Republic of the Philippines
QUEZON CITY COUNCIL
Quezon City
21st City Council

PO21CC-055

21st Regular Session

ORDINANCE NO. SP-2903, S-2020

AN ORDINANCE PROVIDING FOR THE OPERATION OF THE QUEZON CITY PUBLIC CREMATORIUM AND COLUMBARIUM IN BAESA PUBLIC CEMETERY.

Introduced by Councilors MARRA C. SUNTAY and ALLAN BUTCH T. FRANCISCO.

Co-Introduced by Councilors Bernard R. Herrera, Lena Marie P. Juico, Dorothy A. Delarmente, M.D., Tany Joe "TJ" L. Calalay, Nicole Ella V. Crisologo, Victor V. Ferrer, Jr., Winston "Winnie" T. Castelo, Atty. Bong Liban, Eden Delilah "Candy" A. Medina, Ramon P. Medalla, Mikey F. Belmonte, Estrella C. Valmocina, Franz S. Pumaren, Kate Galang-Coseteng, Matias John T. Defensor, Wencerom Benedict C. Lagumbay, Jorge L. Banal, Sr., Peachy V. De Leon, Imee A. Rillo, Irene R. Belmonte, Resty B. Malañgen, Ivy L. Lagman, Hero M. Bautista, Jose A. Visaya, Karl Castelo, Patrick Michael Vargas, Shaira L. Liban, Ram V. Medalla, Melencio "Bobby" T. Castelo, Jr., Rogelio "Roger" P. Juan, Diorella Maria G. Sotto-Antonio, Donato "Donny" C. Matias, Eric Z. Medina and Freddy S. Roxas.

WHEREAS, the Social Justice and Human Rights provision under Section 11, Article XIII of the 1987 Philippine Constitution provides that the State shall adopt an integrated and comprehensive approach to health development which shall endeavor to make essential goods, health and other social services available to all the people at affordable cost, and priority for these goods and services shall be given for the needs of the underprivileged sick, elderly, disabled, women and children;

WHEREAS, Section 458 (a)(5)(xiv) of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, provides that the Sangguniang Panlungsod shall approve ordinances which shall ensure the efficient and effective delivery of the basic services and facilities that will provide for the care of the disabled persons, paupers, the aged, the sick, persons of unsound mind, abandoned minors, juvenile delinquents, drug dependents, abused children and other needy and disadvantaged person, xxx; and subject to availability of funds, establish and provide for the operation of centers and facilities for said needy and disadvantaged persons;

WHEREAS, the Quezon City Local Government, through the City Civil Registry Department, is in charge with the management of the three (3) city-owned cemeteries located in Barangay Baesa, Novaliches, and Bagbag;

WHEREAS, pursuant to its mandate to address problems regarding burial spaces, and other related environmental and health concerns in our public cemeteries, the City Civil Registry Department is now converting and developing the Baesa Public Cemetery, and establishing therein the Quezon City Public Crematorium and Columbarium, which is the first government cremation and columbarium service in the city;

WHEREAS, the operation of the Quezon City Public Crematorium and Columbarium will be beneficial in conserving land, which may be utilized for the development of other public cemeteries or other public projects, as well as provide affordable alternative for corpse disposal, and establish an economically viable site to remember the dearly departed, especially for our indigent residents.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY IN REGULAR SESSION ASSEMBLED:

SECTION 1. DECLARATION OF POLICIES AND OBJECTIVES. - It is the policy of the Quezon City Government, through the City Civil Registry Department, to provide decent burial services, giving preference to the departed bonafide residents of Quezon City. In line with this policy, it shall manage and upgrade its public facilities and infrastructures needed in the operations of its city-owned cemeteries, and to fix the rate of its services.

SECTION 2. DEFINITION OF TERMS AND PROOF OF STATUS. - For purposes of this Ordinance, the following terms shall mean:

(1) Child - shall mean any natural person who died at the age of twelve (12) years old and below. Residency of the child shall be determined by the residency of any of his/her parent.

(2) Indigent - shall mean the deceased resident of the city whose family or relatives cannot avail the normal rate for the cremation service under this Ordinance, and possesses a certification of an indigent status, supported by a case study report from the Social Services Development Department.

(3) Minimum Wage Earner - shall pertain to the deceased resident of the city, the total salary, wage, and other monetary benefits from all his/her employers, or from other taxable sources of income, fall exactly or below the minimum wage set in Metro Manila.

