

Republic of the Philippines
 Province of Iloilo
 Municipality of Tigbauan
 -000-

OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE HONORABLE
 SANGGUNIANG BAYAN, TIGBAUAN, ILOILO HELD AT THE BENJAMIN MELLIZA HALL,
 TIGBAUAN MUNICIPAL BUILDING, TIGBAUAN, ILOILO ON DECEMBER 8, 2004 AT 2:10
 P.M.

PRESENT:

HON. AGATON O. TUMABOTABO, Presiding	HON. ROEL T. JARINA.	Vice Mayor & Councilor
HON. SUZETTE T. ALQUISADA,		Councilor
HON. REMEDIOS T. TORRATO,		Councilor
HON. ROMEO T. LEDESMA,		Councilor
HON. JOSE T. TAVARRO. JR.,		Councilor
HON. ALFONSITO E. ESTOCE,		Councilor
110N. ALFONSO C. BABIERA,		Councilor
HON. PEDRO T. RAPADAS,		Councilor
HON. ORVILLE T. TANGENTE,		Pres., Liga ng mga Barangay

ON OFFICIAL BUSINESS:

HON. JOSE DONEL T. TRASPORTO, SKMF President

Municipal Ordinance No. 2004-007

AN ORDINANCE REGULATING THE USE OF MUNICIPAL HEAVY EQUIPMENTS AND PROVIDING FEES FOR RENTAL THEREOF

SPONSORED BY: HON. SUZETTE T. ALQUISADA, SB Committee on Appropriation, Budget, Finance, Accounts & Legal Matters

SECONDED BY: Hon. Orville T. Tangente & Hon. Roel T. Jarina

WHEREAS, Section 447 (1) (x) of the Local Government Code provides that the Sangguniang Barangay shall "*Provide a mechanism and the appropriate finds therefore, to ensure the safety and protection of all municipal government property, public documents, or records such as those relating to property inventory, land ownership, records of births, marriages, deaths, Assessment, taxation, accounts, business permit, and such other records and documents of public interest in the offices and departments of the municipal government.*"

WHEREAS, Section 447 (2) (vi) of the Local Government Code also provides that the Sangguniang Bayan shall "*Prescribe reasonable limits and restraints on the use of property within the jurisdiction of the municipality.*"

WHEREAS, it is necessary to enact an ordinance regulating the use of municipal heavy equipments and providing fees for rental thereof in order to carry out the implementation of municipal infrastructure projects and other projects and to help the barangays in their respective projects to deliver the basic services for the general welfare of the inhabitants and constituents of this municipality;

NOW, THEREFORE, BE IT ORDAINED by the Sangguniang Bayan of Tigbauan that:

CHAPTER 1

GENERAL PROVISIONS

Section I. Title. This Ordinance shall be known as "**An Ordinance Regulating The Use Of Municipal Heavy Equipments and Providing Fees For Rental Thereof**

Section 2. Declaration of Policy. It shall be declared the policy of the Municipality of Tigbauan to promote the ideals of good governance in order to deliver public service for the welfare of its inhabitants.

The provisions of this Ordinance are in line with the Government's commitment to good governance and its effort to adhere to the principle of transparency, equity, efficiency and economy in the use of its assets, specifically the heavy equipments of this Municipality;

Section 3. Governing Principles on the Use of Municipal Heavy Equipments. The use of municipal heavy equipments shall be governed by these principles:

- a.) Transparency in the use of the municipal heavy equipments for the implementation of municipal infrastructure and other projects;
- b.) System of accountability where both the public officials directly or indirectly involved in the use of heavy equipments as well as in the implementation of projects and the private parties that may use the municipal heavy equipments are, when warranted by circumstances, be investigated and held liable for their actions relative thereto;
- c.) Equity and Uniformity shall apply to all persons whether public or private; who will request the use of the municipal heavy equipments.

