Business Permit and Licensing Office (BPLCO) of the City of Bacoor, Cavite; and

BACK





4.5. Any act similar or analogous to the foregoing.

Section 5. Minimum Design Standards and Guidelines for Columbarium Projects.

A. Location. All columbarium projects covered by this Ordinance must conform with the provisions of the Comprehensive Land Use Plan (CLUP) and Zoning Ordinance of the City of Bacoor. In the absence of any provision on the location of columbarium projects, the same can be located in any of the following:

1. Institutional zones designated for religious structure such as church, seminary, convents, and other places of worship or congregation areas; or
2. Atriums within the premises of religious structures owned by a religious congregation.

B. Design Parameters/Dimensions of Niche/Vault.

1. The niche/vault must be large enough to hold the cremated remains of a human contained in an urn or a receptacle.
2. If the proposed interment structure will use a grid pattern, the developer thereof must provide at least a 2-meter passageway in between structures.
3. The structural network for all niches/vaults must either be in cast-in-place reinforced concrete, structural steel section, concrete over metal decking, or any other non-porous materials. Provided that the construction of all footing, bearing walls, floor slabs and roofs must conform with all the construction requirements of the National Building Code.
4. All niches and vaults constructed by virtue of this ordinance along a perimeter wall or fence must be waterproofed.

C. Additional Design Standards and Guidelines. The City Engineer, City Building Official, City Zoning Officer, and City Assessor are jointly mandated to submit additional design standards and guidelines to the City Mayor within thirty (30) working days following the date of approval of this Ordinance.

Section 6. Penalties. Any City Government employee who violated/violates this Ordinance and/or its IRR shall be preventively suspended for a period not exceeding six months upon the order of the City Mayor prior to the start of any investigation with regard the said offense in accordance with pertinent civil service regulations. If found guilty, the employment of the said City Government employee shall be terminated as may be provided by law. The filing of the said administrative action against the said employee shall not bar the institution of the appropriate criminal action/s against him/her by the City Government through the City Legal Officer.

Any natural person not under the employment of the City Government who violates this Ordinance shall, upon conviction by a court of law, pay a fine of P1p 5,000.00 and shall be imprisoned for a period not less than 30 calendar days but not exceeding 90 calendar days.

Any juridical person who shall violate this Ordinance shall, upon conviction by a court of law, be required to pay a fine of P1p 5,000.00 for every day that the said corporation or partnership refused to comply with any order issued by the City Mayor with regard the said violation.

Section 7. Implementing Rules and Regulations. The City Legal Officer, in coordination with the City Engineer, City Building Official, City Zoning Officer and the City Assessor shall, within sixty working days following the date of effectivity of this Ordinance, submit the IRR hereof for the review and approval of the City Mayor.

BACK





Section 8. Repeal. All ordinances, resolutions, or executive orders in conflict or inconsistent with the provisions of this ordinance are hereby repealed or modified accordingly.

Section 9. Separability. Provisions of this ordinance not affected by a decision issued by a court of competent jurisdiction declaring a provision of this ordinance unconstitutional or void shall remain valid and enforceable.

Section 10. Automatic Review. This Ordinance shall be automatically reviewed by the Sangguniang Panlungsod once every two years following its date of effectivity.

Section 11. Effectivity Date. This Ordinance shall become effective immediately after it has been published at least once in a newspaper of general circulation within the Province of Cavite and after copies hereof has been posted in at least three conspicuous places within the City of Bacoor, Cavite.

APPROVED this ___ day of _____ 2024 at the City of Bacoor, Cavite.

I hereby certify that the foregoing Ordinance was duly approved in accordance with law by the 5th Sangguniang Panlungsod of the City of Bacoor, Cavite.

