



Republic of the Philippines
Region IX Zamboanga Peninsula
Province of Zamboanga Sibugay
MUNICIPALITY OF TUNGAWAN
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OFFICE OF THE SANGGUNIANG BAYAN

GENERAL ORDINANCE NO. 29
Series of 2002

AN ORDINANCE REGULATING THE UTILIZATION AND ACCOUNTING OF THE HEAVY EQUIPMENTS OF TUNGAWAN, ZAMBOANGA SIBUGAY.

Sponsored by: Hon. Loreto F. Caracol
Co-Sponsored by: Hon. Marfred c. De Leon

BE IT ORDAINED BY THE 4TH SANGGUNIANG BAYAN OF TUNGAWAN, ZAMBOANGA SIBUGAY UNDER R.A. NO. 7160 DURING ITS 41ST REGULAR SESSION ASSEMBLED, THAT:

ARTICLE I – GENERAL PROVISIONS

Section 1. This Ordinance shall be known as “An Ordinance Regulating the Utilization and Accounting of the Heavy Equipments of Tungawan, Zamboanga Sibugay.

Section 2. Definition of Terms. For purposes of this Ordinance, either the terms “**Heavy Equipments or Properties**” shall refer to the Bulldozer, Road Grader, Backhoe, Road Roller, Pay Loader, Prime Mover with Trailer and Dumptrucks owned by the Municipal Government of Tungawan;

ARTICLE II – ADMINISTRATION & ACCOUNTING

Section 3. The Local Chief Executive shall exercise general supervision and control over the Heavy Equipments to ensure their effective, efficient, and economic utilization and maintenance. He shall develop an operating standards to guard against the improper use of these properties which shall then be approved by the Sangguniang Bayan, and in this connection, he shall:

- (i) Designate a Motor Pool Supervisor from the personnel of the Municipal Engineer's Office who shall devise set of procedures for the economical maintenance, effective and efficient operation of the motor pool. He shall regulate the requisition, safekeeping and retrieval of spare parts, tools, assessories and supplies in a storeroom or bodega, and shall provide a logbook for the operators, drivers and helpers to register their daily time of work;
- (ii) Construct a storeroom or bodega where to keep the records, supplies, tools, spare parts and assessories of the equipments and motor pool, and to appoint or designate a storekeeper or bodegero from the personnel of the Municipal Engineer's Office to manage thereof;
- (iii) Assign a security guard to secure the safety of the properties, including the supplies, spare parts, tools and assessories regardless whether in the garage, motorpool or in the job site;

Section 4. The Municipal Engineer shall be the direct custodian, possessor and controller of the properties, and shall:



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- (i) Exercise extra care and diligence in the utilization and safekeeping of the properties. He is the immediate accountable and responsible person of the heavy equipments, and shall be liable for the money value of the property in case of illegal, improper or unauthorized use thereof by himself or any other person for whose acts he may be responsible, and shall be further liable for all the loss, damages or deterioration occasioned by negligence in keeping of the properties;
- (ii) Assign a timekeeper who shall keep a record of the number of hours or days work of the Heavy Equipments either it is or they under lease contract or by administration.
- (iii) Prepare the Billing of the Rental of the property within 15 days immediately after every releases of partial payments or after completion of the local, national or private project and transmit it to the Municipal Treasurer for collection copy furnish the Sangguniang Bayan.

Section 5. There shall be required and complied with diligence, a trip ticket duly approved by the Mayor upon the recommendation of the Municipal Engineer before using or mobilizing the Heavy Equipments;

Section 6. Only the operator or driver duly appointed, designated or assigned by the Mayor shall be authorized to operate or drive the heavy equipments. These operators and drivers shall submit a daily accomplishment report reflecting the project location, the fuel and lubricant consumptions including the condition of their units to the Motor Pool Supervisor for record purposes;

Section 7. When loss or damage of property including spare parts, tools, accessories and supplies occur, it shall be the duty of the Municipal Engineer to promptly notify the LCE and the Circuit Municipal Auditor and copy furnish the Sangguniang Bayan. The Mayor shall forthwith conduct a preliminary investigation of the loss or damage and refer the matter to the proper government investigation agency. The auditor shall likewise conduct a separate inquiry on the reported loss or damage while the loss clues are still fresh to determine the veracity of the notification. The accountable officer or employee who are directly responsible on the loss or damage due to negligence, and whether or/ not failed to report it to his immediate superior, shall be held liable for its money value and shall be subjected to deduction in his account.