Section 4. Scope and Application. This Ordinance shall apply to the use of the municipal heavy equipments for the implementation of Municipal infrastructure projects, Barangay projects, and for the use of other public entities and private persons who may want to rent the municipal heavy equipments.

Section 5. Definition of Terms.

- a.) **Municipal Heavy Equipments** — refer to heavy equipments owned by the Municipality of Tigbauan, such as, but not limited to: Dumptrucks, Graders, Garbage Compactors and other Similar Equipments.
- b.) **Infrastructure Projects** — include the construction, improvement, rehabilitation, demolition, repair, restoration or maintenance of roads and bridges, railways, airports, seaports, communication facilities, civil works, components of information technology projects, irrigation, flood control and drainage, water supply, sanitation, sewerage and solid waste management systems, shore protection, energy/power and electrification facilities, national bridges, school buildings, hospital buildings and other related construction projects of the government.
- c.) **Municipality** - refers to the Municipality of Tigbauan.
- d.) **Barangays** - refers to the 52 barangays situated in the Municipality of Tigbauan.
- e.) **Private persons/entities** - refer to persons or entities not belonging or attached to any branch of the government. Municipal Officials and employees who will rent or use the municipal heavy equipment in their private capacity and for private use shall be considered as private persons/entities for this purpose.
- f.) **Other Government Agencies** - refer to local government units, government agencies and instrumentalities other than the Municipality of Tigbauan and the 52 Barangays situated in the Municipality of Tigbauan.

CHAPTER 11

USE OF MUNICIPAL HEAVY EQUIPMENTS

Section 6. Prioritization of the Use of the Municipal Heavy Equipments. The Use of the Municipal Heavy Equipments shall be according to the following priorities:

1. The implementation of infrastructure projects of the Municipality of Tigbauan;
2. The implementation of infrastructure projects of the barangays situated in the Municipality of Tigbauan;

3. Request by Other Government Agencies and Instrumentalities; and
4. Request by Private Persons/Entities

Section 7. Use of Municipal Heavy Equipments by the Municipality and the Barangays. The use of the Municipal Heavy Equipments for the implementation of infrastructure projects of the municipality and that of the barangays shall be free of charge.

In case of the Barangays requesting for the use of the Municipal Heavy Equipments, the driver/operator of the Municipality shall be the one to operate the Municipal Heavy Equipment. The Barangay concerned shall provide for the fuel, oil and lubricants to be used. In the event that there is damage to the heavy equipments in connection with the use thereof, the requesting Barangay shall be liable for the damage and will pay the amount equal to the damage thereto to the Municipal Treasurer of the Municipality of Tigbauan. The heavy equipments shall be returned in good order and condition to the municipality after **its** use.

Section 8. Use of Municipal Heavy Equipments by Other Government Agencies and Instrumentalities and by Private Persons/Entities. When the Municipal Heavy Equipments are available, Other Government Agencies and instrumentalities and private Person/Entities may request for the use of such equipments. Such request shall be subject to the payment of the following fees for rental thereof:

1.	Rental of Dumptruck	P 500.00 per hour
2.	Rental of Grader	P 1,000.00 per hour
3.	Rental of Bulldozer	P 450.00 per hour
4.	Rental of Roller	P 1,000.00 per hour
5.	Garbage Compactor	P 500.00 per hour
6.	Loader	P 750.00 per hour

The fees are for payment of the rental only. The driver/operator of the Municipality shall be the one to operate the Municipal Heavy Equipment. The requesting government agencies and instrumentalities and private person/entities shall provide for the fuel, oil and lubricants to be used. In the event that there is damage to the heavy equipments in connection with the rental thereof, the requesting government agencies and instrumentalities and private persons/entities shall be liable for the damage and will pay the amount equal thereto to the Municipal Treasurer of the Municipality of Tigbauan. The heavy equipments shall be returned in good order and condition to the municipality after its use.

The fees collected for the rental of municipal heavy equipments shall accrue to the General Fund of the Municipality as rent income.

