



Republic of the Philippines
 Province of Davao Oriental
OFFICE OF THE SANGGUNIANG PANLALAWIGAN
 SP Complex, Government Center, Dahican
 CITY OF MATI



EXCERPTS FROM THE MINUTES OF THE 155TH REGULAR SESSION OF THE 16TH SANGGUNIANG PANLALAWIGAN OF DAVAO ORIENTAL, HELD ON WEDNESDAY, JUNE 15, 2022, AT THE CITY OF MATI, THIS PROVINCE.

PRESENT:

Hon. Niño Sotero L. Uy, Jr. Vice Governor – Presiding Officer

Regular Members:

District I

Hon. Nelson R. Dayanghirang, Jr.
 Hon. Joselito B. Villademosa
 Hon. Laureano B. Taya

District II

Hon. Anacleto P. Macatabog
 Hon. Enrico M. Antopuesto

Ex-Officio Members:

Hon. Rabsalon M. Lamaran
 Hon. Eleuterio C. Manaytay

President, Philippine Councilor’s League
 Indigenous Peoples’ Mandatory
 Representative
 Sangguniang Kabataan Provincial
 Federation President

Hon. Ronald T. Lara, Jr.

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ABSENT:

Hon. Louis N. Rabat
 Hon. Lemuel Ian M. Larcia
 Hon. Dennis V. Roflo, Jr.
 Hon. Dante M. Caubang
 Hon. Marietta D. Palmera
 Hon. Rustan R. Castellones

SP Member, District II
 SP Member, District II – *Vacation Leave*
 SP Member, District II – *Filial Leave*
 SP Member, District I
 SP Member, District I – *Vacation Leave*
 President, Liga Ng Mga Barangay

PROVINCIAL ORDINANCE NO. 16-88-06-2022

Author : Hon. Anacleto P. Macatabog

Sponsor : Hon. Anacleto P. Macatabog

AN ORDINANCE ESTABLISHING THE REGULATIONS IN THE OPERATIONS, MANAGEMENT, AND MAINTENANCE OF THE PROVINCIAL MUSLIM PUBLIC CEMETERY, PROVIDING PENALTIES FOR VIOLATION THEREOF AND FOR OTHER PURPOSES.

WHEREAS, Article II, Section 15 of the 1987 Constitution, explicitly provides that: *“the State shall protect and promote the right to health of the people and instill health consciousness among them”*;

WHEREAS, Section 2(c), Republic Act No. 8371 or the “The Indigenous Peoples’ Rights Act of 1997”, provides that: *“the State shall recognize, respect and protect the rights of ICCs/IPs to preserve and develop their cultures, traditions and institutions. It shall consider these rights in the formulation of national laws and policies”*;

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WHEREAS, Republic Act No. 7160, otherwise known as the Local Government Code of 1991, provides that: *“every local government unit shall exercise powers and discharge functions that will ensure the health of its constituents”*;

WHEREAS, Department of Health Administrative Order No. 2021-0056 provides for the Revised Implementing Rules and Regulations of the Code of Sanitation of the Philippines (PD 856) which governs the sanitary management, procedures and practice in handling, transport, and disposal of dead persons under Chapter XXI Disposal of Dead Persons;

WHEREAS, due to increasing Muslim population and accelerated urban growth in this province, land for burials exclusively for Muslims is as important as other basic community facilities like roads, markets, schools and other public buildings, in keeping with Islamic beliefs and traditions;

WHEREAS, in all cases, however, Sharia (Islamic religious law) calls for immediate burial of the body without embalming, usually within 24 hours of death, to protect the living from any health and sanitation issues, and to allow its rapid decomposition and transformation;

WHEREAS, in Islam, the entire funeral process is the duty and responsibility of every local Muslim community and it is an obligatory act to perform this duty;

WHEREAS, cognizant of such needs, the Provincial Government acquired a parcel of land located at Barangay Don Martin Marundan, City of Mati, this province, designated as public cemetery for Muslim residents of Davao Oriental, as permanent burial ground for their departed;