To establish that the deceased was a minimum wage earner, any of the following shall be presented to confirm the said status:

1. Payroll;

2. Pay slip;

3. Certification of salary rate from the personnel division;

4. Income tax return; or

5. Other pertinent documents indicating that the deceased is earning minimum wage or below.

(4) Person with Disabilities (PWD) - shall mean the deceased person with disability and duly registered in the Person with Disabilities Affairs Office (PDAO). The PWD Identification Card from PDAO is prima facie proof that the deceased was a PWD of the city.

(5) Resident - shall mean any person who resided in Quezon City for at least one (1) year before his/her death. Residency of the deceased shall be established by presenting the following:

1. A certificate of Residency from the barangay, expressly indicating the period of time the deceased has been a resident therein; and

2. Two (2) government issued Identification Cards or other reliable documents indicating the address of the deceased.

(6) Senior Citizen or Elderly - shall mean the deceased was at least sixty (60) years old of age, and duly registered with the Office for Senior Citizen Affairs (OSCA). The Senior Citizen Identification Card from OSCA is prima facie proof that the deceased was a senior citizen of the city.

SECTION 3. THE QUEZON CITY PUBLIC CREMATORIUM AND COLUMBARIUM. - The Quezon City Public Crematorium and Columbarium is hereby established at Baesa Public Crematorium, Barangay Baesa, Quezon City.

SECTION 4. OPERATION OF THE CREMATORIUM; RATES AND CONDITIONS FOR CREMATION SERVICE. - The City Civil Registry Department shall administer, operate, and manage the Quezon City Public Crematorium and Columbarium. For its operation, it shall charge the following rates for cremation service inclusive of the urn for the deceased:

CADAVER	**RATE**
A. Child	*Php4,000.00*
B. Adult	*Php10,000.00*
C. Non-Resident	*Php14,000.00*
D. Senior Citizen / PWD	*Php8,000.00*
E. Minimum Wage Earner	*Php6,000.00*
F. Indigent	*Php2,500.00*
G. BONES	
G.1. Quezon City Resident	*Php6,000.00*
G.2. Non-Resident Quezon City Resident	*Php8,000.00*

The above rates for Senior Citizen and PWD are inclusive of the twenty percent (20%) discount based on adult rate, and is exempted from Value Added Tax (VAT) as provided in Republic Act No. 9994 and Republic Act No. 10754, respectively.

In case the deceased or applicant shall be classified in two or more categories, the lowest rate shall apply. This privilege shall not apply for a deceased who is a non-resident of Quezon City.

Furthermore, before the cremation service will be provided, the applicant must correspondingly pay the full price of the rate above, and must show documentary proof, such as official receipts or certified documents from a columbarium, that the urn of the deceased will be deposited therein.

SECTION 5. CONSENT FOR CREMATION. - Prior to the cremation, the relative of the deceased within the fourth civil degree shall give a written consent under oath that the cremation is not for the purpose of committing any offense or to hide any criminal liabilities, and that the members of the family has agreed to do the service.

SECTION 6. TRUST FUND. - Five percent (5%) of the rate on each and every cremation done on non-residents, both cadaver and bones shall be set aside as a trust fund. Such fund shall be used exclusively for the maintenance and upkeep of the public crematorium and columbarium.

SECTION 7. COLUMBARIUM RATES AND FEES. - The following rates and fees shall be imposed for the columbarium:

SERVICES	**RATE**
Columbary Vault Entrance Fee	Php2,000.00
ANNUAL RENTAL FOR VAULTS	
A. Bottom Two Vaults	Php1,500.00 (or Php125.00/month)
B. Third to Fifth Tier (from bottom)	Php3,000.00 (or Php250.00/month)
C. Sixth and Seventh Tier	Php1,800.00 (or Php150.00/month)

SECTION 8. LEASE PERIOD. - The lease subscription period for the vault in the columbarium is from one (1) year to ten (10) years, and may be renewed for the mentioned period; however, no subscription shall be approved unless the lessee has paid the full amount of the rent that has been subscribed.

SECTION 9. STORAGE. - Expired lease contracts not renewed or abandoned and unclaimed ashes in the columbarium shall be removed and deposited in a specially designed storage to allow the relatives to claim the ashes after payment of arrears and storage fee of Two Hundred Pesos (Php200.00) per year. For purposes of this provision, the Quezon City Government is mandated to construct storage as herein provided.