Certified by:

HON. ROWENA BAUTISTA-MENDIOLA
City Vice Mayor/Presiding Officer

Attested by:

ATTY. KHALID A. ATEGA JR.
Sangguniang Panlungsod Secretary

Approved by:

HON. STRIKE B. REVILLA
City Mayor
Date of Approval: _____ 2024

BACK





Republic of the Philippines
Province of Cavite
CITY OF BACOOR
OFFICE OF THE SANGGUNIANG PANLUNGSOD



CGBCR-SPBac-F01.01
05/30/2024
Seal of Good Local Governance
2023 Awardee
AGRICULTURE



Republic of the Philippines
Province of Cavite
CITY OF BACOOR
Office of the City Mayor



Seal of Good Local Governance
2023 Awardee
AGRICULTURE
CGBCR-MO-02-003.02
05/30/2024

July 2, 2024

OFFICE OF THE
SANGGUNIANG PANLUNGSOD
RECEIVED
BY: ARIEL
DATE: 7-5-24 TIME: 11:19
BACOOR CITY, CAVITE

ATTY. KHALID A. ATEGA, JR.
SP Secretary
Bacoor, Cavite

Subject: Endorsement Letter

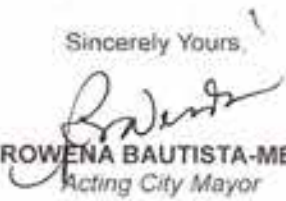
Dear Sir:

This is to endorse to your good office Legal Opinion No. 075, series of 2024, issued by the Office of the City Legal Service, relative to its comments and suggestions on the proposed City Ordinance Regulating the Construction, Development and Operation of Columbariums within the City of Bacoor, Cavite and Imposing Penalties for Violations Hereof, for your appropriate action.

Attached herewith is the aforementioned opinion, including its attachments, for your immediate reference.

I trust that you give this matter your utmost attention.

Sincerely Yours,


HON. ROWENA BAUTISTA-MENDIOLA
Acting City Mayor

Page 1 of 1

Without the Mayor
Strike It Again

SCAN ME

STRIKE AS

Address: Bacoor Government Center, Bacoor Blvd.,
Brgy. Bayanan, City of Bacoor, Cavite
Hotline: 454-1111
Website: www.bacoor.gov.ph

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Cert. no. 24/181809

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Republic of the Philippines
Province of Cavite
CITY OF BACOOR
OFFICE OF THE SANGGUNIANG PANLUNGSOD



CGBCR-SPBac-F01.01
05/30/2024

Seal of
Good
Local
Governance
2023 Awardee
77 years in service



Republic of the Philippines
Province of Cavite
CITY OF BACOOR
CITY ADMINISTRATOR'S OFFICE



CGBCR-AD-01-F01.02
05/30/2024

Seal of
Good
Local
Governance
2023 Awardee
77 years in service

08 July 2024

HON. CATHERINE SARINO EVARISTO
Acting City Vice Mayor
City of Bacoor.

OFFICE OF THE
SANGGUNIANG PANLUNGSOD
RECEIVED
BY: AREL
DATE: 7-2-24 TIME: 3:57
BACOOR CITY, CAVITE

THRU: ATTY. KHALID ATEGA JR.
SP SECRETARY

**SUBJECT: DRAFT PROPOSED CITY ORDINANCE REGULATING THE
CONSTRUCTION, DEVELOPMENT, AND OPERATION OF
COLUMBARIUMS WITHIN THE CITY OF BACOOR**

Dear Hon. Catherine Evaristo.

Greetings!

The undersigned would like to most respectfully endorse to your office to kindly consider the suggestions of OCLS regarding the Proposed City Ordinance Regulating the Construction, Development, and Operation of Columbariums within the City of Bacoor.

For your information.