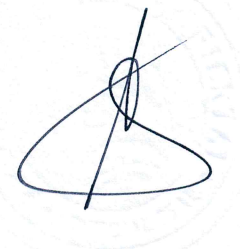
WHEREFORE, on motion of SP Member Anacleto P. Macatabog, duly seconded by SP Member Rabsalon M. Lamaran, it was

Be it ordained by the 16th Sangguniang Panlalawigan of Davao Oriental in session duly assembled that:

SECTION 1. TITLE – This Ordinance shall be known as **“AN ORDINANCE PROVIDING FOR THE REGULATIONS IN THE OPERATIONS, MANAGEMENT AND MAINTENANCE OF THE PROVINCIAL MUSLIM PUBLIC CEMETERY PRESCRIBING FEES AND PENALTIES FOR VIOLATION THEREOF AND FOR OTHER PURPOSES”**.

SECTION 2. DECLARATION OF POLICY – It is the policy of the Provincial Government of Davao Oriental to endeavor in providing permanent, decent, and accessible burial site to Muslim residents of Davao Oriental. It shall undertake to maintain and upgrade the facilities and operations of the Provincial Muslim Public Cemetery.

SECTION 3. COVERAGE – This Ordinance shall cover the operations, management, and maintenance of Provincial Muslim Public Cemetery, located at Barangay Don Martin Marundan, City of Mati, as the permanent Muslim burial or gravesite.



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SECTION 4. DEFINITION OF TERMS – For purposes of this ordinance, the following terms shall mean:

- a. **Muslim** – refers to persons or people who embrace, follow, or practice the religion of Islam.
- b. **Public** – refers to Muslim individuals or communities who have established homes or residences in the Davao Oriental, specifically those from Ka'agan or (kalagan), Maranao, Maguindanao, Tausog tribes, including those from revert Islam (balik islam), who are residents of this province.
- c. **Cemetery/Graveyard** – refers to a place where the remains of dead people are buried or otherwise interred in accordance to its religious and cultural practices.
- d. **Board** – refers to the Provincial Muslim Public Cemetery Management Board.
- e. **Administrator** – refers to the Provincial Muslim Public Cemetery Administrator.

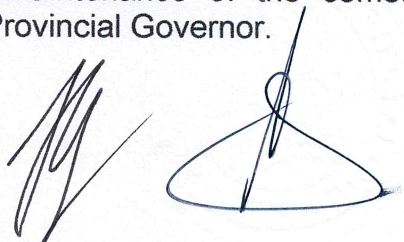
SECTION 5. ADMINISTRATION AND MANAGEMENT – For effective and efficient administration, management, and maintenance of the Provincial Muslim Public Cemetery, a governing body and administrative support is hereby established:

- 5.1. **Management Board** – responsible in providing and establishing appropriate administrative policies and regulations relative to the effective and efficient operations and maintenance of the cemetery.

The Management Board shall be composed of the following:

- **Chairperson** - Provincial Governor or his duly authorized representative
- **Vice Chairperson** – Chairman of SP Committee on Muslim Affairs
- **Members:**
 - Provincial General Services Officer
 - Provincial Engineer
 - Provincial Social Welfare Development Officer
 - Provincial Health Officer
 - Representative from Local Muslim Affairs Office
 - Representative from the Islamic Scholars (ULAMA)
 - One (1) representative each from group of Imam, Datu & Ustadz

- 5.2. **Administrator** – shall provide supervision on the day-to-day management, operations, and maintenance of the cemetery to be appointed or designated by the Provincial Governor.



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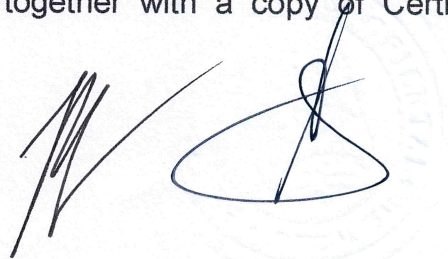
- 5.3. One (1) Administrative Aide** – shall provide clerical and administrative support or functions such as, but not limited to, computer encoding, recording, and filing of all necessary data and other relevant information of the deceased buried therein.
- 5.4. Two (2) Maintenance Aides** – shall be responsible in the preparation and digging of graves and in the day-to-day maintenance of the cemetery grounds and its premises.