Section 9. Use of Municipal Dumptruck in other cases. For Humanitarian reasons such as assistance during school activities, funeral and other related activities, may be allowed subject to the discretion of the municipal mayor. The requesting person shall shoulder the expenses for fuel of the dumptruck. In case the request for use of the dumptruck falls on a holiday, Saturday or Sunday, the requesting person shall be responsible for the honorarium of the driver of the dumptruck. In the event that there is damage, the requesting person shall be liable to pay the amount equal to the damage thereof to the Municipal Treasurer of the Municipality of Tigbauan. The Dumptruck shall be returned in good order and condition to the municipality after its use.

CHAPTER III

MANAGEMENT OF MUNICIPAL HEAVY EQUIPMENT

Section 10. Management of Municipal Heavy Equipment. The Municipal Heavy Equipment shall be under the care and management of the Office of the Municipal Engineer of this Municipality. The Municipal Engineer shall be responsible for the repair and maintenance of the Municipal Heavy Equipments. Scheduling of the use of the Municipal Heavy Equipments shall be the responsibility of the Municipal Engineer in coordination with the Secretary to the Mayor and other personnel assigned for the monitoring and implementation of municipal and barangay infrastructure projects.

Section 11. Procedure in Requesting for the use of Municipal Heavy Equipments.

The following are the Procedure to be followed in requesting for the use of Municipal Heavy Equipments:

1. A request form will be filled up by the requesting public (Barangay, other Government Agencies or Private Person/Entity) with the Secretary to the Mayor. - See Annex "A". The Secretary to the Mayor shall be the one responsible to follow up for the approval/disapproval thereof.

2. Within ten (10) days from the receipt of the request for the use of Municipal Heavy Equipments, the approval/disapproval for the use shall be communicated to the requesting person.

3. If the request is disapproved, there shall be a written explanation as to the reason of the disapproval thereof.

4. If the Barangay is the requesting agency, and if the request is approved, the Punong Barangay or his representative shall coordinate with the municipal engineer as to the scheduling of the implementation of the project using the municipal heavy equipments. Having fixed schedule for the implementation of the infrastructure projects of the Barangay, the Municipal Engineer will advise the Punong Barangay or his representative to deposit the amount equal to the cost of fuel, oil and lubricants to be used to the designated gasoline/filling station.

5. If the requesting person or entity is a Government agency or instrumentality or a private person, and if the request is approved, he/she shall pay to the Office of the Municipal Treasurer the corresponding fees for the rental thereof.

6. Upon compliance of all the required documents, the Secretary to the Mayor shall release the papers and the Municipal Heavy Equipment for the use of the requesting person.

7. After the use of the municipal heavy equipments, the Municipal Engineer and his personnel shall inspect the heavy equipments, whether these are returned in good order and condition. If upon inspection and there are damages, the Municipal Engineer shall assess the amount of damage and the requesting person shall pay to the Office of the Municipal Treasurer the amount thereof.

CHAPTER IV

REPEALING, SEPARABILITY AND EFFECTIVITY CLAUSES

Section 12. Repealing Clause. All previous ordinances, rules and regulations or parts thereof which are inconsistent with the Ordinance are hereby repealed or modified accordingly.

Section 13. Separability Clause. If for any reason or reasons any portion or provision of this Ordinance is declared unconstitutional or invalid, the other portions or provisions hereof which are not affected. Thereby, shall continue to be in full force and effect.

Section 14. Effectivity. This Ordinance shall take effect ten (10) days after a copy thereof is posted in a bulletin board at the entrance and in at least two (2) conspicuous places of the municipal building and the main features thereof has been published one in local newspaper of general circulation.

APPROVED.

I HEREBY CERTIFY that the foregoing Municipal Ordinance was approved by the Sangguniang Bayan.

CERTIFIED CORRECT:

MARLENE T. NAVA
S.B. Secretary

ATTESTED:

AGATON O. TUMABOTABO
Vice Mayor & Presiding Officer

APPROVED:

MYRNA M. TORRES
Municipal Mayor