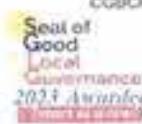
Respectfully,

ATTY. AIMEE TORREFRANCA-NERI
City Administrator



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OFFICE OF THE CITY LEGAL SERVICE

LEGAL OPINION NO. 075 SERIES OF 2024

TO : HON. ROWENA BAUTISTA MENDIOLA
Acting City Mayor

THRU : ATTY. PAUL MICHAEL SANGALANG
*Executive Assistant – V
Office of the City Mayor*

CC : ATTY. AIMEE TORREFRANCA-NERI
City Administrator/ Head – HUDRD

SUBJECT : ON THE DRAFT PROPOSED CITY ORDINANCE
REGULATING THE CONSTRUCTION, DEVELOPMENT, AND
OPERATION OF COLUMBARIUMS WITHIN THE CITY OF
BACOOR.

DATE : 1 JULY 2024

*2:18 PM
7/1/24*

On 24 June 2024, the Office of the City Mayor transmitted an endorsement letter concerning the above-mentioned proposed City Ordinance. We humbly submit our suggestions to the proposed City Ordinance through this Legal Opinion. We explain further below.

DISCUSSION

On Whereas Clauses

This Office suggests the introduction of the following additional perambulatory clause for their respective purposes as follows:

Perambulatory Clause	Rationale
Whereas Article VI, Section 28 of the 1987 Constitution recognizes that charitable institutions, churches and personages, or convents appurtenant thereto, mosques, non-profit cemeteries, and all lands, buildings, and improvements, actually, directly, and exclusively used for religious, charitable, or educational purposes shall be exempt from taxation,	To dispel any inclination that the proposed ordinance is a tax measure.
Whereas Section 11(4)(ix) of RA 10160 or the Charter of the City of Bacoor empowered the Sangguniang Panlungsod to regulate through an ordinance the	To show that the Sangguniang Panlungsod has the express power to regulate the subject matter of the proposed ordinance.



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Province of Cavite
CITY OF BACOOR



CGBCR-OCLB 02-F02.02
05/30/2024

OFFICE OF THE CITY LEGAL SERVICE

Perambulatory Clause	Rationale
<i>Whereas Article VI, Section 28 of the 1987 Constitution recognizes that charitable institutions, churches and personages, or convents appurtenant thereto, mosques, non-profit cemeteries, and all lands, buildings, and improvements, actually, directly, and exclusively used for religious, charitable, or educational purposes shall be exempt from taxation.</i>	To dispel any inclination that the proposed ordinance is a tax measure.
<i>Whereas Section 11(4)(ix) of RA 10160 or the Charter of the City of Bacoor empowered the Sangguniang Panlungsod to regulate through an ordinance the establishment, operation and maintenance of funeral parlors, and the burial or cremation of the dead, subject to existing laws, rules and regulations;</i>	To show that the Sangguniang Panlungsod has the express power to regulate the subject matter of the proposed ordinance.
<i>Whereas, the HLURB has issued Board Resolution No. 797 s. 2007 approving the rules and regulations governing columbarium projects, as well as, Board Resolution No. 926 s. 2015 or the Revised Implementing Rules and Regulations to Govern the Time of Completion of Subdivision and Condominium Projects,</i>	To show the various rules and regulations issued by the HLURB related to the establishment and operation of various real estate developments including memorial parks and columbaria.
<i>Whereas the regulatory functions of the HLURB over subdivisions, condominiums, memorial parks and similar real estate developments have been transferred and consolidated to the DHSUD by virtue of Republic Act No. 11201,</i>	To show which government agency has concurrent jurisdiction over the regulation of memorial parks, columbarium, and similar real estate developments.



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Bacoor Blvd., Brgy. Bayanan, City of Bacoor, Cavite
Trunkline: (046)417-0727
Website: www.bacoordtysp.com





