



Republic of the Philippines  
 PROVINCE OF CAGAYAN  
 City of Tuguegarao



**SEVENTH CITY COUNCIL**

EXCERPTS FROM THE MINUTES OF THE 59<sup>th</sup> REGULAR SESSION  
 OF THE SEVENTH CITY COUNCIL OF TUGUEGARAO CITY, CAGAYAN  
 HELD ON OCTOBER 24, 2017, 9:00 A.M., TUESDAY,  
 AT THE SANGGUNIANG PANLUNGSOD SESSION HALL

**PRESENT:**

- |                                   |                                    |
|-----------------------------------|------------------------------------|
| Hon. Bienvenido C. De Guzman II   | City Vice Mayor, Presiding Officer |
| Hon. Danilo L. Baccay             | Sangguniang Panlungsod Member      |
| Hon. Jude T. Bayona               | -do-                               |
| Hon. Kendrick S. Calubaquib       | -do-                               |
| Hon. Arnel T. Arugay              | -do-                               |
| Hon. Gilbert S. Labang            | -do-                               |
| Hon. Winocco R. Abraham           | -do-                               |
| Hon. Imogen Claire M. Callangan   | -do-                               |
| Hon. Mary Marjorie P. Martin-Chan | -do-                               |
| Hon. Raymund P. Guzman            | -do-                               |
| Hon. Grace B. Arago               | -do-                               |
| Hon. Anthony C. Tuddao            | -do-                               |
| Hon. Jose G. Velasco              | -do-                               |



**ABSENT:**

- |                           |  |
|---------------------------|--|
| Hon. Maila Rosario T. Que | Sangguniang Panlungsod Member (on Privilege Leave) |
|---------------------------|--|

**CITY ORDINANCE NO. 48-2017**

**AN ORDINANCE REGULATING THE FUNERAL PARLORS  
 AND CREMATORIUMS OPERATING WITHIN TUGUEGARAO CITY  
 AND PROVIDING PENALTIES FOR ANY VIOLATION THEREOF**

Sponsor: **Hon. Danilo L. Baccay**

**WHEREAS**, Republic Act 7160 or the Local Government Code of 1991 empowers the local government units to enact ordinances that redound to the general welfare of its people;

**WHEREAS**, it is the responsibility of the local government units to ensure the delivery of better health and sanitation services to its constituents;

**WHEREAS**, there is a need to enact an ordinance that would govern the people's action on all matters related to general hygiene and sanitation;

**WHEREFORE**, The Seventh City Council, in session duly assembled, hereby ordains.

**SECTION 1. TITLE.** This Ordinance shall be known as "AN ORDINANCE REGULATING THE FUNERAL PARLORS AND CREMATORIUMS OPERATING WITHIN TUGUEGARAO CITY AND PROVIDING PENALTIES FOR ANY VIOLATION THEREOF."

**SECTION 2. POLICY.** It is hereby declared the policy of the Tuguegarao City Government of Tuguegarao to protect the health of the people, being of paramount importance.

### SECTION 3. DEFINITION OF TERMS.

**Chapel** – also called *Reposing and/or Slumber room*. It is where the deceased is temporarily laid to rest for viewing by the mourners.

**Compatibility Use** – uses or land activities capable of existing together harmoniously.

**Dominant Land Use** – shall mean that pervasive land use within a perimeter of 500 meter radius from a specific parcel of land or building.

**Embalming** – *preparing, disinfecting and preserving dead body before its final disposal.*

**Embalming Establishment** – a place where a body of a human being is embalmed or treated for burial with preservatives.

**Embalmer** – a duly licensed person who applies, injects, or introduces any chemical substance or drug or herbs internally or externally to dead human body for the purpose of embalming, disinfecting and preserving it.

**Funeral Establishment** – includes funeral parlors, funeral chapels and any similar place used in the preparation, storage and care of the body of a deceased person for burial or cremation.

