RULES AND REGULATIONS FOR MEMORIAL PARKS/CEMETERIES

Pursuant to Article IV Sections (c) of Executive Order No. 648 the following rules are hereby promulgated by the Housing and Land Use Regulatory Board.

The issuance of a Development Permit by the HLURB or city/municipality concerned shall cover approval of the design as required by these rules. Initial/operational clearance by the Department of Health to establish a memorial park/cemetery as required by P.D. 856 (Sanitation Code) shall be sought by owner/developer before applying for preliminary approval and operational clearance from DOH prior to actual operation of the cemetery/memorial park.

RULE I
APPROVAL OF MEMORIAL PARK/CEMETERY PLAN

SECTION 1. Scope of Application. These Rules and Regulations shall apply to new development and/or expansion/alteration of existing memorial parks/cemeteries and other private burial grounds.

SECTION 2. Application for Approval of Memorial Park/Cemetery Plan. Every registered owner or developer of a parcel of land who wishes to convert the same into a memorial park/cemetery shall apply with the Board or city/municipality concerned for the approval of the memorial park/cemetery plan by filing the following:

I. Approval of the Preliminary Development Plan

For all projects located in cities or municipalities with or without a Land Use Plan and/or Zoning Ordinance, a preliminary approval shall be required. Copies of the following shall be submitted in duplicate to the city/municipality concerned.

A. Site Development Plan/Scheme to be approved should be accessible to Persons With Disabilities (PWDs) in
accordance with BP 344 otherwise known as the Accessibility Law and the Magna Carta for disabled persons (RA 7277) reflecting therein the layout of streets, pathways, plots, parking areas, support facilities, signages and other features in relation to existing site condition using a scale ranging from 1:200 to 1:2,000 duly signed and sealed by a licensed environmental planner.

B. 2 sets of the following documents duly signed and sealed by a licensed geodetic engineer:

1. Vicinity map/location map at a scale of 1:10,000 with a radius of 500 meters from the project site indicating existing utilities such as main traffic arteries, drainage system and outfall, etc. and community facilities like church, school and housing areas among others.

2. Topographic Plan to include existing conditions as follows:

a. Property boundary lines, bearing and distances;

b. Streets and easements, right-of-way width and elevation on and adjacent to the project;

c. Ground elevation/contour of the site; for ground that slopes less than 2%, indicate spot elevations at all breaks in grade, along all drainage channels and at selected points not more than 30 meters apart in all directions; for ground that slopes more than 2%, indicate contours with an interval of not more than 0.5 meter for more detailed preparation of plans and construction drawings.

d. Other conditions on the land: water courses, marshes, rock outcrops, wooded areas, isolated preservable trees 0.30 meters or more in diameter, houses and other significant features;
e. Proposed public improvements: highways or other major improvements planned by public authorities for future construction on or near the project.

C. Zoning Certification issued by HLURB or city/municipality concerned.

D. Certified true copy of Environmental Compliance Certificate (ECC) or Certificate of Non-Coverage (CNC) duly issued by the Department of Environmental and Natural Resources (DENR).

E. Certified True copy of conversion order or exemption clearance from the Department of Agrarian Reform (DAR)

F. Certified true copy of Title and Survey Plan.

Approval of the preliminary memorial park/cemetery plan shall be valid only for a period of 180 days from date of approval. A revalidation can be availed of only once after said period.

II. Approval of Final Memorial Park/Cemetery Plan

After the preliminary approval of the Memorial Park/Cemetery the owner or developer shall proceed with the preparation and submission to the city/municipality concerned in duplicate the following:

A. Final Memorial Park/Cemetery Plan consisting of the site development plan at any of the following scales: 1:200 or 1:1,000 or any scale not exceeding 1:2,000 indicating the following duly signed and sealed by a licensed environmental planner:

1. Layout of roads right-of-way width and gradient, easements and similar data for alleys, if any;

2. Plot boundaries, numbers, total land area and block numbers; (verified survey returns of mother title,
sections and blocks including number of lots per block in each section and technical descriptions of road lots, open spaces, facilities, and blocks).

3. Site data, total land area, number of saleable plots, typical plot size, areas allocated for roads and pathways, and other facilities and amenities.

B. Engineering plans duly signed and sealed by a licensed civil engineer based on applicable Engineering Code and Design Criteria in accordance with the following:

1. Profile derived from existing topographic map duly signed and sealed by a geodetic engineer showing the vertical control, designed grade, curb elements and all information needed for construction.

2. Typical roadway sections showing relative dimensions and slopes of pavement, gutters, sidewalks, shoulders, benching and others.

3. Details of roadway showing the required thickness of pavement, sub-grade treatment and sub-base on the design analysis.

C. Storm drainage duly signed and sealed by a licensed sanitary engineer of civil engineer.

1. Profile showing the hydraulic gradients and properties of the main lines including structures in relation with the road grade line.

2. Details of drainage and miscellaneous structures such as various types of manholes, catch basins, inlets (curb, gutter, and drop), culverts and channel linings.

D. Centralized or combined storm and sewer system duly signed and sealed by a licensed sanitary engineer.
E. Site grading plan duly signed and sealed by a licensed civil engineer.

Plans with the finished contour lines superimposed on the existing ground the limits of earthwork embankment slopes, cut slopes, surface drainage, drainage outfalls and others.