SECTION 6. TERM OF OFFICE – The members of the management board shall have a term of three (3) years. The appointment or designation of the members of the board shall be subject to the discretion of the Provincial Governor or as maybe provided hereof.

SECTION 7. CEMETERY RULES AND REGULATIONS – The following rules and regulations have been adopted as guide to the use and administration of the Provincial Muslim Public Cemetery. These rules and regulations will help protect all those who have interest therein. All persons having rights to burial services, visitors, and contractors performing works within the cemetery, shall be subjected to these rules and regulations:

- 7.1.** The Cemetery may, and it hereby expressly reserves the right at any time, upon proper notice to parties in interests, adopt rules and regulations, or to amend, alter and/or repeal any rule, regulation, and/or article, in the rules and regulations affecting the operations of the Cemetery;
- 7.2.** The Cemetery retains to itself, for the benefit of all or any party having interests, full and complete supervision, control, and management of the land, buildings, improvements, roads, walks, utilities, development, records, and the full and complete authority, rights and privileges to make, change, administer, and enforce all rules and regulations and restriction not inconsistent with existing pertinent laws, ordinances, rules and regulations thereof;
- 7.3.** Special cases may arise in which the literal enforcement of the rules and regulations may impose unnecessary hardship. The Cemetery Management Board 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 intent and purposes of the Ordinance;
- 7.4.** The maintenance, development, sanitation, and orderliness in the cemetery, shall be in accordance with the Provincial Sanitation Code of Davao Oriental and other existing pertinent laws and regulations;
- 7.5.** Any person in need of a grave site for his/her deceased shall file and submit burial application at the Office of the Administrator at least five (5) hours before the burial, and shall submit personal and medical information of the deceased, together with a copy of Certificate of Death;

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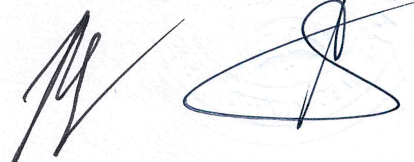


The block contains a handwritten signature in blue ink, which appears to be 'J. P. ...'. Below the signature is a circular official stamp, partially obscured by the signature. The stamp contains the text 'PROVINCIAL ADMINISTRATOR' around the perimeter and 'DAVAO ORIENTAL' at the bottom.

- 7.6. All burials have to be completed during daylight hours only. There shall be no arrangement for night burials except for exceptional cases as may be determined or authorized by the administrator;
- 7.7. Only the next available grave site in line will be provided. The sequence of graves shall be followed without exception. No reservation of lot/s for anyone shall be allowed or permitted;
- 7.8. The nameplates or markers shall be provided by the cemetery management. However, the management shall not be responsible for repair or replacement of such;
- 7.9. The care and maintenance of the cemetery grounds shall be the responsibility of the Office of Cemetery Administrator;
- 7.10. As may be necessary, the Management Board may adopt or provide recommendations to the sangguniang panlalawigan, for supplication of additional rules and regulations, or any and whatever appropriate amendment to this Ordinance;
- 7.11. The Office of Cemetery Administrator shall provide reminders in conspicuous places to the public to emphasize that the cemetery grounds are sacred and are devoted to the burial of the dead only;
- 7.12. A fee of P500.00 shall be collected from the relative/s or from an authorized person facilitating or securing burial permit;
- 7.13. Providing a copy of the rules and regulations to the relatives or representatives of the deceased for their information, guidance, and compliance; and
- 7.14. The cemetery shall have the rights to remove all objects whose appearance and conditions warrant removal and/or violate cemetery rules and regulations. The Cemetery shall not be liable or responsible for any loss, damage of personal belongings of mourners or injury not attributable to its negligence, omissions or commissions within its premises;

SECTION 8. UNLAWFUL ACTS – It shall be unlawful to any individual or group of persons or juridical persons to:

- 8.1. Make advertisements, notice, or sign of any kind, and take photo/s inside the cemetery premises, unless authorized by the administrator;
- 8.2. Drive vehicle/s through the cemetery premises outside the designated parking area;
- 8.3. Construct/erect tomb or mausoleum on any grave or raise the grave above the established grade (no cement or brick grave);
- 8.4. Construct fence, hedge, ditch, gravel, or shrubs around the grave, including plucking or removal of any plant or flower from any part of the cemetery;