Section 8. It is unlawful to any official and employee of this LGU, other government units and to any individual or private entity to use the property without paying or executing a promissory note to pay the rental;

ARTICLE III – LEASE OF EQUIPMENT

Section 9. The Government – Owned Heavy Equipments may be leased to other government or private entity thru sealed bids or negotiation if sealed bids have failed as defined herein. The contract of lease which includes the following, shall be executed in accordance with the formalities required by law:



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- a. The Lease Contract shall be completely executed between the lessor and the lessee before the deployment of the properties.
- b. A Lease Contract longer than One (1) month shall be supported by a surety bond to guarantee the cost of repair that are not due to normal wear and tear, replacement cost of missing parts, tools attachment and accessories originally issued with the property;
- c. The rental must be paid in advance or the lessee shall put up a domestic letter of credit to guarantee the payment of the rental for the period of lease;
- d. The mobilization cost from the lessor's yard to the project site and the demobilization cost from the project site to the lessor's yard shall be borne by the lessee;
- e. The lessee shall be liable for compensation and law suits, if any arising from inquiry or damage cause to any person or property by reason of the use of equipment during the period of the lease;
- f. A daily basis lease shall correspond to eight (8) hours use and any usage in excess thereof shall be considered overtime and a corresponding additional rental shall be charged.
- g. A monthly basis lease shall be understood to correspond to one hundred sixty (160) hours use per month; and
- h. A proportionate rental shall be collected on the actual operating hours in excess of the one hundred sixty (160) hours referred above whether the property is in use or not.

Section 10. The foregoing provisions notwithstanding, no contract of lease shall be entered into unless the Municipal Engineer shall certify that the property to be leased is not needed for any purpose by any department or office of the local government during the duration of the lease.

ARTICLE IV – RENTAL RATES

Section 11. The rental rates of the Heavy Equipments excluding fuel and lubricants are hereby scheduled, to wit:

Dump Truck	P 4,500.00 per day
Pay Loader	P 4,500.00 per day
Road Grader.	P 6,000.00 per day
Bulldozer	P10,000.00 per day
Back Hoe	P 6,500.00 per day
Road Roller.	P 3,500.00 per day
Prime Mover with Trailer. . .	P10,000.00 per day



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Section 12. The phrase "per day" refers to a continuous eight (8) hours workable period within a day of twenty four (24) hours, excluding mealtime.

Section 13. At emergency situations and other services, the dumptruck may be used provided the fuel, lubricants, maintenance cost and incidental expenses incurred in the trip shall be supplied by the user.

ARTICLE V – PENAL PROVISION

Section 14. Any person violating this Ordinance shall be fined of Two Thousand (P2,000.00) Pesos or an imprisonment of one (2) months or both fine and imprisonment upon the discretion of the court;

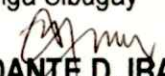
ARTICLE VI – FINAL PROVISIONS

Section 15. Separability Clause. If for any reason, any part or provision of this Ordinance shall be held unconstitutional or invalid, the other part or provisions hereof which are not affected shall continue to be in full force and effect.


Section 16. Repealing Clause. Any provision of Ordinances or laws of local effect which is found inconsistent hereof is hereby modified, superseded and repealed accordingly;

Section 17. Effectivity Clause. This Ordinance shall take effect ten (10) days after posting thereof to at least 3 conspicuous places in the municipality.

ENACTED this 4th day of July 2002 at Tungawan, Zamboanga Sibugay


DANTE D. IBARRA
Secretary to the Sanggunian

ATTESTED AND CERTIFIED
TO BE DULY ADOPTED:


JULYVEN P. JOCSON
Mun. Vice Mayor
Presiding

Approved:


ARSENIO F. CLIMACO
Municipal Mayor

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