F. Electrical plan and specifications duly signed and sealed by a licensed professional electrical engineer and duly approved by the city/municipal electrical engineer.

G. Landscaping plan indicating plant/tree species and other natural/man-made landscaping features e.g. lagoon, garden, benches, etc. duly signed and sealed by a licensed landscape architect.

H. Summary of Project Study indicating market, source/s of fund, statement of income, cash flow and work program.

I. Certified True Copy of Title or other evidence of ownership or intent to sell and authority to develop signed by the owner, Tax Declaration and current real estate tax receipt.

J. Clearances/Permits/Certifications from other agencies applicable to the Project:

1. Clearances/Permits from National Water Resources Board (NWRB)
   
a. Clearance stating that the memorial park/cemetery is not located on ground where the water table is not higher than 4.50 meters below the ground surface.
   
b. Water permit whenever a well within the project site shall be dug.
   
c. Permit to operate the well.
2. Certified True Copy of Conversion Order or Exemption Clearance from the Department of Agrarian Reform (DAR) authorizing a change in use from agricultural to non-agricultural, where applicable.

3. Permit from the Department of Public Works and Highways (DPWH) when necessary e.g. when opening an access to a controlled traffic artery.

4. Initial and operational clearances from the Department of Health.

5. Certified True Copy of Environmental Compliance Certificate (ECC) or Certificate of Non-Coverage (CNC) duly issued by the Department of Environment and Natural Resources (DENR).

K. Joint affidavit of owner/developer and licensed environmental planner that the memorial park/cemetery plan conforms to the standards and requirements of these rules and that development thereof shall be made in accordance with the program submitted to the Board or city/municipality concerned.

L. List of names of duly licensed professional who signed the plans and other similar documents in connection with application filed with HLURB or city/municipality concerned indicating the following information:

1. Surname;

2. First Name;

3. Middle Name;

4. In case of married women professional also their maiden name; and
5. Professional license number, date of issue and expiration of its validity;

6. Professional tax receipt and date of issue

If the application for the project is physically feasible and the plan complies with the zoning ordinance of the city or municipality where it is situated and with these rules, the project shall be issued a development permit issued by the Board or city/municipality concerned upon payment of the prescribed processing fee and under such conditions as may be imposed by the Board or city/municipality concerned. A final approval/development permit shall be valid for a period of 2 years from date of issue, however, if physical development such as clearing and grubbing, road excavation, filling and compaction, etc. is not commenced within said period, the grantee of the permit may apply for its revalidation within the next succeeding year.

If development permit expires, no development shall be allowed unless a new application for approval is filed.

RULE II
REGISTRATION AND LICENSING OF MEMORIAL PARK/CEMETERY PROJECTS

SECTION 3. Submission of Survey Returns. The owner/developer shall submit to the Board an authenticated copy of the verified survey returns of mother title, sections, and blocks including number of lots per block in each section together with the technical descriptions of road lots, open spaces, facilities and blocks as surveyed by the owner's/developer's licensed geodetic engineer. The technical description shall form part of the certificate of lease/deed of sale issued to each lessee/buyer.

SECTION 4. Application for Registration. When the proponent has at least accomplished 20% of the total development and is interested in the perpetual lease/sale of plots in a memorial park/cemetery project he shall register the project with the Board by
filing in duplicate a sworn registration statement containing the following information:

a. Name of the owner or dealer;

b. Name, location and area of the project;

c. The location of the dealer's and owner's principal business office and if the owner is a non-resident Filipino, the name and address of his agent or representative in the Philippines authorized to receive notice;

d. The names and addresses of all directors and officers of the business firm if the owner and/or dealer is a corporation, association, trust or other entity, and all the partners, if it is a partnership;

e. The general character of the business actually transacted by the owner; and

f. A statement of the capitalization of the owner, including the authorized and outstanding amount of its capital stock and the proportion thereof which is paid up.

The following documents shall be attached to the registration statements:

1. A copy of the Transfer Certificate of Title in the name of the applicant if none was submitted in the application for plan approval;

2. Article of Incorporation or Articles of Partnership of Association, as the case may be, with all the amendments thereof and existing by-laws or instruments corresponding thereto and a copy of latest annual corporate report to the Securities and Exchange Commission, including a copy of the latest financial statement showing the amount and general character of its assets and liabilities certified by a certified public accountant;
3. Affidavit of the owner that the property is free from liens and encumbrances, except legal easement and restrictions. Provided, however, that in the case the project or portion thereof is mortgaged, to release the mortgage on any plot as soon as the full purchase/lease price for the same is paid by the buyer/lessee;

4. A copy of contract form to be used in the lease/sale of plots;

5. A copy of the contract of management or development, if the management and/or development will be undertaken by a person other than the owner; and

6. A copy of any circular, prospectus, brochure, advertisement, letter of communication to be used for the public offering of the memorial park/cemetery plots.

SECTION 5. Certificate of Registration. Upon finding that the project may be registered in accordance with the provision of these Rules, the Board shall cause to be published at the expense of the applicant a notice of the filing of the registration statement in 2 newspapers of general circulation; one published in English and another in Pilipino, once a week for 2 consecutive weeks, reciting that a registration statement for the lease/sale of the plots has been filed with the Board and that the aforesaid registration statement as well as papers attached thereto, are open to inspection during business hours by interested parties.

After 2 weeks from the completion of the publication and upon submission of the affidavit of publications, the Board shall in the absence of any impediment, issue a certificate of registration upon payment of the prescribed fees.