SECTION 10. PAYMENT OF FEES AND OTHER CHARGES. - All payments for the lease of vault and services rendered by the Quezon City Public Crematorium and Columbarium shall be made at the City Treasurer's Office.

SECTION 11. RATE REVIEW AND AUTOMATIC RATE INCREASE. - The Cemetery Administrator shall review the rates and fees provided herein every year or as the need arise; however, the rates and fees for services offered under Sections 4, 7, and 9 hereof shall be increased automatically by ten percent (10%) every three (3) years from the time of effectivity of this Ordinance. Any increase in the rates for Senior Citizens and PWD in Section 4 shall be inclusive of the twenty percent (20%) discount for funeral services provided to them by law.

SECTION 12. IMPLEMENTING RULES AND REGULATIONS - Subject to the review of the Quezon City Council, the City Civil Registry Department may issue Rules and Regulations and other guidelines for the proper implementation of this Ordinance.

SECTION 13. APPROPRIATIONS. - For the implementation of this Ordinance, a sum sufficient in amount shall be appropriated from any available fund in the General Appropriation Budget; thereafter, the necessary amount shall be regularly appropriated and included in the Annual General Appropriations Budget of the city.

SECTION 14. FALSIFICATION COMMITTED BY A QUEZON CITY GOVERNMENT EMPLOYEE; CONNIVANCE OF A PRIVATE INDIVIDUAL. - Any employee of the Quezon City Government who, with intent to violate any of the provisions of this Ordinance, committed falsification or any unlawful acts, shall be dealt with accordingly in accordance with the pertinent provisions of the Revised Penal Code of the Philippines, Republic Act No. 3019, otherwise known as the "Anti-Graft and Corrupt Practices Act", and other related laws without prejudice to other penalties and/or disciplinary actions the Quezon City Government may impose. Any private individual who connives with the malefactor shall be considered as public employee for purposes of this provision.

SECTION 15. PROHIBITED ACTS. - Any relative or person acting for and in behalf of a deceased, not qualified to avail of the burial benefits under Sections 4 and 7 hereof, who shall resort to misrepresentation or deceit in order to be qualified therein, or any official or employee of the national or local government who shall allow such relative or person to enjoy said privilege, knowing that the deceased is disqualified, shall suffer the same penalties provided in the immediately succeeding Section. Violation of the Implementing Rules and Regulations pursuant to this Ordinance shall be considered as a violation thereof and shall be subject to the same penalty provided.

SECTION 16. PENAL PROVISION. - Any person violating any of the provisions of this Ordinance shall, upon conviction thereof, be punished with a fine of not less than Five Hundred Pesos (Php500.00) but not more than Five Thousand Pesos (Php5,000.00) 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 17. NO CONTEST PROVISION. - Any person apprehended for violation of this Ordinance, who does not wish to contest the violation and is willing to pay voluntarily the fine imposed upon him/her prior to the filing of the formal complaint with the Office of the City Prosecutor, shall be allowed to pay the fine imposed by the City Treasurer to avoid being criminally prosecuted.

SECTION 18. REPEALING CLAUSE. - All ordinances, resolutions, local executive orders, rules and regulations or any part thereof inconsistent herewith are deemed repealed, modified or amended accordingly.

SECTION 19. SEPARABILITY CLAUSE. - In case any provision of this Ordinance is declared unconstitutional or invalid, the other provision hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 20. EFFECTIVITY CLAUSE. - This Ordinance shall take effect after ten (10) days from the date a copy hereof is posted in a bulletin board of the city hall, and in two (2) other conspicuous places in the city.

ENACTED: February 10, 2020.

GIAN G. SOTTO
City Vice Mayor
Presiding Officer

ATTESTED:

Atty. JOHN THOMAS S. ALFEROS III
City Government Dept. Head III

APPROVED: 6 MAR 2020

MA. JOSEFINA G. BELMONTE
City Mayor

CERTIFICATION

This is to certify that this Ordinance was APPROVED by the City Council on Second Reading on February 10, 2020 and was PASSED on Third/Final Reading on February 24, 2020.

Atty. JOHN THOMAS S. ALFEROS III
City Government Dept. Head III