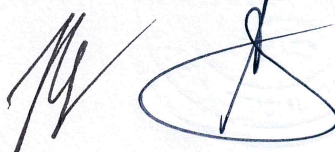
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- 8.5. Dig holes or break/injure any tree shrub or in any way defacing the grounds or structures of the cemetery;
- 8.6. Deface any sign or make any changes or alterations to the graves without the permission from the Office of the Administrator;
- 8.7. Engage in any recreational activity inside the cemetery premises;
- 8.8. Allow any dog/animal to roam, including the burying of animal/s of any kind inside the cemetery premises;
- 8.9. Bring intoxicating liquors, smoke cigarettes, burn wood/coco-husk and similar things, and sacrifice animals inside the cemetery premises;
- 8.10. Enter or remain in the cemetery premises for any purpose other than visiting the graves beyond the prescribed time;
- 8.11. Loiter or gather in groups inside the cemetery without permission from the Office of Cemetery Administrator;
- 8.12. Make harsh, loud noises, wail, and scream profane languages in any way, thereby disturbing the serenity during burial or funeral rites;
- 8.13. Take pictures or in any other way, and record any part of the Muslim funeral prayer or burial services inside the cemetery;
- 8.14. Remove or relocate the body once buried unless authorized by the Office of Cemetery Administrator or by any Court of competent authority;
- 8.15. Peddle any kind or solicit sale of commodity within the confines of the cemetery;
- 8.16. Perform any kind of work anywhere at the cemetery without the written permission from the administrator;
- 8.18. And such other acts or activities that the management board and the sangguniang panlalawigan may prescribe therefor.

SECTION 9. PENALTY – Any person or persons violated the provisions of this Ordinance shall be penalized by a fine and imprisonment:

- 9.1. *P500.00 for first offense;*
- 9.2. *P1,000.00 for second offense;*
- 9.3. *P2,000.00 for third offense; and*
- 9.4. *P5,000 for succeeding offenses and imprisonment of not less than three (3) days and no more than ten (10) days or both at the discretion of the court.*

SECTION 10. APPROPRIATIONS – The funding requirements necessary to implement this Ordinance and the operations of the cemetery shall be included in the annual or supplemental budget of the Provincial Government upon approval hereof.



§ 11.6.11

SECTION 11. REPEALING CLAUSE- Any ordinance, resolutions or issuances which are inconsistent with the provisions of this Ordinance are hereby repealed or modified accordingly.

SECTION 12. SEPARABILITY CLAUSE. – If, for any reason or reasons, any part or provision of this Ordinance be declared unconstitutional or invalid by competent authority, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 13. EFFECTIVITY – This Ordinance shall take effect thirty (30) days after publication in newspapers of general circulation in the Province of Davao Oriental.

ENACTED: JUNE 15, 2022.

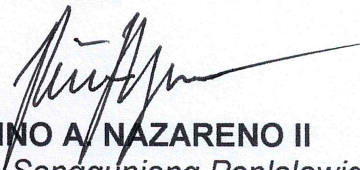
CARRIED, by eight (8) affirmative votes of SP Members Nelson R. Dayanghirang, Jr., Anacleto P. Macatabog, Enrico M. Antopuesto, Joselito B. Villademoso, Laureano B. Taya, Rabsalon M. Lamarin, Eleuterio C. Manaytay, and Ronald T. Lara, Jr.; negative votes – none; and abstention - none.

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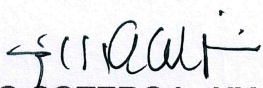
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**I hereby Certify to the Correctness
of the foregoing Ordinance.**



MAXIMINO A. NAZARENO II
Secretary to the Sangguniang Panlalawigan

**Attested and Certified
to be duly Adopted:**



NIÑO SOTERO L. UY, JR.
Vice Governor and Presiding Officer

APPROVED:



NELSON L. DAYANGHIRANG
Governor

Date approved
and signed JUN 27 2022