SECTION 6. License to Lease/Sell. No owner or dealer shall lease/sell any disposable plot in the registered project without a license to lease/sell issued by the Board.

Upon proper application therefore, submission of the required work program, performance bond and payment of the prescribed license fee by the owner or dealer, the Board shall issue to him a
license to lease/sell the plots in the project or portion thereof covered by the performance bond, his business is financially stable, and the proposed lease/sell of the plots to the public is not fraudulent.

SECTION 7. Performance Bond. The performance bond required may be in any of the following forms:

a. A surety bond amounting to 20% of the cost of the outstanding remaining or the unfinished portion of the approved plan issued by a duly accredited bonding company and acceptable to the Board. It shall contain a clause stating among others that it shall remain in full force and effect within 1 year from posting of performance bond unless it is ordered cancelled or released by the Board; or,

b. Real Estate Mortgage to be executed by the applicant as mortgagor in favor of the Republic of the Philippines as mortgagee, the letter as represented by and acting through the HLURB, over a property other than that subject of application, free from any liens and encumbrance and provided, that the value of the property, computed on the basis of the zonal valuation schedule of the Bureau of Internal Revenue, shall be at least 20% of the outstanding remaining or the unfinished portion of the approved plan;

c. A cash bond equivalent to 50% of the development cost which may be in the form of:

1. Fiduciary deposit made with the cashier and/or disbursing officer of the Board;

2. A certificate of guaranty deposit issued by any bank or financing institution of good standing in favor of the Board;

3. A letter from any bank of recognized standing certifying that so much has been set aside from the bank account of the applicant in favor of the Board which may be withdrawn by the Chief Executive Officer to the Board or by his duly authorized representative, at any time the
principal fails or refuses to comply with his duties and obligations under the bond contract;

4. Any irrevocable credit line to be utilized in the development of the project from any bank of recognized standing and a refinancing restructuring program indicating sources of funding from duly accredited funding institutions.

For pre-existing projects any of the forms of performance bond enumerated above may be availed of.

SECTION 8. Existing Memorial Parks/Cemeteries. The owner of an existing memorial park/cemetery shall register the project with the Board within 1 year from the effectivity of these Rules by filing a sworn registration statement in duplicate containing information prescribed in Rule II, Section 3 and the following:

1. Memorial park/cemetery plan;

2. Fact sheet containing the material information on the operations of the project to include number of plots leased/sold; not yet fully paid; accounts receivable; extent/status of land development; and cost of complete development, where project is not yet completed.

If the application for registration is found to be in order the Board shall register the project and issue a Certificate of Registration to the owner or dealer upon the payment of the registration fee.

RULE III

SECTION 9. Design Standards and Guidelines for Memorial Parks/Cemeteries. Cemeteries or memorial parks shall conform with the land use plan or zoning ordinance of the locality having jurisdiction over the project site, the pertinent provisions of the Sanitation Code, Water Code, National Building Code of the Philippines and its referral codes, like the Accessibility Law,
Plumbing Code, Electrical Code, etc. and other applicable laws and rules affecting related services and the following design standards:

1. GENERAL PROVISIONS

A. Site Criteria - Cemeteries or memorial parks shall be located on the periphery of the town center or in areas sparsely inhabited and where little hazard to human life or health could result.

Undue proliferation of memorial parks/cemeteries in any municipality/city shall not be allowed. The number of cemeteries/memorial parks to be allowed within each municipality/city shall be based on the needs or death rate in the municipality and future catchment areas as well.

A.1 Location

A.1.1 In municipalities/cities with approved comprehensive land use plan or zoning ordinance

A.1.1.1 Memorial parks/cemeteries shall be located in areas zoned for cemetery purposes

A.1.1.2 Where the approved comprehensive land use plan or zoning ordinance does not stipulate any zone for cemetery use, the memorial park/cemetery shall only be allowed in:

a. Areas zoned as open space: Provided, however, that such use is not specifically restricted in the district or zone: Provided, further that it shall be compatible with the
proposed use in the zone and that the proposed project site is not within Strategic Agriculture and Fisheries Development Zones (SAFDZ) as certified by the Department of Agriculture (DA).

b. *Areas zoned as agricultural:* Provided, however, that the site is not tenanted and not covered by operation land transfer and not located in areas covered by the Comprehensive Agrarian Reform Program (CARP) as certified by the Department of Agrarian Reform (DAR); not prime agricultural land as certified by the Department of Agriculture (DA); and not irrigated as certified by the National Irrigation Administration (NIA).

A.1.2 In cities/municipalities without an approved comprehensive land use plan or zoning ordinance, the memorial park/cemetery shall be allowed in:

A.1.2.1 An area adjacent to an existing cemetery/memorial park: Provided, however, that the restrictions of A.1.1.2.a and A.1.1.2.b are met.

A.1.2.2 An area where the dominant land use within one hundred (100) meters from the periphery of the proposed memorial park/cemetery is neither residential, commercial,
industrial or institutional: Provided, however, that the restrictions of A.1.1.2.b are met.

A.1.2.3 An area deemed by the Board as appropriate and in accordance with the principles of Planned Unit Development (PUD). PUD is defined as one concept of real estate development and/or land development scheme which aims to optimize the use of the land through adaptive/innovative site lay-out, provision of generous open space and complementarity of uses/activities.