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<p>Whereas the DOH issued the implementing Rules and Regulations of Chapter XXI on the disposal of dead persons of the Code of Sanitation of the Philippines, and DOH Administrative Order No. 2010-033 or the Revised Implementing Rules and Regulations of PD 856 Code on Sanitation of the Philippines Chapter XXI on Disposal of Dead Persons, which provides for the sanitary requirements in the operation and maintenance of funeral parlors, memorial parks, and columbaria.</p>	<p>To show the rules and regulations governing the required sanitary conditions relating to the disposal of the dead issued by the DOH;</p>
<p>Whereas the Implementing Rules and Regulations of the National Building Code of the Philippines (PD 1096) provides for specific details relating to the construction of memorial parks, mausoleums, and columbaria;</p>	<p>To show that the National Building Code requires specifications relating to the construction and development of memorial parks, mausoleums, and columbaria;</p>
<p>Whereas Chapter XIV of City Ordinance No. CO 55-2015 provides for the regulations of cemeteries, memorial parks, crematoria, morgues, funeral parlors, hospitals, and similar establishments or facilities operating within the City of Bacoor.</p>	<p>To show that there is a local ordinance providing for the regulation of memorial parks, crematoria and similar establishments or facilities in the City of Bacoor. Section 196.4 in particular provides for the licensing and registration of crematoria and columbaria.</p>

On the Definition of Terms

The following terms are likewise suggested to be included in a separate section of the proposed city ordinance:

1. *Burial* – the interment of remains in a grave, tomb, or sea.
2. *Burial Grounds* – cemetery, memorial park, or any place duly authorized by law or ordinance for permanent disposal of the dead.
3. *Cemetery* – a public or private land used for the burial of the dead and other uses dedicated for cemetery purposes to include landscaped grounds, driveways, walks, columbaria, crematories, mortuaries, mausoleums, niches, graveyards, public comfort rooms and off-street parking lots;



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OFFICE OF THE CITY LEGAL SERVICE

4. *Cinerarium* – A niche in a tomb or columbarium to accommodate an urn containing the ashes of a cremated body;
5. *Cinerary remains* – the ashes resulting from the cremation of a dead body;
6. *Columbarium* – a sepulcher with niches for cinerary remains or any structure, either freestanding or part of another building, containing niches for the inurnment of cremated human remains;
7. *Cremation* – the process that reduces human remains to bone fragments of fine sand or ashes through combustion and dehydration;
8. *Crematorium* – any designated place duly authorized by law to cremate dead persons;
9. *Disinterment* – the removal or exhumation of remains from places of interment;
10. *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 systemic supervision and maintenance;
11. *Undertaker* – a duly licensed person who practices undertaking;
12. *Undertaking* – the care, transport, and disposal of the body of a deceased person by any means other than embalming.

On the Penalties

The third paragraph of Section 6 of the proposed ordinance imposes a fine of Five Thousand Pesos (PHP5,000.00) for every day that the said corporation or partnership refuses to comply with any order issued by the City Mayor with regard to the said violation.

It is humbly submitted that there is a limit of PHP 5,000.00 for fines to be imposed by ordinances passed by a Sangguniang Panlungsod according to Article III, Section



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OFFICE OF THE CITY LEGAL SERVICE

458 (a) (iii) of the Local Government Code. Please note that the same provision of law does not mention that the fine is imposed on a daily basis. To wit:

"(iii) Approve ordinances imposing a fine not exceeding Five thousand pesos (P5,000.00) or an imprisonment for a period not exceeding one (1) year, or both in the discretion of the court, for the violation of a city ordinance."

As such, this Office humbly recommends a rephrasing of the last paragraph of Section 6 of the proposed ordinance as follows:

"Any juridical person who shall violate this Ordinance shall, upon conviction by a court of law, be required to pay a fine of PHP 5,000.00 for the unjust refusal of the corporation or partnership which fails to comply with any order issued by the City Mayor with regard the said violation."

CONCLUSION/RECOMMENDATION

WHEREFORE, premises considered, it is the humble opinion of this Office that the above-mentioned observations and recommendations be considered in revising the proposed ordinance.

RESPECTFULLY SUBMITTED,

(Signature)
ATTY. NATHANIEL C. DE LEON
Office of the City Legal Service

REVIEWED AND APPROVED BY:

(Signature)
ATTY. KIM NYCA R. LOFRANCO
City Legal Officer



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