



**Republic of the Philippines
Tanggapan ng Sangguniang Panlungsod
City of Naga**



ORDINANCE NO. 401

REGULATING THE ESTABLISHMENT, MAINTENANCE AND OPERATION OF A PRIVATE MEMORIAL PARK-TYPE CEMETERY OR BURIAL GROUND WITHIN THE JURISDICTION OF NAGA CITY, AND PROVIDING PENALTIES FOR VIOLATION THEREOF: -

Be it ordained by the Municipal Board of the City of Naga, that:

SECTION 1. - A private cemetery in the nature of a memorial park-type may be established, maintained and operated within the jurisdiction of Naga City by any person or persons, natural or judicial, provided that an application thereof is filed with the Office of the Municipal Board for approval thru the Office of the city Mayor, upon the recommendation of the City Health Officer and the City Public Works Supervisor;

SECTION 2. - Upon the approval of the application by the Municipal Board it shall be forwarded to the Office of the city Mayor for the approval thereof;

SECTION 3. - The operation and maintenance of the private memorial park-type cemetery established pursuant to this Ordinance shall be subject to the provisions of the cemetery law and/or other pertinent laws as well as rules and regulations promulgated or as may be promulgated by the Municipal board, subject further to the following conditions;

- a. That an irrevocable trust fund equivalent to P20.00 per square meter of the cemetery lots sold shall be set aside to provide funds for the perpetual care and maintenance of the entire cemetery area. Such trust fund shall be deposited in a reputable bank;
- b. That the interest earned or accruing from the trust fund so deposited shall be used exclusively for the perpetual care and maintenance of the entire cemetery area;
- c. No application for the establishment of a private cemetery shall be considered;
 1. If the proposed site covers an area within fifty (50) meters from any existing potable body of water and within ten (10) meters from any existing subdivision and/or other adjoining property lines, which distances shall be so indicated in the location and development plans mentioned in Section 3, paragraph (a), hereunder, to be submitted together with the application;
 2. If the proposed private cemetery site is less than fifteen (15) hectares;
 3. Unless the area applied for is owned in fee simple by, and the title thereto, if it is a registered land, be in the same of the applicant.
- d. That the provisions of all existing ordinances on health, zoning and/or building construction shall be complied with.

- e. The applicant shall likewise submit a location plan, development plan, topographic map or survey, including contouring at one (1) meter interval and drainage plan showing gutters, cross-drainage, and sewer pipe connections and road lots. Roads and ridges which may be constructed inside the memorial park shall conform to the minimum requirements of the city subdivision ordinances.
- f. The applicant shall likewise state in his application the proposed capitalization of the project.

SECTION 4. - Subject to the approval of the City Public Works Supervisor and the City Health Officer as the case may require, monuments, sepulchers, mausoleums, vaults, niches, chapels and fences as may be necessary for the beautification of the private cemetery may be constructed on the premises by the duly licensed operator; PROVIDED, that as regards vaults and ground tombs the same should be concreted with temperature bars and sealed air-tight. The development plan as well as the specifications or the manner regulation promulgated by the Department of Health. PROVIDED, HOWEVER, that a building permit for any such structure containing interior rooms or compartment designed to temporarily house the dead human beings.

SECTION 5. - The operator of such private cemetery or burial ground shall pay an annual mayor's permit and license fees as follows:

MAYOR'S PERMIT		ANNUAL FEE
a.	Cemetery site with an area of fifteen (15) to twenty five (25) hectares	P 100.00
b.	Cemetery site with an area if fifteen (15) to twenty five (25) hectares	200.00
LICENSE		ANNUAL FEE
		(Payable quarterly)
a.	Cemetery site with an area of fifteen (15) to twenty five (25) hectares	P 1,000.00
b.	Cemetery site with an area of more than twenty five (25) hectares	1,500.00

"Operator" as used in this section is the person, natural or juridical, who establishes, operates or maintains said private burial ground or cemetery.

SECTION 6. - The applicant-operator who is granted a permit to operator under this ordinance shall put up a performance bond of P10,000.00 per hectare executed in favor of the City of Naga from any reputable surety company or a property bond to secure the completion of at least one-third (1/3) of the total area to be developed and the beautification of the total lawn area and other public improvements, including roads, bridges, drainage canals, gutters and lighting system to be accomplished within three (3) years from the date of approval of the application;

SECTION 7. - If any part or section of this ordinance shall be declared illegal or contrary to law, such declaration shall not invalidate to the other provisions thereof.

SECTION 8. - Any violation of the provisions of this ordinance shall be punished by a fine of not less than One Hundred (P100.00) Pesos but not more than Two Hundred (P200.00) Pesos or imprisonment of not less than six (6) months or such fine and imprisonment at the discretion of the court.

SECTION 9. - Consistent violation and/or conviction of this ordinance shall be sufficient ground for the revocation or cancellation of the permit to operate and maintain the private cemetery. If the violation is committed by a firm, corporation, partnership or association, the manger, managing partner, administrator or the person in charge of the management shall be held personally liable therefore.

SECTION 10. - All ordinances or parts thereof which hare inconsistent with the provisions of this ordinance are hereby repealed or modified to conform with the intent of this ordinance.

SECTION 11. - This ordinance shall take effect upon its approval.

ENACTED: September 11, 1972.

WE HEREBY CERTIFY to the correctness of the foregoing ordinance.

PORFIRIO B. BADIONG, JR.
Secretary to the Board

FELICISIMO G. DEASIS
Acting Vice Mayor & Presiding Officer

APPROVED:

VICENTE P. SIBULO
City Mayor

ATTESTED:

ALFREDO S. CALARA, JR.
Secretary to the Mayor