A.2 Physical Suitability

A.2.1 The memorial park/cemetery shall not be allowed in environmentally critical areas as defined in Proclamation No. 2146.

A.2.2 It must be located on ground where the water table is not higher than four and 4.50 meters below the ground surface as certified by the National Water Resources Board (NWRB).

A.3 Accessibility

The site must be served by a road with a minimum width or right-of-way of not less that 8.00 meters. (The right-of-way of major roads shall be increased as project size increases).

All relevant provisions of Batas Pambansa Blg. 344, e.g. dropped curves, curb cut-outs, etc. shall be observed.
B. Design and Planning Considerations

B.1 Cemetery/Memorial Parks must achieve flexibility in design and orderly lay-out to respond to the various spatial requirements of burial and at the same time for economic land use and environmental control.

B.2 Land shall be judiciously allocated for the various requirements and amenities.

B.3 Suitable areas shall be allocated for the planting of trees, shrubs, plants and for other functional and decorative elements such as monuments, sculptures, fountains and benches.

C. Land Allocation

There shall be no fixed ratio for saleable area: Provided, however, that the owner/developer shall reserve the required areas for roads, pathways, parking and other facilities and amenities: And, provided, further, that for Memorial Parks, at least 50% of the saleable area shall be utilized for underground interment in order to retain park-like character of the project.

2. DESIGN PARAMETERS AND ROAD SPECIFICATIONS

A. Burial Plot Sizes

A.1 Ground Interment

A.1.1 Minimum size shall be 1.00 meter by 2.44 meters (inside dimensions).

A.1.2 Minimum depth of excavation shall be at least 1.5 meter-deep and filled well and firmly.
A.1.3 No remains shall be buried where water table is less than 4.50 meter-deep from the natural ground surface.

A.1.4 For plots fronting roads, a minimum setback from the right-of-way of 1.00 meter shall be required where no above ground structure may be constructed.

A.1.5 Maximum height of structure above ground shall be 40 centimeters.

A.2 Above Ground Interment

A.2.1 Tomb (for cemeteries only)

A.2.1.1 Minimum burial plot size shall be 1.6 meters by 3.00 meters inside dimensions.

A.2.1.2 Minimum setback for front and sides of the plot shall be 30 centimeters where no structure or part of it may be constructed.

A.2.1.3 For plots fronting roads, a minimum setback of 1.00 meter shall be required.

A.2.2 Mausoleum

A.2.2.1 Minimum plot size of 4.00 meters by 5.00 meters.

A.2.2.2 Minimum setback of 50 centimeters shall be required.

A.2.2.3 1.00 meter setback for plots fronting roads shall be required.
A.2.2.4 Provisions for ossuary and cinerarium shall meet the minimum dimensions for cineraria - which is 300 mm x 300 mm x 600 mm as stipulated in Rule XII of the Implementing Rules of the National Building Code.

A.2.3 Columbarium/Ossuary

A.2.3.1 Provisions for ossuary and niche shall meet the minimum dimensions as follows:

300 mm x 300 mm x 600 mm as stipulated in Rule XII of the Implementing Rules of the National Building Code.

A.2.3.2 Only 1 single individual bone remains or cinerary remains per ossuary or niche.

A.2.3.3 Suitable location as separate structure shall conform to provisions on site criteria pursuant to Section 1.A of this Rules.

A.2.3.4 Perpetual care of the columbarium/ossuary shall be the responsibility of the project developer.

A.2.3.5 Fully air-conditioned structure, preferably centralized or well ventilated.

A.2.3.6 Provision of wake chaplets that can accommodate a variable number of visitors with a minimum
area of 45 square meters for 30 persons and at least 1.77 square meters for each additional person.

A.2.3.7 Provision of adequate parking space per requirement of the National Building Code;

A.2.3.8 Traffic Management

The columbarium/ossuary estate management shall ensure traffic management within the vicinity of the project especially during All Saints Day and All Souls Day.

A.2.3.9 Communal Comfort Rooms

A. Male Comfort Room

<table>
<thead>
<tr>
<th>No. of Males</th>
<th>Water Closet</th>
<th>Urinal</th>
<th>Lavatory</th>
</tr>
</thead>
<tbody>
<tr>
<td>50 - 100</td>
<td>2</td>
<td>1</td>
<td>2</td>
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<tr>
<td>For each additional</td>
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<tr>
<td>100 persons</td>
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</table>

Source: DOH Standards

B. Female Comfort Room

<table>
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<th>No. of Females</th>
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<th>Lavatory</th>
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<tbody>
<tr>
<td>Below 30</td>
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<td>1</td>
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<tr>
<td>30 - 100</td>
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<td>2</td>
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<td>For each additional</td>
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<tr>
<td>50 females</td>
<td>1</td>
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<td>For each additional</td>
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<tr>
<td>100 females</td>
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Source: DOH Standards
C. Personnel

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<thead>
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<th>Number of Personnel</th>
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<th>Female</th>
<th>Male Urinal</th>
<th>Lavatory Male</th>
<th>Female</th>
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<tr>
<td>Below 30</td>
<td></td>
<td>1</td>
<td>1</td>
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<td>1</td>
<td>1</td>
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<td>30 - 49</td>
<td></td>
<td>1</td>
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<td>50 - 99</td>
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<td>3</td>
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<tr>
<td>For each Additional 50 personnel</td>
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Source: DOH Standards

A.2.3.10 Secure other permits/licenses pursuant to existing laws.