**Crematory of Crematorium** – refers to a mortuary where corpses are cremated or a facility for the disposal by incineration of the bodies of the dead.

**Funeral Services** - Another term for funeral which means a ceremony or group of ceremonies held in connection with the burial or cremation of a dead person.

### SECTION 4. REQUIREMENTS.

**Funeral and Embalming Establishments.** These establishments are subject to the following requirements:

1. **Sanitary Permit.** No establishments mentioned in the preceding paragraph shall be operated without a sanitary permit issued by the City Health Office of Tuguegarao. This permit shall be revoked in case of any violation of the provisions of this Section.
2. **Classification.** Funeral establishments shall be classified in three (3) categories which are described as follows:
  - A. Category I Establishments with chapels, and embalming facilities and offering funeral services.
  - B. Category II Establishments with chapels and offering funeral services but without embalming facilities.
  - C. Category III Establishments offering only funeral services from the house of the deceased to the burial ground.
  - D. Category IV Establishments offering crematorium and funeral services.
  - E. Category V Establishments offering crematorium services only.



### 3. For embalming and dressing rooms:

- A. They should be constructed of concrete or semi-concrete materials with sufficient space to accommodate five bodies at one time.
- B. The floors and walls shall be made of concrete or other durable impervious materials.
- C. Ventilation and lighting should be adequately provided.
- D. Embalming shall be performed on a table made of a single marble slab or other equally impervious materials. It shall be so constructed that all washings and body fluids shall flow to a drain connected to the waste piping system of the building.
- E. Embalmer and assistants shall use rubber gloves when working.
- F. Washing facilities with soaps, detergents and germicidal solutions shall be provided for use of the following personnel.
- G. Embalment should be done by a licensed embalmer and in an authorized funeral parlor/or crematorium. Allowing embalment of deceased persons in their own dwellings should be penalized.

### SECTION 5. ACCESIBILITY.

- 1. The site must be served by a road and accessible by public transport.
- 2. All new applicants/establishments shall comply with the minimum radial distance from the following:
  - 1) Restaurants, Food center and other food establishments – at least 25 meters;
  - 2) Markets – at least 50 meters;
  - 3) Abattoirs, schools and hospitals – at least 200 meters.

### SECTION 6. PLANNING CONSIDERATIONS.

Funeral establishments and all properties therein shall be used for funeral purposes only including flower shop with proper maintenance of the premises.

- 1) **Maintenance.** Maintenance of the funeral establishment/s shall be the sole responsibility of the owner/operator.
- 2) **Easements.** Where such project is traversed by a water course, drainage way, channel or stream, an easement or right-of-way prescribed by the Forestry and Water Code must be maintained. Easement for public utilities shall likewise be provided and shall conform to relevant codes.
- 3) **Parking Space Requirement.** All categories of Funeral Establishments shall provide an adequate parking space to accommodate its customers.

### SECTION 7. CREMATORIUM

**1. Erection and Maintenance of Crematories.** (a) Any natural person, partnership, corporation, or association may erect, maintain and conduct a crematory and provide the necessary appliances and facilities for the disposal by incineration of the bodies of the dead.

**2. Location.** The location of such crematory shall be within the confines of an established cemetery containing not less than five (5) hectares, cemetery shall have been in existence and operation for at least five (5) years immediately preceding the time of the erection of such crematory, or shall be within the confines of a plot of land approved for the location of a crematory by the Sangguniang Panlungsod of Tuguegarao City; Provided, that no crematory shall be located within one hundred fifty (150) meters of any residential structure or land used for residential purposes not owned by the owner of the crematory.