A.2.3.11 Location/Zone: Institutional zone specifically within church or religious zone in addition to memorial park/cemetery zone.

A.3 Crematorium (optional)

A.3.1 A crematorium must be designed and constructed with cremation room, waiting and/or viewing room, toilet facilities, washing facilities, processor (grinder) and a mortuary refrigerator/freezer. A mortuary refrigerator/freezer shall be provided for safe storage until final disposition and temporary holding peak activity or emergency situations.

A.3.2 The cremation room shall be separated with a transparent glass and concrete wall from the waiting and/or viewing room. It shall be provided with sufficient fire fighting equipment as approved by the local fire department.
A.3.3 The gas room/storage shall be constructed with concrete or impervious material and located below the ground 5 meters away from the cremation and waiting/viewing rooms.

A.3.4 An inlet measuring 75 cm. x 75 cm. at the cremation room shall be provided if a single crematorium equipment is installed for proper combustion and cooling of the equipment. The inlet may be louvered and screened and shall be located near the rear of the unit.

A.3.5 The crematorium oven shall have a temperature of 800°c to 1200°c with a detention time of 5 to 6 hours.

A.3.6 The design of the smoke stack shall be in accordance with the standards of the Department of Environment and Natural Resources (DENR).

A.3.7 Cremated remains must be reduced to the size of a fine sand or ashes and packed in a cremains container before they are turned-over to the relatives of the deceased. Cremains container must have a minimum capacity of 0.0049 cubic meter and made of polyethylene provided with liner bag (preformed 5-mil plastic) with locking tie and identification label.

A.3.8 Public and private cemeteries or private burial grounds shall be made as place for the disposal of cremated remains. However, where the relatives of the deceased so wished, the cremated remains shall be allowed to be brought home only in a cremains container. The disposal of which shall be in accordance with the provisions of Chapter XVIII - "Refuse Disposal" of the Code
on Sanitation of the Philippines (P.D. 856) and its implementing rules and regulations.

A.3.9 Public and private cemeteries or other places shall be designated as special areas for the permanent repository of cremated remains either below the ground or above the ground niches. Such designated areas are those within the 25-meter zones measured from the property line.

B. Access to Plots

No plot shall be more than 60 meters from a roadway nor more than 30 meters from a pathway.

C. Circulation System

A network of vehicular roads and pedestrian pathways shall form the circulation system inside the memorial park/cemetery.

C.1 Major and Minor Roads

Major roads shall have a minimum right-of-way of eight 8 meters; 6 meters thereof shall be carriageway. The remaining 2 meters shall be developed as sidewalk or as easement of 1 meter on either side.

Minor roads shall have a minimum right-of-way of 6.5 meters, 4.5 meters thereof shall be the carriageway while the rest shall be devoted to either sidewalk or easement where no burial shall be allowed.

C.2 Dead-end Streets

Dead-end streets shall be provided at the closed end with a cul-de-sac or other appropriate turn
around space. Cul-de-sac shall have a minimum diameter of 15 meters.

C.3 Paving of Roads and Pathways

Road pavement for major and minor roads shall either be concrete or asphalt. Pathways shall have a minimum width of 1 meter and shall be paved with either flagstones, concrete slabs or other firm, stable and non-slip material.

C.4 Others

Other planning/design consideration which would contribute to the safety and convenience in the use of the road system in a memorial park shall be observed in preparing the development plan.

D. Service Utilities

D.1 xxx Consumption: Provided, however, that adequate supply based on projected requirements shall be ensured especially for irrigation purposes or the proper maintenance of the greenery.

The water supply be adequate and potable whether from a public or from a private water supply system. The quality of water used shall be in accordance with the Philippine National Standards for Drinking Water.

D.1.1 All water sources shall have a certificate of potability of drinking water issued by the local health officer.

D.1.2 A minimum supply of 40 liters per capita per day shall be maintained.
D.2 **xxx Areas.** Other pertinent provisions of the Water Code on drainage shall be complied with.

D.3 **Sewer System**

**xxx** Conforming to the Sanitation Code shall be provided.

D.3.1 Sewage from the burial ground plumbing system shall be connected to a public sewerage system, or in the absence thereof, to an imhoff or septic tank or other wastewater treatment facility and subsurface absorption field. A transition of 1 year period shall be afforded to the owner of the burial ground to comply with these rules and regulations. No renewal of sanitary permit shall be issued after the transition period.

D.3.2 Storm water shall be discharged to a storm sewer system in all areas where it exists.

D.4 **Solid Waste Management**

D.4.1 Each strategic area of the burial ground shall be provided with at least 2 refuse receptacles or containers, one for biodegradable and one for non-biodegradable materials provided with tight fitting cover. It shall be lined with black color-coded plastic bag for non-biodegradable and green color-coded plastic bag for biodegradable materials. Collection of refuse shall be done by the personnel of the burial ground.

D.4.2 Accumulation of refuse which may become harborage and breeding places of vermin shall not be permitted.
D.4.3 The collection, segregation, storage and disposal of refuse shall be in accordance with sanitary procedures and regulations.

D.4.4 Separate storage room/bin for dry and wet refuse shall be provided.

D.5 Vermin Control

D.5.1 A vermin abatement program shall be maintained in the burial ground premises by the owners, operators or administrators. If they fail, neglect or refuse to maintain a vermin abatement program, the local health agency will undertake the work at the expense of the owners, operators or administrators.

D.5.2 Office rooms, toilet rooms and other openings to outdoor space shall be screened, unless air-conditioned. Doors shall be tight-fitting and self-closing.

D.5.3 All below grade openings such as windows, lighting and ventilation shall be rat-proofed. Likewise, all openings in the exterior walls and roof shall be rat-proofed. In case of heavy rat infestations, wooden exterior floors shall be covered with cuff and chain sheet metal and equipped with an automatic closing device.

D.5.4 The growth of bush, weeds and grass shall be controlled to prevent harborage of ticks, bugs and other noxious insects.

D.6 Electrical Power Supply - Lamp posts' distances for street lighting shall be spaced at a maximum of 100 meters or as prescribed by the power firm
servicing the area. Utility poles shall be installed along sides of streets and pathways.

E. Buffer Strip

For memorial parks/cemeteries which are located along national primary and secondary roads, as defined by EO 113, as amended, and identified as such by the Department of Public Works and Highways, a distance of at least 25 meters from the edge of the road right-of-way shall be imposed where no burial shall be allowed, provided that it shall conform with the pertinent provisions of the Sanitation Code and Water Code. The area may be utilized for parking purposes, or as space for the administration building, church or other facilities or for planting of trees and shrubs, or other related use. A service road may be allowed within this buffer.

F. Facilities and Amenities

F.1 Sanitary Requirements For Burial Grounds

Requirements of the Department of Health for facilities and amenities shall be complied with.

F.1.2 Public Comfort Rooms - The memorial park/cemetery shall be provided with separate public comfort rooms for men and women. The comfort room for men shall consist of a lavatory, a urinal and a water closet while for women two lavatories and two water closets should be provided. The number of comfort rooms shall be at least 2, 1 for men and 1 for women for 3 hectares and below and 4, 2 for men and 2 for women for 3 hectares and up. Public comfort rooms shall be strategically located, preferably near the memorial park/cemetery.
F.1.3 Toilet and Handwashing Facilities

a. Adequate, clean and accessible toilet facilities for male, female and disabled persons/personnel shall be provided in properly located areas.

b. Adequate lavatories with sufficient supply of soap and hand dryer shall be provided within or adjacent the toilet rooms.

c. Toilet rooms shall be completely enclosed, properly lighted and ventilated.

d. All toilets shall have good ventilation either by windows exhaust fans.

e. Odor absorbent materials such as saw dust and activated carbon shall be installed in the toilet rooms.

f. The walls of toilet rooms shall be painted or finished in light color.

g. The number of water closets shall be provided in accordance with the following tables:

Table 1. Male Comfort Room

<table>
<thead>
<tr>
<th>Number of Persons</th>
<th>Toilet</th>
<th>Urinal</th>
<th>Lavatory</th>
</tr>
</thead>
<tbody>
<tr>
<td>Below 50</td>
<td>1</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td>50 – 100</td>
<td>2</td>
<td>1</td>
<td>2</td>
</tr>
</tbody>
</table>

For each additional 100 males: one (1) toilet, one (1) urinal and one (1) lavatory.
Table 2. **Female Comfort Room**

<table>
<thead>
<tr>
<th>Number of Persons</th>
<th>Toilet</th>
<th>Lavatory</th>
</tr>
</thead>
<tbody>
<tr>
<td>Below 30</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>30 – 100</td>
<td>2</td>
<td>2</td>
</tr>
</tbody>
</table>

One (1) toilet for each additional 50 females. One (1) lavatory for each additional 100 females.

Table 3. **Personnel Comfort Room**

<table>
<thead>
<tr>
<th>Number of Personnel</th>
<th>Toilet</th>
<th>Urinal</th>
<th>Lavatory</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Male</td>
<td>Female</td>
<td>Male</td>
</tr>
<tr>
<td>Below 30</td>
<td>1</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td>30 – 49</td>
<td>1</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>50 – 99</td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
</tbody>
</table>

For every 100 and above, one (1) fixture for each 50 personnel.

F.1.4 **Toilet Structural Requirements**

a. Approval of the local health officer based on the recommendation of the city/municipal engineer or sanitary engineer as to the following:

a.1 Plans of the toilet

a.2 Plumbing connection (in compliance with the National Plumbing Code of the Philippines)
a.3 Individual sewage disposal system, sub-surface absorption system or other treatment device.

b. Minimum Space Requirement

Table 4. **Comfort Room Space Requirement**

<table>
<thead>
<tr>
<th>Unit</th>
<th>Square Meters/Unit</th>
<th>Square Feet/Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Toilet</td>
<td>1.50</td>
<td>10</td>
</tr>
<tr>
<td>Lavatories</td>
<td>1.11</td>
<td>12</td>
</tr>
<tr>
<td>Urinals</td>
<td>1.11</td>
<td>12</td>
</tr>
</tbody>
</table>

c. Minimum height of toilet ceiling: 2.50 meters

d. Lighting: not less than 10 foot-candle (107.6 lux)

e. Natural ventilation: window space shall be at least 25% of the floor area of toilet room.

f. Mechanical ventilation: use of exhaust fan.

F.3 Memorial Parks with an area of 1 hectare and below shall be provided with a main pathwalk of 2-meter minimum width from the main gate straight to the rear of the cemetery for pedestrian traffic and a network of 2-meter pathwalks. Where the cemetery abuts a street/road there shall be a setback of sufficient distance to provide enough parking space to accommodate
simultaneously 10 vehicles without spillage to the street/road.