### 3 Conditions for the Erection of Crematorium.

- A. No such crematory shall be erected unless:
- a) Procured a Business and Mayor's permit from Tuguegarao City Government;
  - b) Plans have been filed with and approved by the City Mayor;
  - c) Inspected and received a certificate of inspection by the City Health Office.
- B. Each holder of an inspection certificate shall annually submit in writing to the City Health Office of Tuguegarao City an application for renewal of such certificate. If the City Health Office issues to such applicant such an inspection certificate, the same shall be valid, unless revoked or suspended.
- C. Upon receipt of an application for renewal of such certificate, which may make an inspection of each crematory.
- D. A crematory shall be open at all times for inspection by the City Health Office which may make inspect whenever it deems advisable.
- E. If, upon inspection by the City Health Office, it is found that such crematory is in such condition as to be detrimental to public health, the office shall give to the applicant or operator of the crematory notice and opportunity for hearing. The City Health Office may, after such hearing, revoke, suspend or refuse to issue or renew any such certificate upon cause found at hearing.
- F. Any of the inspections provided for in this section may be made by a person designated by the City Health Office.

**4. Records.** The managers of each crematory shall keep books of record, which shall be opened at reasonable times for inspection, in which shall be entered the name, age, sex and residence of each person whose body is cremated, together with the authority for such cremation and the disposition of the ashes.

### 5. Cremation Certificate.

- a) The body of any deceased person may be disposed of by incineration or cremation in the city where the death occurred or may be removed from such purpose.
- b) The death certificate required by law shall be secured with the City Local Registrar.
- c) No body shall be cremated until at least forty eight (48) hours after death, unless such death was the result of communicable disease, and no body shall be received by any crematory unless accompanied by the permit provided for in this section.

**SECTION 8. PENALTY CLAUSE.** For the first offense, a fine of Three Thousand Pesos (Php3,000.00) or imprisonment of not more than one (1) month but not less than twenty (20) days, or both fine and imprisonment, at the discretion of the Court. In addition thereto, the concerned business establishment's business permit shall be suspended and it shall be ordered to be closed by the City Government for a period not less than three (3) months but not more than six (6) months.

For the second offense, a fine of Four Thousand Pesos (Php4,000.00) or imprisonment of not more than three (3) months but not less than one (1) month or both fine and imprisonment, at the discretion of the Court. In addition thereto, the concerned business establishment's business permit shall be suspended and it shall be ordered to be closed by the City Government for a period not less than six (6) months and One (1) day but not more than twelve (12) months.



For the third offense, a fine of Five Thousand Pesos (Php5,000.00) or imprisonment of not more than six (6) months but not less than three (3) months or both fine and imprisonment, at the discretion of the Court. In Addition thereto, the concerned business establishment's Business License and Mayor's Permit shall be immediately revoked by the City Government and it shall be ordered permanently closed.

If the violations are committed by a business establishment, the President/General Manager or other person, acting in behalf of either the President or the General Manager shall be held liable in the case of a corporation or partnership, or the owner of the property.

**SECTION 9. SEPARABILITY CLAUSE.** Should any portion of this Ordinance be declared unconstitutional or illegal by any court or competent jurisdiction, the portions not so declared shall remain in full force and effect.

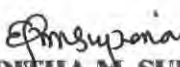
**SECTION 10. REPEALING CLAUSE.** All existing ordinances and local issuances inconsistent with the provisions of this ordinance are hereby repealed or modified accordingly.

**SECTION 11. EFFECTIVITY.** This ordinance shall take effect 15 days after its publication and posting.


On motion of Hon. Jude T. Bayona, duly seconded by Hon. Raymund P. Guzman and without any objection, **CITY ORDINANCE NO. 48-2017** was **APPROVED** on its Third and Final Reading under suspended rules.

X-X-X

I HEREBY CERTIFY TO THE CORRECTNESS OF THE FOREGOING:

  
**EDITHA M. SUPEÑA** *en*  
Administrative Officer V  
Acting Assistant Secretary to the Sanggunian

ATTESTED:

  
**HON. BIENVENIDO C. DE GUZMAN II**  
City Vice Mayor  
Presiding Officer  
Date: \_\_\_\_\_

APPROVED:

  
**HON. ATTY. JEFFERSON P. SORIANO**  
City Mayor  
Date: \_\_\_\_\_ 10/21/17