F.4. Administrative Office - a 64-square meter lot shall be allocated for an administration building office for memorial parks with an area of above one hectare.

F.5. Parking Area - Parking area equivalent to a minimum of five percent (5%) of the gross area of memorial park/cemetery shall be provided for over and above the required parking area/facility for any structures to be constructed within the premises of the memorial park/cemetery.

G. Perimeter Fence

The cemetery/memorial park shall be enclosed by a perimeter fence with specifications and conditions as prescribed in the Implementing Rules of the National Building Code (Rule XII, 3.1) as follows:

"The cemetery shall be totally enclosed by a perimeter fence of strong material, and all gates provided with a strong door and lock perimeter wall shall not exceed 3.00 meters in height.

Where a cemetery is enclosed by a solid reinforced concrete wall at least 2 meters high, but not exceeding 3.00 meters, it is allowed to construct tombs, vaults, mausoleums or other types of sepulchers for the dead up to the walls. Otherwise, a clearance of 5 meters shall be maintained between the perimeter fence and the nearest interment plot”.

RULE IV
MISCELLANEOUS PROVISIONS

SECTION 10. Definition of Terms.

1. Rules - shall mean the Rules Implementing the Design Standards and Guidelines for Cemetery/Memorial Park.

2. Board - shall mean the Housing and Land Use Regulatory Board.
3. **Burial** - shall mean an interment of remains in a grave, or tomb.

4. **Burial Grounds** - shall mean a cemetery, memorial park or any place duly authorized by law for permanent disposal of the dead.

5. **Burial Rights** - shall mean the privilege given to an individual by the owner of a piece of land to utilize the piece of land, under terms and conditions as agreed upon by both parties, for burial purposes.

6. **Catacomb** - shall mean a place of burial consisting of galleries or passages with side recesses for tombs.

7. **Cemetery** - shall mean a public or private land used for the burial of the dead and other uses indicated for cemetery purposes, to include landscaped grounds, driveways, walks, columbaria, crematories, mortuaries mausoleums, niches, graveyards and public comfort rooms.

8. **Cinerary Remains/Cremains** - shall mean the ashes resulting from cremation of a dead body.

9. **Cinerarium** - shall mean a niche in a tomb or columbarium to accommodate an urn containing the ashes of a cremated body.

10. **Closure of Cemeteries** - shall mean the termination of burial activities in the cemetery concerned.

11. **Columbarium** - shall mean a sepulcher with niches for cinerary remains.

12. **Cremation** - shall mean a process that reduces human remains to bone fragments of fine sand and ashes through combustion and dehydration.
13. **Crematorium** - shall mean any designated place duly authorized by law to cremate dead persons.

14. **Deed of Sale** - shall mean a notarized written instrument or contract through which ownership of a plot or plots is conveyed.

15. **Disinterment** - shall mean the removal or exhumation of remains from places of interment.

16. **Family Estate Area** - shall mean an exclusive area designed for private family mausoleums, with well-kept manicured lawns adorned with neatly trimmed hedges and shady tree.

17. **Garden Area** - shall mean an ideal place for underground interment characterized by raised structures and niches.

18. **Lawn Area** - shall mean a serene garden covered with lush carpet of well-maintained grass. It provides an ideal site for underground interment distinctly identified with flat marble marker.

19. **Mausoleum** - shall mean a large stately tomb to accommodate one or more interments, usually with provisions for an ossuary or a cinerarium.

20. **Memorial** - shall mean a monument, marker, tablet, headstone, tombstone, private mausoleum or tomb for family or individual use.

21. **Memorial Park** - shall mean a privately-owned cemetery with well kept landscaped lawns and wide roadways and footpaths separating the areas assigned for ground interments, tombs, mausoleums and columbaria; with or without a mortuary chapel; and provided with a systematic supervision and maintenance and where park-like atmosphere is its outstanding quality.
22. **Monument** - shall mean a tombstone, or memorial of concrete, granite, marble or other durable stone extending above the surface of the ground, usually with decorative urns or symbolic statuary.

23. **Morgue** - shall mean a place in which dead bodies are temporarily kept pending identification or burial.

24. **Niche** - shall mean interment space for remains.

25. **Ossuary** - shall mean the interment space for bones of the dead.

26. **Perpetual Lease** - shall mean lease of land with no limitation as to time.

27. **Private Burying Ground or Place of Enshrinement** - shall mean a family or individual or other similar exclusive burial ground established and authorized subject to these rules and regulations.

28. **Public Cemetery** - shall mean a burial ground, government or privately owned, open for general use of the public.

29. **Remains** - shall mean the body or parts of the body of a dead person including the cremated remains.

30. **Sepulcher** - shall mean a burial place solidly built of stone or concrete.

31. **Tomb** - shall mean an above ground sepulcher without roof or canopy.

32. **Vaults** - shall mean the interment receptacle for coffins, of reinforced concrete, covered and sealed, whether sunk into the ground or to rest on the ground.
SECTION 11. Submission of Semestral Reports on Operations. Every owner or dealer of a registered memorial park/cemetery shall submit to the Board semi-annual reports on operations showing the extent/status of land development, changes in corporate officers or managers and their addresses within 60 days after the end of each semester. Copies of the corporate reports to the Securities and Exchange Commission shall also be furnished to the Board.

SECTION 12. Display of Certificate of Registration and License/to Lease/Sell. The certificate of registration and license to lease/sell issued by the Board shall be displayed in a conspicuous place in the principal office of the owner, dealer, broker, as the case maybe and a xerox copy thereof in all its branches and offices.

SECTION 13. Lost or Destroyed Certificate of Registration or License to Lease/Sell. Upon loss or destruction of a certificate of registration or license to sell/lease a duplicate copy thereof may be issued by the Board after satisfactory proof of such loss or destruction and payment of the prescribed fee. The fact that such duplicate has been issued shall be made of record.

SECTION 14. Advertisement. Advertisement through print or broadcast media concerning lease/sale of memorial park/cemetery plots shall be cleared with the Board. Advertisement shall contain among others, the license number to sell/lease memorial park/cemetery projects as approved by the Board.

SECTION 15. Extension of Time for Completion. Request for extension to complete development of a project may be granted only once in cases where non-completion of project is caused by fortuitous events, legal orders, or force majeure and with the written notice to plot lessees/buyers without prejudice to the exercise of their rights.

The request for extension of time for completion shall be accompanied by a revised work program based on submitted time frame of the owner or developer with project costing and financing scheme therefor. In appropriate cases the Board may require for a renewal of performance bond amounting to 50% of the cost of the
unfinished portion of the approved plan, cancel the license to lease/sell if any or issue such orders it may deem proper.

SECTION 16. Transfer of Ownership or Change of Name. Request for transfer of ownership and/or change of name may be granted only if there is a deed of absolute sale over the memorial park/cemetery project sought or be transferred and/or the name thereof change with an undertaking on the part of the transferee to assume full responsibility for the completion of the development thereof. The requirement in Section 4 and 6 hereof shall be observed whenever applicable.

Such request for transfer of ownership or change of name shall be published at applicant's expense in a newspaper of general circulation within the city or municipality where the project is located at least once a week for 2 consecutive weeks.

SECTION 17. Alteration of Plan. Request for alteration of project plan may be granted only upon presentation of written conformity or contract of the majority of the plot lessees/buyers in the memorial park/cemetery.

SECTION 18. Non-forfeiture of Payments. No installment payment made by a lessee/buyer in a new memorial park/cemetery project for the plot he contracted to lease/buy shall be forfeited in favor of the owner or developer and clearance from the Board, desists from further payment due to failure of the owner or developer to develop the project according to the approved plans and within the time limit for complying with the same. Such lessee/buyer, may at his option, be reimbursed to total amount paid including amortization interest but excluding delinquency interest, with interest thereon at the legal rate.

SECTION 19. Registration of Conveyance. Leases/sales of conveyance of the plots shall be registered within 180 days from execution thereof by the lessor/owner with the Board. Except as may otherwise be provided for by the law the Board may in appropriate case cause to cancel registration, entries or annotation on certificate made on this regard.
SECTION 20. Mortgage. Mortgage on any plot by the owner or developer shall be cleared with the Board.

SECTION 21. Administrative Fines

a. Any owner or dealer who leases/sells any memorial park/cemetery plot without valid license from the Board to lease/sell such plot or unit shall be penalized by fine of not more than P10,000.00.

b. Any broker or dealer who engages in business of leasing/selling memorial park/cemetery plots without valid certificate or registration from the Board shall be penalized by a fine of not more than P10,000.00.

The implementation and payment of these administrative fines shall not preclude criminal prosecution of the offended.

SECTION 22. Criminal Penalties. Any person violating any provisions of these Rules shall be guilty of an offense and shall suffer the penalties provided by the laws of the land.

SECTION 23. Submission of Survey Returns Delineating Plot/Subject to Lease/Sale. The owner or dealer of a project shall attach to, and which shall form part of the lease/sale document of any plot, a certified sales map attached to the contractor deed of sale clearly showing the area, boundaries and dimensions of the plot, name/number of the block as well as the location of the project in relation with public roads and other landmarks, to be certified by a licensed geodetic engineer and signed by the lessor/owner and lessee/buyer.

SECTION 24. Broker as Witness to Lease/Sale. The broker who negotiated the lease/sale of plot shall act as one of the witnesses to the lease/sale document with an indication of his certificate of registration number and renewal date. If the lease/sale is directly made by the owner or dealer, that fact must be so stated in the lease/sale document.
SECTION 25. Fees. The Board or the city/municipality concerned shall collect the fees subject to existing schedule of fees approved by the Board.

SECTION 26. Payment of Realty Tax. Payment of realty tax shall be as agreed upon by lessor/lessee and shall be stipulated in the contract of lease.

SECTION 27. Authority for the Issuance of Supplemental Directive or Memorandum. Authority is hereby given to the Chief Executive Officer of the Board to issue supplemental directive or memoranda implementing or interpreting, and consistent with the provision thereof.

SECTION 28. Applicability. These Rules shall apply to memorial park/cemetery as defined hereof. Development of an existing memorial park/cemetery shall be governed by the design standards and requirements setforth by the appropriate government agency obtaining at the time of its approval.

SECTION 29. Separability Clause. The provision of these Rules are hereby declared separable, and in the event of any such provisions are declared null and void, the validity of all other provisions shall not be affected thereby.

SECTION 30. Effectivity. These Rules shall take effect immediately after its publication.